



## Policy 12

### Hearings On Teacher Matters

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The section 104 of the *School Act* provides a teacher who wishes to object to a transfer with the right to request a hearing before the Board.

Although not required by the *School Act*, the Board will hold hearings in order to deal with the termination of a designation, a contract of employment or a suspension in accordance with this policy.

It is recognized that the Board may delegate its responsibility to conduct hearings under this policy to a committee or to an individual, as it considers appropriate in the circumstances.

#### **Specifically**

##### 1. Transfers

- 1.1 A teacher who wishes to object to a notice of transfer given by the Superintendent shall request in writing a hearing before the Board within seven days of receipt of the notice.
- 1.2 The request for a hearing before the Board shall be submitted by the teacher to the Secretary-Treasurer with a copy being provided to the Superintendent.
- 1.3 A date shall be set for the hearing before the Board that is a minimum of 14 days after the teacher received the notice of transfer, unless the teacher agrees in writing to an earlier date.
- 1.4 The Secretary-Treasurer shall advise the teacher in writing of the date, time and location of the hearing.
- 1.5 The teacher shall not be transferred until after the hearing before the Board has been held and the decision of the Board has been communicated to the teacher.
- 1.6 Should the Board support the decision of the Superintendent to transfer the teacher, the teacher shall be advised of their right to resign from the teaching staff of the Board.



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#### 2. Termination of Teaching Contract or Designation

- 2.1 Where the Superintendent has made a recommendation to the Board for the termination of a teaching contract or designation, the Superintendent will provide the teacher with a copy of the recommendation within two weeks of the Board meeting at which the recommendation will be considered.
- 2.2 Should the teacher wish to have a hearing before the Board to object to the termination, a written request for such a hearing shall be submitted to the Secretary-Treasurer with a copy to the Superintendent, within one week of the time the teacher was provided with a copy of the Superintendent's recommendation.
- 2.3 The Superintendent shall provide the teacher within one week prior to the Board meeting with a copy of all supporting documentation relative to the recommendation for termination as well as the names of any witnesses that may be called.
- 2.4 The Secretary-Treasurer, upon receipt of the teacher's request for a hearing, shall advise the teacher of the date, time and location of the Board meeting at which the opportunity to be heard by the Board will be held. The teacher shall also be advised of the right to be represented by Counsel.
- 2.5 Should the Board proceed to terminate the teaching contract or designation of a teacher, the notice must specify the reasons for such an action.

#### 3. Suspension

- 3.1 Should the Board determine that it is necessary to suspend the services of a teacher for reasons noted in section 105 (1) of the *School Act*, the Board shall provide the teacher with written notice of the suspension specifying the reasons for the action.
- 3.2 A teacher wishing to request a hearing dealing with the suspension to the Board must submit a request in writing to the Secretary-Treasurer with a copy being provided to the Superintendent, within one week of receipt of the notice of suspension.
- 3.3 The Board shall meet to hear the appeal within two weeks of having received the written request from the teacher.



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- 3.4 The Secretary-Treasurer shall advise the teacher in writing of the date, time and location of the Board meeting at which the appeal will be heard. The teacher will also be advised of the right to be represented by counsel.
- 3.5 The Secretary-Treasurer will advise the teacher in writing of the Board's decision within two days of the conclusion of the hearing.
4. Provision of Information at all Requests for a Hearing
  - 4.1 Any written materials that any party to the hearing wishes to have considered by the Board shall provide copies of the material to the Secretary-Treasurer within five days of the meeting.
  - 4.2 The Secretary-Treasurer shall make copies of all of the material that has been submitted and distribute it to the Board and all those involved in the hearing.
  - 4.3 The teacher shall be advised of their right to attend the meeting and be represented by legal counsel or an advocate if they wish.
5. Procedures to Follow at the Hearing
  - 5.1 The Board Chair will call the meeting to order and advise those involved in the hearing that the hearing will provide:
    - 5.1.1 An opportunity for those involved in the hearing to make representation in support of their position and to provide any evidence they feel may impact on the issue.
    - 5.1.2 The Board with an opportunity to receive information and to review the facts of the case.
    - 5.1.3 A process through which a decision is considered and reached in a fair manner.
  - 5.2 Minutes of the proceedings will be taken and kept for the Board's record.
  - 5.3 The teacher will be given the opportunity to respond to the information provided by the Board, its administration or other witnesses.



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- 5.4 The Board members will be provided the opportunity to ask questions of clarification of those involved in the hearing through the Board Chair.
- 5.5 The Board will meet without those involved in the hearing in order to arrive at a decision. The Board may have legal counsel in attendance should it wish.
- 5.6 If the Board requires additional information or clarification, all those involved in the hearing will be requested to return and provide the necessary information.
- 5.7 The Board decision and the reasons for the decision will be communicated to the teacher by telephone immediately following the hearing and then confirmed in writing.

Legal Reference: Section 104, 106, 109, 110, School Act – RSA 2000