

Background

The Superintendent shall conduct all hearings concerning the suspension or termination of a contract of employment of a teacher, or the termination of a teacher's designation as an administrator, in compliance with the requirements of natural justice and the provisions of the *Education Act*.

A. Teacher Hearings

1. Section 213 of the *Education Act* provides a Board the ability to suspend a teacher.
2. Section 215 of the *Education Act* provides a Board the ability to terminate a contract of employment with a teacher.
3. As per Policy 11 Delegation of Authority, the Board has granted the Superintendent the authority to suspend and terminate contracts of certificated staff.
4. It is the responsibility of the Superintendent to hold a hearing and it is the responsibility of the Assistant Superintendent of Human Resources to recommend that a hearing take place. Where circumstances warrant, the responsibilities of the Assistant Superintendent of Human Resources shall be performed by a designate.
5. Hearings shall be conducted in person.
6. In exceptional circumstances, virtual or written hearings may be accepted, as determined by the Superintendent
7. All documentation, including any recording by electronic means, that is related to the hearing shall be returned to the Assistant Superintendent of Human Resources or designate immediately upon conclusion of the hearing and shall be retained or destroyed in accordance with legal requirements.

B. In-Person or Virtual Hearing Procedures

1. The Assistant Superintendent of Human Resources shall provide to the teacher written notification of:
 - 1.1. the recommendation and reasons for the action contemplated by the Assistant Superintendent of Human Resources;
 - 1.2. the date, time and location of the hearing;
 - 1.3. the opportunity to receive and examine within a reasonable time prior to the hearing, supporting documentation and other material, including these procedures, upon which the administration shall rely and present at the hearing (excluding any oral presentation or written submission);

- 1.4. the opportunity for the teacher to attend the hearing and have a representative present; and
- 1.5. the requirements, to be complied with, that:
 - 1.5.1. 10 days prior to the hearing, the teacher provide to the Assistant Superintendent of Human Resources the supporting documentation and material upon which the teacher shall rely and present at the hearing (excluding any oral presentation or written submission)
 - 1.5.2. any preliminary objections for the Superintendent to consider at the hearing and
 - 1.5.3. written notification of the names of counsel, representatives to accompany the teacher at the hearing and witnesses being called to testify on behalf of the teacher, including whether they are experts.
2. The hearing shall be conducted at a private meeting. Notes of the proceedings may be recorded for the purposes of the Superintendent's records. If the Superintendent chooses to record the proceedings, the parties will be informed as such prior to the start of the hearing.
3. The Assistant Superintendent of Human Resources may be accompanied by counsel who may partake and make submissions during the hearing on behalf of the Assistant Superintendent of Human Resources.
4. The Assistant Superintendent of Human Resources shall ensure that the Superintendent is provided with all available supporting documentation and material for review (teacher provided documentation as well as that of the Assistant Superintendent), seven days prior to the date of commencement of the hearing.
5. The Superintendent shall declare any conflict of interest at the earliest possible opportunity following distribution of documentation, either before or at the hearing and advise of the process to replace the hearing before the Superintendent.

Sequence of the Hearing

1. Introduction of all parties, representatives and witnesses at the hearing
2. The Superintendent shall declare any conflict of interest at the earliest possible opportunity following distribution of documentation, either before or at the hearing and advise of the process to replace the hearing before the Superintendent;
3. consideration of any preliminary objections;
4. written and oral submissions by the Assistant Superintendent of Human Resources including any evidence by witnesses, where appropriate. No cross-examination of witnesses shall occur;
5. written and oral submissions by the teacher, including any evidence by witnesses, where appropriate. No cross-examination of witnesses shall occur;
6. the opportunity for the Assistant Superintendent of Human Resources to respond to the teacher's submissions. No cross-examination of witnesses shall occur;
7. the opportunity for the teacher to respond to the Assistant Superintendent of Human Resources submissions. No cross-examination of witnesses shall occur;

8. the opportunity for the Superintendent to ask questions of both parties and any of their witnesses;
9. the opportunity for the Assistant Superintendent of Human Resources to make final comments; and
10. the opportunity for the teacher to make final comments.
11. The Superintendent may request a recess at any time during the hearing if any information is not readily available. In this case, no discussion of the matters heard at the hearing table shall take place between the Superintendent and the respective parties, their counsel, witnesses or other members of administration until the hearing reconvenes.
12. Following the presentation of information, the Superintendent will deliberate in private, without assistance from administration and may:
 - 12.1. Call upon independent legal advisors to assist with points of law or in drafting a decision;
 - 12.2. Request a second meeting if further information is required in order to make a decision;

Superintendent Decision

1. Once the Superintendent reaches a decision, the parties shall reconvene to the hearing.
2. The Superintendent shall render his/her decision.
3. The Superintendent shall adjourn the hearing.
4. The Superintendent shall ensure the teacher and the Assistant Superintendent of Human Resources are provided with written notification of the decision and where the decision is not favourable to the teacher, the Superintendent will advise the teacher of any right of the teacher to appeal in accordance with the *Education Act*.

Reference

[Education Act](#)

[Policy 11 Delegation of Authority](#)

[AP 40-13 Employee Discipline](#)

[AP 40-19 Employee Reduction](#)