

HEARINGS ON TEACHER TRANSFERS

Section 212 of the Alberta Education Act (Act) allows a Superintendent to transfer a teacher at any time during the school year and also provides a teacher who wishes to object to a transfer with the right to request a hearing before The Christ the Redeemer Catholic Separate School Division Board of Trustees (Board). Therefore, the following conditions apply:

1. Appeal of Transfer:

- A teacher who wishes to object to a notice of transfer given by the Superintendent, or designate, may request in writing a hearing before the Board within seven (7) days of receipt of the notice.
- The request for a hearing before the Board shall be submitted by the teacher to the person who fulfills the duties of Secretary Treasurer.
- The Board may set a date for the hearing that is not earlier than fourteen (14) days after the teacher received the notice of transfer, unless the teacher agrees in writing to an earlier date.
- The person who fulfills the duties of Secretary Treasurer shall advise the teacher in writing of the date, time and location of the hearing.

2. Pre-Hearing Processes

- Any written materials the teacher or the Superintendent wishes the Board to consider must be submitted to the person who fulfills the duties of Secretary-Treasurer, where possible, not less than four (4) days prior to the scheduled date of the meeting. The person who fulfills the duties of Secretary-Treasurer will provide copies of all such documentation to the parties prior to the meeting, where possible, and to the trustees at the hearing.
- Notwithstanding the above, the Board Chair shall reserve the right to receive such further documentation as is deemed relevant at the Board hearing.
- The teacher or the Superintendent may be accompanied by counsel or another representative, and may bring witnesses if, not less than four (4) days prior to the scheduled date of the meeting, the following is provided by the teacher or the Superintendent, in writing:
 - The names of counsel, other representatives, and any witnesses; and
 - An explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.
- The Board Chair shall advise, in writing, the party who has requested permission to bring witnesses to the hearing as to whether or not the request will be granted, as soon as reasonably practical after receiving the application.
- Notwithstanding the foregoing, the Board Chair shall reserve the right to allow such witnesses to appear at the hearing as are deemed relevant or necessary to the determination.

3. Procedure to be followed at Board Hearing on Transfer:

- The Board Chair, or in the Chair’s absence, the Vice Chair, or designate, will call the hearing to order, introduce all parties, the parties and/or their representatives shall introduce all witnesses, and explain that the hearing will be held in-camera and will provide:
 - An opportunity for the Superintendent, or designate, and the teacher to make representation in support of their respective positions, and to provide relevant evidence they feel may impact upon the dispute.
 - The Board with an opportunity to receive relevant information and to review the facts of the dispute.
 - Assurance that the process through which a decision is considered and reached is done in a fair and impartial manner.
- Notes of the hearing will be taken by the recording secretary and kept for the Board’s record and sole discretion. The Board, in its sole discretion, may record the hearing via electronic means. Where a recording will take place, the parties shall be advised by the Board Chair at the commencement of the hearing.
- The hearing shall commence with the consideration of any preliminary objections.
- An opening statement is to be made by each of the parties.
- The Superintendent, or designate, shall present evidence on behalf of the recommendation, and have any witnesses appear that the Superintendent, or designate, considers necessary.
- The teacher will then be given the opportunity to make a presentation to the Board and to respond to any information provided to the Board by the Superintendent, or designate, or any witnesses that may have been called.
- Board members may ask questions of clarification through the Board Chair, of the Superintendent, or designate, or any witness that has been called by the Superintendent, or designate, or of the teacher and any representative that the teacher may have called, after hearing from both parties.
- Cross-examination by either the Superintendent, or designate, or the teacher will not be permitted.
- The teacher, and then the Superintendent, or designate, will be provided with the opportunity to make a brief closing statement to the Board.
- The Board shall meet without those involved directly in the dispute in order to arrive at a decision. The Board has the right to call upon legal advisors to assist them on points of law or the drafting of a resolution.
- The Board shall identify those individuals it wishes to have in attendance during its deliberations.
- If the Board requires additional information or clarification in order to make its decision, both parties will be recalled to appear before the Board and the request for information will be made in the presence of both parties.
 - If the information is not readily available, the Board Chair may request a recess, or if necessary, an adjournment of the hearing to a later date.
 - In the case of an adjournment, members of the Board are prohibited from discussing the evidence presented or matters raised at the hearing, either amongst themselves or with the parties and their representatives or witnesses until the hearing is reconvened.
- The Board shall draft a resolution indicating its position. This resolution is to indicate the employee’s number so as to maintain confidentiality.
- When the Board is ready to make its decision on the matter, both parties, if still present, will be advised that the Board will be reconvening and will consider a motion to move into a regular or special Board meeting in order to consider the resolution.
- The Board Chair shall thank the teacher and the Superintendent, or designate, for their presentations and advise them that the meeting has been adjourned and the decision of the Board will be communicated to them.

- The Board's decision, and the reasons for the decision, will be communicated to the teacher and confirmed in writing, following the hearing.
- The Board Chair shall advise the Superintendent, or designate, of the decision of the Board.

Approved: February 29, 2020

Amended: April 17, 2025