

Executive Board Governance and Operations

Special Procedures for Conducting Hearings

These rules shall apply to all formal hearings before the Executive Board in contested cases. Said rules shall not apply to conferences or other information investigations or proceedings at or upon which no formal ruling or decision is made, or to any proceeding in an uncontested case.

- A. Hearings or Appeals: All requests for hearings or appeals based on completion of chain of command procedures shall be in writing to the President of the Executive Board or the Superintendent. Appeals from the decision of the Superintendent shall include the appellant's statement of the issues to be presented in said appeal. All hearings in personnel actions will not be public unless both parties agree.
- B. Notice of Hearing: In personnel actions, written notice of hearing shall be sent by the President of the Executive Board, or his/her designee, to all interested parties not less than twenty (20) days prior to the hearing and shall outline a counter statement of charges and/or issues, if any, involved in the proceeding, if the Superintendent shall deem such to be materially and substantially different from those previously raised or decided by said appellant before the Superintendent in the first instance. The Executive Board shall resolve any disagreement arising from the above.
- C. Parties/Representation: "Party" includes any person or agency named or admitted as a party. Any person or agency may be admitted as a party for limited purposes upon the satisfactory demonstration of the nature and extent of its interest to the Executive Board. All parties appearing at formal hearings shall have the right to appear in proper person or with counsel. All such parties shall have the right to be accompanied, represented, and advised by counsel.
- D. Records/Transcripts: The Executive Board may, at its discretion, prepare an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceeding. A stenographic record of the proceedings may be made at the expense of the person requesting the hearing. The Board shall be provided one copy and the Superintendent one copy.
- E. Presiding Officer – Duties and Authority: Each hearing shall be held before not less than a quorum of the Executive Board. The President or the Vice-President or a member designated by the President, shall be the presiding officer and shall have charge of the hearing, with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of evidence and adjourn or recess the hearing from time to time. The presiding officer shall cause an oath to be administered to all witnesses testifying in the proceedings.
- F. Order of Procedure: The order in which the parties shall present their case shall be determined by the presiding officer except in cases of appeals. In an appeal on a dismissal or suspension, the Superintendent shall proceed first. In all other appeals, the appellant shall proceed first.
- G. Examination of Witnesses and Introduction of Evidence: The strict judicial rules of evidence shall not be applicable to hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence, and may curtail redundant questioning. He/she may encourage (but shall in no event coerce) the parties, where possible, to make proffers and stimulations in place of cumulative evidence. All testimony shall be given under oath.

The President or presiding officer of the Executive Board shall consider each individual case and may establish guidelines for conducting each individual hearing.

The presiding officer, or any person designated by him for the purpose, may examine all witnesses called by any party. He/she may call as a witness any person whose testimony may be relevant. Any Executive Board member may examine any witness.

- H. Briefs: Any party may submit briefs of the issues of fact and law involved in the hearing in such form as the presiding officer may designate.
- I. Counsel: The President of the Executive Board may request the Executive Board's attorney to participate in any hearing as counsel for the Executive Board.
- J. Decision and Order: Each decision and order of the Executive Board shall be delivered in writing, unless it shall immediately follow the hearing, in which case it shall be delivered orally and thereafter in writing, with copies to all parties. Each decision and order shall be accompanied by findings of fact, conclusions of law, and specific disposition of the case and shall be provided to the individual. Formal action of the Executive Board shall be taken publicly following the hearing, but no other information shall be released by the Executive Board or school administration as noted above.

LEGAL REF.:

CROSS REF.:

ADOPTED: August 24, 2004