

Medicine Hat Public School Division

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MEDICINE HAT PUBLIC BOARD OF EDUCATION OPERATES AS MEDICINE HAT PUBLIC SCHOOL DIVISION,
AND FOR THE PURPOSE OF THIS DOCUMENT WILL BE REFERRED TO AS "MHPSD" AND/OR "DIVISION"

SECTION 500 – Personnel and Employee Relations

ADMINISTRATIVE PROCEDURE: DIVISION INITIATED TRANSFER OF PROFESSIONAL STAFF

<i>PROCEDURE CODE:</i>	<i>520 P 001</i>
Policy Reference: 520 – Division Initiated Transfer of Professional Staff	Exhibits: None

PROCEDURE

Division-initiated transfers of professional staff (teacher/administrators) shall be conducted in accordance with the Education Act 212(1). The Superintendent or designate can transfer professional staff to address the needs of students, staff and the Division.

1. The Superintendent or designate will meet with the professional staff member to discuss a transfer.
2. The professional staff member and relevant principals will receive notification in writing from the Superintendent or designate which will include:
 - a. The position and school to which the professional staff member is to be transferred.
 - b. Reason for the transfer.
 - c. Copies of the letter sent to the relevant principals.

Appeal Process:

1. A teacher/administrator who has received a notice of transfer may, within seven (7) days from the day on which the teacher/administrator receives the notice of transfer, make a written request to the Board to have a hearing before the Board for the purpose of appealing the transfer.
2. The request for a hearing before the Board shall be submitted by the teacher/administrator to the Secretary Treasurer with a copy being provided to the Superintendent.
3. A teacher/administrator must not be transferred until after a hearing is held.

4. The Board may set a date and time for the requested hearing not earlier than fourteen (14) days after the teacher/administrator receives the notice of transfer, unless the teacher/administrator agrees in writing to an earlier date.
5. The Secretary Treasurer shall advise the teacher/administrator in writing of the date, time and location of the hearing.
6. Written materials the teacher/administrator or the Superintendent/Designate wishes trustees to consider must be submitted to the Secretary Treasurer not less than four (4) days prior to the scheduled date of the hearing. Where possible the Secretary Treasurer will provide copies of all such documentation to the Trustees and the parties prior to the hearing.
7. The teacher/administrator or the Superintendent/Designate may be accompanied by legal counsel or other representation and may bring witnesses.
8. Not less than four (4) days prior to the scheduled date of the hearing, the following will be provided by the teacher/administrator or the Superintendent/Designate in writing:
 - a. the names of counsel, other representatives, and any witnesses.
9. Notwithstanding, the Board Chair shall reserve the right to receive further documentation as deemed relevant.
10. Hearing Procedure:
 - 10.1 The hearing shall be conducted at an in-camera session of the Board, and chaired by the Board Chair, or in the Board Chair's absence, the Vice-Chair or designate.
 - 10.2 The Board Chair will introduce all parties, and the parties or their representatives shall introduce all witnesses at the hearing.
 - 10.3 The sequence of the hearing shall be as follows:
 - 10.3.1 An opening statement to be made by each of the parties;
 - 10.3.2 Written and oral presentation by the Superintendent/Designate, including any evidence by witnesses where appropriate;
 - 10.3.3 Written and oral presentation by the teacher/administrator, including any evidence by witnesses where appropriate;
 - 10.3.4 Superintendent/Designate response to the teacher's/administrator's presentation;
 - 10.3.5 Teacher's/administrator's response to the Superintendent/Designate presentation;
 - 10.3.6 Board's opportunity to ask questions of both parties and other witnesses;
 - 10.3.7 An opportunity for the Superintendent/Designate to make final comments;
 - 10.3.8 An opportunity for the teacher/administrator to make final comments;
 - 10.3.9 No cross-examination of witnesses shall be allowed unless the Board Chair deems it permissible.



- 10.4 The Board will meet without the respective parties to the appeal to make a decision regarding the appeal. The Board may have the Secretary Treasurer or legal counsel in attendance.
- 10.5 Both parties will be recalled before the Board if the Board requires additional information or clarification in order to make it's decision. 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 an adjournment of the hearing to a later date. In the case of an adjournment, trustees are prohibited from discussing or disclosing the evidence presented or matters raised at the hearing either amongst themselves, with the parties and their representatives or witnesses until the hearing is reconvened.
- 10.6 Upon the Board deciding 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.
- 10.7 The Board decision will be communicated to the teacher/administrator, in writing, following the hearing.

REFERENCES

Alberta Education – Education Act

Approved: September 7, 2004

Revised: April 27, 2021

