

433 CERTIFICATED STAFF TRANSFERS

Background

The transfer of certificated staff within the Division can serve to enhance the professional growth of staff members and improve the quality of educational services to students.

Procedures

1. When contemplating the transfer of certificated staff, any or all of the following criteria will be considered:
 - a. Requests for transfer from individual staff members
 - b. Student and program needs as perceived by school and division administration
 - c. Experience, interest and training of staff members
 - d. Other considerations deemed relevant by the Superintendent
2. Transfers of certificated staff under contract with the Board should be considered before assignments are finalized for outside candidates.
3. All certificated staff of the Division, including school-based administrators, can be considered for transfer to another position, assignment or school.
4. Transfer of certificated staff will usually be undertaken in the spring of each year to facilitate appropriate staff assignments for the following school year. Transfers during the school year will be considered if circumstances are sufficient to support this action.
5. Letters of transfer will include the reasons for the implementation of the teacher or school-based administrator transfer.
6. Where a transfer is offered to an administrator who has an existing term designation which would result in a reduction of administration allowance, the existing administrative allowance will be paid based on the terms specified in the existing collective agreement. Administrators who are transferred to a new position which coincides with the renewal of a term designation will be paid according to the collective agreement provisions for their new placement.

7. A teacher or school-based administrator wishing to appeal a transfer must:
 - a. Provide their objections in writing to the Superintendent within seven days of receiving a transfer directive indicating:
 - i. Their objections to the transfer and a request to have a hearing before the Board.
 - ii. Their perception of how the transfer meets, or does not meet, the transfer criteria.
 - iii. Their preferred placement for the coming year.
 - b. After receiving a letter of appeal, the Secretary or Treasurer will indicate to the staff member the procedure that will be followed in considering the appeal. This process will be outlined, in writing, to the affected staff member within fourteen days of receiving the letter(s) of appeal indicating a date and time for the staff member to present their objections to the Board.
 - c. Teachers appealing a transfer are to refrain from communicating with community members, colleagues or the incoming principal until the hearing has occurred.

8. Pre-Hearing Processes

- a. Any written materials the teacher or the Superintendent wishes the Board to consider must be submitted to the Secretary or Treasurer, where possible, not less than four (4) days prior to the scheduled date of the meeting. The Secretary or Treasurer will provide copies of all such documentation to the parties prior to the meeting, where possible, and to the trustees **one day prior** to the hearing.
- b. Notwithstanding the above, the Board Chair will reserve the right to receive such further documentation as is deemed relevant at the Board hearing.
- c. 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, this information is provided to the Board Chair by the teacher or the Superintendent in writing:
 - i. The names of counsel, other representatives, and any witnesses; and
 - ii. An explanation satisfactory as to why the witnesses' evidence may not be adequately presented in writing.
- d. The Board Chair will 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.
- e. Notwithstanding the foregoing, the Board Chair reserves the right to allow such witnesses to appear at the hearing as are deemed relevant or necessary to the determination.

9. Procedure at Hearings

- a. The Secretary or Treasurer will keep notes of the proceedings. The Board, in its sole discretion, may record the hearing via electronic means. Where recording will take place, the parties will be advised by the Board Chair at the commencement of the hearing.
- b. The hearing will be conducted at an in camera session of the Board and chaired by the Board Chair, or in the Chair's absence, the Vice Chair or designate.
- c. The Board Chair will introduce all parties, and the parties and/or their representatives will introduce all witnesses at the hearing.
- d. The sequence of the hearing will be as follows:
 - i. Consideration of any preliminary objections.
 - ii. An opening statement to be made by each of the parties;
 - iii. Written and oral presentation by the Superintendent or designate, including any evidence by witnesses where appropriate;
 - iv. Written and oral presentation by the teacher, including any evidence by witnesses where appropriate;
 - v. Superintendent's or designates opportunity for a response to the teacher's presentation;
 - vi. Teacher's opportunity for a response to the administration's presentation;
 - vii. An opportunity for the Board to ask questions of both parties and any questions of clarification of both parties and any of the other witnesses;
 - viii. An opportunity for the Superintendent or designate to make final comments;
 - ix. An opportunity for the teacher to make final comments; and
 - x. No cross-examination of witnesses will be allowed unless the Board Chair deems it advisable.

- e. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Board may have the Secretary, Treasurer or legal counsel in attendance.
- f. 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.
 - i. 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.
 - ii. In the case of an adjournment, members of the Board are prohibited from disclosing 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.
- g. The Board will draft a resolution indicating its position. This resolution is to indicate the employee's number so as to maintain confidentiality.
- h. 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 the hearing in order to consider the resolution.
- i. The Board decision is final, with no right of further appeal, and will be communicated to the teacher by telephone and confirmed in writing, following the hearing within three business days.

References

Section 52,53,196,212,222 Education Act
Canadian Rockies School Division Board Policy 14: Hearings on Teacher Transfer

History

Developed: August 2003
Amended: June 2024