



416 POLICY - Evidentiary Hearings

416.1 Statement of Policy

All evidentiary hearings are to be conducted in such a manner as to afford the participating parties appropriate due process. This applies to evidentiary hearings that are conducted pursuant to the Employee Due Process policy, the Reduction in Force policy, and any other policy that provides for such a hearing. Evidentiary hearing procedures are published in the Procedures section of the Policies and Procedures Manual.

Adopted March 1995
Revised February 2001



416 PROCEDURE - Evidentiary Hearings

416.1:1 Parties

The parties shall be the employee and the President or the staff person who reports to the President. Neither party shall be required to have legal counsel at the hearing. However, either or both parties may have such representation, provided notice is given to the other party and to the Hearing Officer at least two (2) business days prior to the hearing.

416.1:2 Hearing Officer

In evidentiary hearings before the President of the College, either the President or the President's designee shall serve as Hearing Officer. In evidentiary hearings before the College Board of Regents, either the Board Chair or his or her designee shall serve as Hearing Officer. The Hearing Officer shall rule on all procedural and evidentiary matters which arise in the course of, or in connection with, the hearing. A designee Hearing Officer shall have no authority to decide the outcome of the hearing.

416.1:3 Order of Hearing

- I. Statement of President or staff person who reports to the President.
- II. Statement of employee.
- III. Presentation of witnesses and evidence by President or staff person who reports to the President.
- IV. Presentation of witnesses and evidence by employee.
- V. Rebuttal evidence, as allowed by Hearing Officer.
- VI. Closing statement/summation of President or staff person who reports to the President.
- VII. Closing statement/summation of employee.
- VIII. In hearings before the Board of Regents:
 1. Motion and vote for executive session.
 2. Executive session.
 3. Return to open session.
 4. Motion and vote on any action.



- IX. In hearings before the President:
 - 1. Deliberation.
 - 2. Announcement of decision on any action.
- J. Adjournment of hearing.

416.1:4 Rules of Evidence

The formal rules of evidence shall not be strictly applied. However, the Hearing Officer shall give effect to privileges recognized by law regarding self-incrimination and confidential or privileged communications.

416.1:5 Witnesses and Exhibits

Two (2) business days prior to the hearing, the parties shall exchange a list of the witnesses to be called at the hearing and a list of the exhibits to be used at the hearing. Only the witnesses on the exchanged lists shall be allowed to testify at the hearing, and only the exhibits on the exchanged lists shall be accepted as evidence at the hearing.

416.1:6 Questioning of Witnesses

Objections to questions asked of witnesses shall be made to the Hearing Officer, who shall rule on the objections. Cross-examination shall be allowed and shall be limited to the areas covered in direct examination of that witness. Re-direct examination shall be allowed and shall be limited to the areas covered in cross-examination of that witness.

416.1:7 Time Limitation

The hearing should be conducted in such a manner as to allow complete disclosure of all pertinent matters. However, the Hearing Officer may impose reasonable time constraints and limitations to avoid unnecessary duplication and delay.

416.1:8 Record of Hearing

Either party may record the hearing, through use of a tape recorder or a stenographer. The official "record" of the hearing shall be the Hearing Officer's tape recording or transcript, the witness and exhibit lists, all exhibits admitted into evidence, and any written documents generated in connection with the hearing, which are in the nature of pleadings, objections, or motions.



416.1:9 Proposed Findings and Conclusions

Each party may submit proposed findings and conclusions to the Hearing Officer at the conclusion of the hearing, or within any additional time allowed by the Hearing Officer. A copy of any proposed findings and conclusions submitted to the Hearing Officer must be provided to the other party.

416.1:10 Request for Continuance of Hearing

Any request for continuance/postponement of a hearing must be made in writing at least forty-eight (48) hours in advance of the scheduled hearing. The request shall specify the reasons for the request and shall be submitted to the Hearing Officer with a copy provided to the other party. Continuances shall not be granted except upon a showing of good cause.

Adopted March 1995
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