

**RULES OF PROCEDURE
FOR CONDUCTING LEVEL III GRIEVANCE HEARINGS**

The Board of Education of the Milford School District adopts and promulgates the following rules of procedure which shall govern all hearings before the Board of Education held under Level III of the Grievance Procedure.

I. **NOTICE OF HEARING**

A hearing shall be granted upon receipt of a written request signed by the aggrieved employee(s) stating that a hearing is desired on the grievance. In such cases, the Board will notify the aggrieved employee(s) as to the time and place of the hearing, taking into consideration the availability of the aggrieved employee(s).

The communication or letter containing the notice of the time and place of the hearing shall specifically advise the aggrieved employee(s) of the following rights:

1. The right to be present at the hearing and to be represented by legal counsel or by a representative of the local, state or national association.
2. The right to hear testimony in behalf of the aggrieved employee(s).
3. The right to give testimony in behalf of the aggrieved employee(s).
4. The right to have others give testimony in behalf of the aggrieved employee(s).
5. To question, either personally, through counsel, or by a representative of the local, state or national association, any person giving testimony. (When legal counsel is to be used or employed by the Board, the aggrieved employee(s) shall be notified in advance to permit them to be advised by counsel, if they so desire.) When legal counsel is to be used by the employee(s), notice should likewise be given to the Board.
6. The right to a public or private hearing.

II. **ORDER OF PROCEDURE - PRELIMINARY MATTERS**

- A. The President of the Board of Education or his/her designated member representative shall act as hearing officer, and will announce that the hearing is being conducted under the provisions of the Board Rules governing the conduct of Level III Grievance Procedure hearings. The hearing officer will

declare the hearing to be open and will inquire as to whether the Secretary of the Board of Education has met the requirements for giving notice of the hearing as specified in I, above.

- B. The Secretary of the Board of Education shall produce a copy of the notice of hearing letter mailed to the aggrieved employee(s) together with the mail receipt showing prior delivery thereof. The Secretary shall also state that the hearing on the grievance is being held within fifteen (15) days after receipt by the Board of the properly filed grievance to the Board. Any time limits specified in these rules may be extended only by agreement of the Board and the aggrieved employee(s), in writing, and only by those having the authority to extend such time limits.

III. ORDER OF PROCEDURE - PRESENTATION OF EVIDENCE

- A. All testimony will be given under oath with the oath to be administered by the Secretary of the Board of Education or by a member of the administration staff designated by the Secretary to administer the oath. The aggrieved employee(s), attorney, or their designated representative of the local, state or national association, may make an opening statement and may offer testimony by the aggrieved employee(s) concerning the manner in which the aggrieved employee(s) claim(s) that the professional negotiation agreement or official policy of the Board of Education appearing in the Board's Policy Manual has been misinterpreted or misapplied, or specify the manner in which the contractual rights of the aggrieved employee(s) have been violated. The remedy sought by the aggrieved employee(s) shall be confined to those areas in which the Board has clear authority to act or negotiate under the terms of the applicable Negotiation Agreement.
- (1) Opportunity will be given at the conclusion of testimony of each witness, for the Board of Education, the duly designated hearing officer, or its attorney, to cross-examine any witness on behalf of the aggrieved employee(s).
- B. The Board or the Board's designated representative or attorney may present an opening statement and any testimony which is relevant to the matter being grieved.
- (1) Opportunity will be given at the conclusion of testimony of each witness for the Board for cross-examination by the aggrieved employee(s), their attorney or duly authorized representative.

- C. The aggrieved employee(s) will be given an opportunity to present any testimony in rebuttal to that offered by or on behalf of the Board, including the calling or recalling of witnesses to testify in rebuttal.
 - (1) Opportunity will be given for cross-examination of rebuttal witnesses by or on behalf of the Board.
- D. Closing statements may be offered first by the aggrieved employee(s), then by the Board, with the last closing statement to be offered by the aggrieved employee(s).

IV. GENERAL HEARING PROCEDURES

- A. All evidence is admissible which is relevant, material, reliable and probative, but which is not unduly repetitious or cumulative.
- B. Objections to the admission of evidence shall be brief and shall state the ground for such objections. Objections with regard to the form or question will not be considered.
- C. Strict judicial rules of evidence shall not be applicable to hearings conducted under these rules, and in each case, the test of admissibility shall be whether the offered evidence is reasonably relevant to a material factual issue and whether it has substantial probative value with respect to such material cumulative or repetitious evidence and may curtail redundant questioning.
- D. All testimony shall be given under oath, with the following form of oath being used: "Do you swear or affirm that the testimony you are about to give is true and correct to the best of your knowledge?"
- E. All parties to the controversy may be represented by counsel.
- F. The Secretary of the Board of Education shall note in the Minutes of the Board the names of the persons appearing and their counsel if they are represented.
- G. The Board may continue, adjourn, or postpone a hearing for good cause upon application of or on behalf of the aggrieved employee(s) or on its own application.
- H. The Board shall cause an electronic transcript of the hearing to be made by tape recorder or other suitable means of recording at the expense of the person requesting it. If a recording is requested, a copy shall be furnished to the Board at no expense.

- I. Any person who testifies as a witness shall be subject to cross-examination by the other parties in the order set forth in III above, unless otherwise determined by the Board President or his/her designated presiding representative. Any witness is subject to examination by any member of the Board.
- J. Any documents introduced into evidence shall be marked by the Secretary of the Board and shall be made a part of the record of the hearing. Documents introduced by the aggrieved employee(s) shall be marked as "Employee Exhibit" and all exhibits introduced by the Board shall be marked as "Board Exhibit," with the exhibits for each side bearing consecutive numerical designations, such as "Employee Exhibit 1" or "Board Exhibit 1." The Secretary shall prepare a record listing the names of all persons present, their attorneys, the witnesses testifying for each side, and shall list all exhibits introduced during the course of the hearing.
- K. The Board may take administrative notice of its own acts and records.

V. POST HEARING PROCEDURE

- A. Each decision and order of the Board shall be delivered in writing, with copies to all parties. Each decision and order shall set forth the findings of fact made by the Board and the conclusions based thereon, and shall state the specific disposition of the grievance of the aggrieved employee(s). The Board shall submit its written decision within ten (10) days following the hearing on the appealed grievance.
- B. Copies of the Board decision shall be mailed to the aggrieved employee(s), their attorney, and to any other duly authorized representative of the aggrieved employee(s), by certified mail, return receipt requested.