

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

**4472.6 Admission of Evidence**

- A. Each side will be permitted an opening statement and closing arguments (County Superintendent or designee's representative first, appellant or his/her representative last). The County Superintendent or designee shall be first in presenting its witnesses and evidence in an effort to support its charges, and then the appellant or his/her representative will present his/her witnesses and evidence in defense.
- B. Oral evidence shall be taken only an oath or affirmation.
- C. The hearing need not be conducted according to the technical rules relating to evidence and the examination of witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious business.
- D. If the appellant does not elect to testify on his/her own behalf, the appellant may still be called to testify and be cross-examined just as if he/eh had testified on his/her behalf.
- E. Each party shall have the following rights related to examination of witnesses and evidence:
  - 1. To call and examine witnesses.
  - 2. To introduce exhibits.
  - 3. To cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination(s).
  - 4. To attempt to impeach any witness regardless of which party first called the witness to testify.
  - 5. To rebut all evidence presented by the opposing party.
- F. Each side will be allowed to examine and thoroughly cross-examine witnesses. The Commission or its hearing officer may, at its discretion, exclude witnesses not under examination from the hearing room, except for the appellant, County Superintendent or designee's representative, the Director, Human Resources, and their respective counsels or designated representatives. The Commission or its hearing officer may examine witnesses and ask questions of the parties.

Approved: December 1, 1975  
Revised: September 23, 1993  
October 26, 2017

**4472.6 Admission of Evidence (Continued)**

- G. Each side will be allowed to examine and thoroughly cross-examine witnesses. The Commission or its hearing officer may, at its discretion, exclude witnesses not under examination from the hearing room, except for the appellant, County Superintendent or designee's representative, the Director, Human Resources, and their respective counsel or designated representatives. The Commission or its hearing officer may examine witnesses and ask questions of the parties.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45311-45313;  
California Evidence Code Section 772

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