

**JAMES BAY LOWLANDS
SECONDARY SCHOOL BOARD**

**BOARD GOVERNANCE POLICY
NO. GOV-28**

Date Adopted	October 24, 2018
Last Revised	
Board Motion	5598-10-18

HEARINGS ON TERMINATION OF PRINCIPAL/VICE-PRINCIPAL EMPLOYMENT

1. PURPOSE

The performance appraisal system for principals and vice-principals is described in the *Education Act, Part XI.1*. When a principal's or vice-principal's performance is on review status under the terms of *Part XI.1* and the Board's Administrative Procedure 450 Principal/Vice-Principal Performance Appraisal—and feedback and recommendations to help the principal or vice-principal improve his or her performance do not result in a satisfactory rating—steps must be taken in accordance with the legislation.

The James Bay Lowlands Secondary School Board has developed this policy to set out the steps for hearings on the termination of principal or vice-principal employment.

2. GUIDING PRINCIPLES

- 2.1 The James Bay Lowlands Secondary School Board is responsible for student achievement and well-being, for ensuring effective stewardship of the Board's resources, and for delivering effective and appropriate education programs for its students. [Board Policy GOV-01 Values, Vision, and Mission]
- 2.2 The James Bay Lowlands Secondary School Board has developed this policy to ensure that students receive the benefit of an education system staffed by principals and vice-principals who are performing their duties satisfactorily.

3. POLICY

- 3.1 The performance appraisal of principals and vice-principals is conducted according to Ontario Regulation 234/10 Principal and Vice-Principal Performance Appraisal.
- 3.2 The steps of the appraisal process that are conducted by the supervisory officer are also set out in Administrative Procedure 450 Principal/Vice-Principal Performance Appraisal.

Recommendation: Principal

- 3.3 Where a third performance appraisal results in an unsatisfactory rating after the principal has been placed on review status as set out in sections 12 and 13 of Ontario Regulation 234/10, the supervisory officer shall promptly notify the Board in writing that the performance appraisal has resulted in a third consecutive unsatisfactory rating.
- 3.4 The supervisory officer shall recommend to the Board that:
- a) the principal be reassigned, demoted to vice-principal, or have his or her employment terminated; or
 - b) other appropriate actions be taken.
- 3.5 If, at any time during the 60 school days starting with the day on which the principal is advised that he or she is on review status, the supervisory officer determines that the delay necessitated by conducting an additional performance appraisal during the review process is inconsistent with the protection of the best interests of the school, the supervisory officer shall refrain from conducting the appraisal and shall promptly recommend to the Board in writing that:
- a) the principal be reassigned, demoted to vice-principal, or have his or her employment terminated; or
 - b) other appropriate actions be taken.

Recommendation: Vice-Principal

- 3.6 Where a principal or supervisory officer conducts a third appraisal of a vice-principal's performance, and the appraisal results in an unsatisfactory rating after the vice-principal has been placed on review status as set out in sections 36 and 37 of Ontario Regulation 234/10, the principal and the supervisory officer shall promptly notify the Board in writing that the performance appraisal has resulted in a third consecutive unsatisfactory rating.
- 3.7 The principal and supervisory officer shall recommend to the Board that:
- a) the vice-principal be reassigned or have his or her employment terminated; or
 - b) other appropriate actions be taken.
- 3.8 If, at any time during the 60 school days starting with the day on which the vice-principal is advised that he or she is on review status, the principal and supervisory officer jointly determine that the delay necessitated by conducting an additional performance appraisal during the review process is inconsistent with the protection of the best interests of the school, the principal or supervisory officer shall refrain from conducting the appraisal and shall promptly recommend to the Board in writing that:
- a) the vice-principal be reassigned or have his or her employment terminated; or
 - b) other appropriate actions be taken.

4. RIGHT OF THE BOARD

In accordance with the *Education Act*, subsection 277.15 (5), nothing in *Part X1.1* or any regulation, guideline, policy or rule under it shall be interpreted to limit the right of the Board to terminate the employment of a principal or vice-principal for disciplinary reasons, whether or not a performance appraisal process relating to the principal or vice-principal is being conducted under *Part X1.1* of the *Education Act*.

5. INFORMATION SHARING

- 5.1 The recommendation to the Board for termination of employment or other disciplinary action to be taken for a principal or vice-principal shall be accompanied by the following:
- a) written reasons for the recommendation;
 - b) a copy of the summative performance appraisal report; and
 - c) copies of all documents relied upon in making the recommendation.
- 5.2 The supervisory officer shall promptly provide the principal or vice-principal with:
- a) a copy of the recommendation to the Board;
 - b) a copy of the written reasons for the recommendation; and
 - c) copies of all documents relied upon in making the recommendation.

BOARD EXPECTATIONS

6. THE BOARD HEARING

- 6.1 The Board hearing shall demonstrate procedural fairness. The principal or vice-principal must be aware of the reasons for the recommendation and must have a fair chance to respond. The principal or vice-principal has the right to representation.
- 6.2 Notes of the Board hearing shall be recorded for the purpose of the Board's records.
- 6.3 The Board shall rule on any matter of procedure that may arise during the course of the hearing.
- 6.4 The supervisory officer or designate and the principal/vice-principal or representative shall be given an opportunity to make introductory statements.
- 6.5 The supervisory officer or designate shall make the first presentation.
- 6.6 The presentation of the principal's or vice-principal's case shall commence after the supervisory officer or designate has presented his or her evidence.
- 6.7 Trustees shall ask questions only after the party has completed his or her presentation.
- 6.8 After the principal/vice-principal or representative has made a closing statement, the supervisory officer or designate shall have an opportunity to respond.

- 6.9 Board members will have the opportunity to ask questions of clarification from both parties.
- 6.10 The Board will meet without the respective parties to the hearing in attendance to arrive at a decision regarding the recommendation. The secretary of the Board and recording secretary will remain in attendance. The Board may have legal counsel in attendance.
- 6.11 If the Board requires additional information or clarification in order to make its decision, both parties will be requested to return to the hearing to provide the additional information.

7. BOARD DECISION

Board Determination: Principal

- 7.1 The Board, upon receiving a recommendation to terminate a principal's employment under *Part X1.1* of the *Education Act*, shall, after considering all documents provided to it:
- a) determine that the principal was performing satisfactorily in the position that he or she had at the time of the most recent performance appraisal; or
 - b) determine that the principal was not performing satisfactorily in the position that he or she had at the time of the most recent performance appraisal and reassign the principal to other duties; demote the principal to vice-principal; terminate the principal's employment; or take other appropriate action.
- 7.2 The determination of the Board shall be by majority vote of the members of the Board present at a meeting of the Board at which there is a quorum, within sixty (60) days after the day the recommendation is made.
- 7.3 If the Board makes the determination described in clause 7.1(a), the principal shall remain in the position that her or she had at the time of the most recent performance appraisal, unless the Board and principal agree otherwise.
- 7.4 A Board shall not terminate the employment of a principal without first giving him or her reasonable information about the reasons for the termination and an opportunity to make submissions to the Board as described in sections 5 and 6 above.

Board Determination: Vice-Principal

- 7.5 The Board, upon receiving a recommendation to terminate a vice-principal's employment under *Part X1.1* of the *Education Act*, shall, after considering all documents provided to it:
- a) determine that the vice-principal was performing satisfactorily in the position that he or she had at the time of the most recent performance appraisal; or
 - b) determine that the vice-principal was not performing satisfactorily in the position that he or she had at the time of the most recent performance appraisal

and reassign the vice-principal to other duties; terminate the vice-principal's employment; or take other appropriate action.

- 7.6 The determination of the Board shall be by majority vote of the members of the Board present at a meeting of the Board at which there is a quorum, within sixty (60) days after the day the recommendation is made.
- 7.7 If the Board makes the determination described in clause 7.5 (a), the vice-principal shall remain in the position that her or she had at the time of the most recent performance appraisal, unless the Board and vice-principal agree otherwise.
- 7.8 A Board shall not terminate the employment of a vice-principal without first giving him or her reasonable information about the reasons for the termination and an opportunity to make submissions to the Board as described in sections 5 and 6 above.

8. COMMUNICATION OF DECISION

- 8.1 The Board decision will be communicated to the principal/vice-principal as soon as possible, and confirmed in writing following the hearing.
- 8.2 Where the Board terminates a principal's or vice-principal's employment for unsatisfactory performance, the secretary of the Board shall promptly file a complaint under section 26 of the *Ontario College of Teachers Act*, regarding the reasons for the termination.
- 8.3 Where a principal or vice-principal employed by the Board resigns while he or she is on review status, the secretary of the Board shall promptly file a complaint under section 26 of the *Ontario College of Teachers Act*, regarding the reasons for the principal or vice-principal having been placed on review status.
- 8.4 The Board shall promptly provide to any other school board requesting performance appraisal documents all documents relating to termination of the employment of a principal or vice-principal.

REFERENCE DOCUMENTS

Legal:

Education Act: Section 169.1 (1) Duties and Powers of Boards: Responsibility for student achievement and well-being

Education Act, subsection 277.15 (5) No limit on power of board to terminate employment for disciplinary cause

Education Act, Part XI.1 Performance Appraisal of Principals, Vice-Principals

Ontario Regulation 234/10 Principal and Vice-Principal Performance Appraisal

Ontario College of Teachers Act, section 26 Duties of Investigation Committee

Municipal Freedom of Information and Protection of Privacy Act

Board:

Board Policy GOV-01 Values, Vision, and Mission

Board Policy GOV-02 Role of the Corporate Board

Board Policy GOV-03 Role of the Supervisory Officer

Administrative Procedure 450 Principal/Vice-Principal Performance Appraisal