

## **HEARINGS ON TEACHER MATTERS**

The Director may make a recommendation to the Board to terminate a contract of employment with a teacher or to terminate a designation of a teacher. In terminating a contract of employment or a designation, the Board shall act reasonably.

The Director may suspend a teacher from the performance of the teacher's duties.

The teacher may appeal such actions to a Show Cause Hearing.

Specifically:

### **Termination of Contract or Designation**

1. When the Director has decided to make a recommendation to the Board to terminate a teacher's contract, or terminate a designation, the Director shall forward that recommendation:
  - 1.1 To the teacher, not less than 14 days before the scheduled date of the meeting at which the recommendation shall be considered; and
  - 1.2 To the Board members, through the recording secretary, in accordance with the practice for regular Board meetings.
  - 1.3 All supporting documentation and the names of any witnesses to be called shall be forwarded by the Director to the teacher not less than 14 days before the date of the hearing.
  - 1.4 The notice to the teacher must state that the teacher may apply at any time within 10 days after receipt of the notice for an opportunity to attend a meeting of the Board to show cause why the contract of employment should not be terminated, or amended, as the case may be.

### **Suspension**

1. A teacher wishing to appeal a suspension to the Board must submit a request in writing to the Director of Education within one week of receipt of the notice of suspension.
2. The Board shall meet to hear the appeal within three weeks of having received the written request from the teacher.
3. The Director of Education shall advise the teacher in writing of the date, time and location of the Board meeting at which the appeal will be heard.

## **Provision of Information**

1. Any written materials the teacher or the Director wishes Board members to consider must be submitted to the recording secretary not less than four days prior to the scheduled date of the meeting. The recording secretary will provide copies to the Board members, the Director, and the teacher.
2. The teacher or the Director may be accompanied by counsel or other representative, and may bring witnesses if, not less than four days prior to the scheduled date of the meeting, the following is provided by the teacher or the Director in writing:
  - 2.1 The names of counsel, other representatives, and any witnesses; and
  - 2.2 An explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.

## **Procedure at Hearings**

1. Notes of the proceedings will be recorded for the purposes of the Board's records.
2. The Director and the teacher shall be given an opportunity to make introductory and closing statements.
3. If the Director considers it necessary to have witnesses appear on behalf of the recommendation, they shall be called to appear prior to the teacher making any representations.
4. Board members shall ask questions of a witness only after the party calling the witness has completed its presentation.
5. The presentation of the teacher's case shall commence after the Director has presented his/her evidence.
6. After the teacher's closing statement, the Director shall have an opportunity to respond to information presented by the teacher.
7. Board members will have the opportunity to ask questions or clarification from both parties.
8. No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.
9. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The recording secretary will remain in attendance. The Board may have legal counsel in attendance.
10. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information.

11. The Board decision will be communicated to the teacher by telephone and confirmed in writing following the hearing.

Legal Reference: Section 199, 201, 202, 209, 210, 213, 215, 216, 217, 217.1, 221, Education Act

**Updated: January 13, 2015, August 27, 2020, May 6, 2021**