

[Policy 14 –Appendix “A”](#)

Appendix “A”
Consideration of Termination of Services of a Teacher

Pursuant to Board Policy 5 Board Delegation of Authority, the Board has delegated to the Superintendent, among other powers, the authority to terminate the services of a teacher. The termination of the services of a teacher shall be conducted in accordance with the requirements of the School Act and any governing collective agreement. The Superintendent’s decision regarding the termination of the services of a teacher is not subject to appeal to the Board of Trustees, but may be the subject of appeal to a Board of Reference.

The Deputy Superintendent (or his/her designate) may make a recommendation to the Superintendent 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 Superintendent shall act reasonably.

Specifically

1. Recommendation to Terminate Services of a Teacher

- 1.1. When the Deputy Superintendent (or his/her designate), has decided to make a recommendation to the Superintendent to terminate a teacher’s contract of employment or administrative designation, the Deputy Superintendent (or his/her designate) shall forward the written recommendation in writing:
 - 1.1.1. to the teacher, not less than fourteen (14) calendar days before the date for the meeting, as stated in the recommendation, at which the recommendation to terminate shall be considered by the Superintendent;
 - 1.1.2. to the Superintendent, through the Executive Assistant, not less than seven (7) calendar days before the date for the meeting, as stated in the recommendation, at which the recommendation to terminate shall be considered by the Superintendent.
- 1.2. The written recommendation for termination shall also set out the reasons for the recommendation.

2. Provision of Information

- 2.1. Any written materials that the Deputy Superintendent (or his/her designate) wishes the Superintendent to consider at the meeting must be submitted to the teacher not less than fourteen (14) calendar days before the date of the meeting stated in the Deputy Superintendent’s (or his/her designate’s) recommendation.
- 2.2. Any written materials that the Deputy Superintendent (or his/her designate) wishes the Superintendent to consider at the meeting must be submitted to the Superintendent, through the Executive Assistant, not less than seven (7) calendar

days before the date of the meeting stated in the Deputy Superintendent's (or his/her designate's) recommendation.

2.3. Any written materials that the teacher wishes the Superintendent to consider at the meeting must be submitted to the Deputy Superintendent (or his/her designate) and to the Superintendent (through the Executive Assistant), not less than seven (7) calendar days before the date of the meeting stated in the Deputy Superintendent's (or his/her designate's) recommendation.

2.4. The teacher or the Deputy Superintendent (or his/her designate) 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 Deputy Superintendent (or his/her designate) in writing:

2.4.1. The names of counsel, other representatives, and any witnesses; and

2.4.2. An explanation satisfactory to the Superintendent as to why the witnesses' evidence may not be adequately presented in writing.

3. Adjournments

3.1. The Superintendent may grant an adjournment at his/her sole discretion, which discretion will be exercised reasonably.

4. Procedure at Meeting

4.1. Notes of the proceedings may be recorded by the Executive Assistant.

4.2. The Deputy Superintendent (or his/her designate) and the teacher shall be given an opportunity to make introductory and closing statements.

4.3. If the Deputy Superintendent (or his/her designate) considers it necessary to have witnesses appear, they shall be called to appear prior to the teacher making any representations.

4.4. The Superintendent may ask questions of a witness only after the party calling the witness has completed its presentation.

4.5. The presentation of the teacher's case shall commence after the Deputy Superintendent (or his/her designate) has presented his/her evidence.

4.6. The teacher may call witnesses after the Deputy Superintendent (or his/her designate) has completed his/her presentation.

4.7. After the teacher's closing statement, the Deputy Superintendent (or his/her designate) shall have an opportunity to respond to information presented by the teacher.

4.8. The Superintendent will have the opportunity to ask questions or clarification from both parties.

4.9. No cross-examination of witnesses shall be allowed, unless the Superintendent deems it advisable.

4.10. The Superintendent will consider the information presented by the Deputy Superintendent (or his/her designate) and the teacher in the absence of the Deputy Superintendent (or his/her designate) and the teacher. The Executive Assistant and the Superintendent's legal counsel may remain while the Superintendent deliberates.

- 4.11. The Superintendent will endeavour to make a decision regarding the recommendation for termination of the teacher's services within seven (7) days of the meeting.
- 4.12. In the event that the Superintendent determines that the recommendation for termination of the teacher's services will be upheld, the Superintendent will issue a notice of termination with reasons in accordance with section 107 of the School Act, R.S.A., c. S-3, as amended.
- 4.13. In the event that the Superintendent dismisses the recommendation for termination of the teacher's services, the Superintendent will notify the teacher and the Deputy Superintendent (or his/her designate) in writing.
- 4.14. The Superintendent's decision is final and is not subject to appeal to the Board of Trustees.

Reference: Section 104, 105, 107, 109, School Act
Appendix amended February 27, 2012