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LEGAL REFERENCE: Section 212 <i>Education Act</i>	

## Policy

In accordance with s. 212 of the *Education Act*, the Superintendent may transfer a teacher from one school to another at any time during the school year. Teachers who receive a notice of transfer from the Superintendent may object to the transfer and appeal the Superintendent's decision to transfer to the Board in accordance with section 212(3) of the *Education Act* and this Procedure.

## Definitions

In this Policy the following terms shall have the following meanings when capitalized:

*Board* means the Board of Trustees of Grande Prairie School Division;

*Secretary-Treasurer* means the person appointed as secretary treasurer pursuant to s. 68 of the *Education Act*;

*Superintendent* means the person appointed as a superintendent of schools under s. 222 of the *Education Act*, and

*Policy* means this Board Policy 13: Appeals of Teacher Transfers

## Guidelines and Procedures

1. A teacher who has been given a notice of transfer by the Superintendent or delegate may appeal the transfer by making written request to the Board to have a hearing before the Board for the purpose of objecting to the transfer within seven (7) days of receipt of the notice of transfer.
2. The written request for a hearing before the Board must be submitted by the teacher to the Secretary-Treasurer and a copy must be provided to the Superintendent.
3. The Board may schedule a date and time for the hearing not earlier than fourteen (14) days after the teacher receives the notice of transfer, unless the teacher agrees in writing to an earlier date.
4. The appeal hearing process shall provide the teacher and Superintendent with the full opportunity to add information, discuss the issues and state their positions and supporting arguments.

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5. The teacher may be accompanied and represented by counsel or other representative(s) at the appeal hearing provided that the names of counsel and/or the representative(s) are provided to the Board a minimum of four (4) days in advance.
6. The appeal hearing will be heard in-camera, with the Superintendent, the teacher, counsel/representative(s), recording secretary, witnesses (if any), and members of the Board in attendance.
7. Once the Board has scheduled the hearing, the Secretary-Treasurer shall advise the teacher and the Superintendent in writing of the date, time, and location of the hearing.
8. Any written materials the teacher or the Superintendent wish the Board to consider must be submitted to the Secretary-Treasurer not later than four (4) days prior to the scheduled date of the hearing. The Secretary-Treasurer will provide copies of all written materials to the member of the Board, the Superintendent, and the teacher not later than one (1) day before the scheduled date of the hearing.
9. The teacher or Superintendent may request to have witnesses attend the hearing and present evidence to the Board. The request to have witnesses present evidence at the hearing must be submitted in writing to the Secretary-Treasurer not less than four (4) days prior to the scheduled date of the hearing and must include the names of any witnesses and an explanation satisfactory to the Board as to why the witnesses' evidence cannot be adequately presented in writing. The Board will inform the party making the request whether the request is granted or denied a minimum of one (1) day prior to the scheduled date of the hearing.
10. If witnesses are permitted, no cross-examination of the witnesses shall be allowed, unless the Board decides that cross examination is appropriate or necessary to assess the quality of the witnesses' evidence.
11. The appeal hearing will be conducted in accordance with the following guidelines:
  - 11.1 The Board chair will outline the purpose of the hearing, which is to provide:
    - 11.1.1 an opportunity for the parties to present information and evidence and make representations in support of

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their respective positions to the Board;

11.1.2 the Board with the means to receive information and review the circumstances of the transfer in dispute; and

11.1.3 a process through which the Board can reach a fair and impartial decision.

- 11.2 Each member of the Board may record notes of the hearing proceedings for her or his own use.
- 11.3 A recording secretary shall create a general record of the hearing proceedings for the purpose of the Board's records. The general record will not be a verbatim record or transcript.
- 11.4 The Superintendent and the teacher shall be given an opportunity to make introductory statements.
- 11.5 The Superintendent shall present information and evidence pertaining to the transfer, the process followed and the reasons for the transfer.
- 11.6 After the Superintendent has presented his or her information, evidence and argument, the teacher will present his or her information, evidence and argument with respect to the reasons that the teacher objects to the transfer.
- 11.7 After the teacher has presented his or her information, evidence and argument, the Superintendent shall have a final opportunity to respond to anything presented by the teacher that has not already been addressed by the Superintendent in his or her initial submissions.
- 11.8 The members of the Board will have the opportunity to ask questions or request clarifying information from the teacher and Superintendent.
- 11.9 The Board will adjourn the hearing and will meet without the teacher or Superintendent in attendance to deliberate and arrive at a decision regarding the appeal. The recording secretary will remain in attendance for any deliberation of the Board.

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- 11.10 The Board may have legal counsel in attendance during the hearing and any deliberations and may consult with legal counsel for clarification on points of law.
- 11.11 If the Board requires additional information or clarification in order to make its decision, the hearing may be reconvened and both parties to the appeal will be requested to return to the hearing to present additional information.
- 11.12 Following the hearing, the Board will deliver its decision and the reasons for that decision to the teacher and Superintendent in writing.
- 11.13 The foregoing procedures are guidelines, and the Board may depart from or modify the procedures where it determines it is appropriate or necessary to allow for an efficient and fair hearing of the appeal.
- 11.14 Any departure from the procedures set out herein shall not invalidate the hearing or the Board's decision provided that the parties were provided with a reasonable opportunity to present evidence and information in support of their positions.