

**CONDUCT OF HEARINGS
CLASSIFIED EMPLOYEE DISCIPLINARY ACTION APPEALS**

Pursuant to legal and contractual requirements, the Governing Board may act as the final administrative arbiter in certain classified disciplinary actions. The following outlines the general structure, procedures, and responsibilities in such hearings.

1. General Rules

- a. The presiding officer or his/her designee shall conduct the hearing and rules on questions concerning evidence and procedure.
- b. The employee and the administration may be represented, may call witnesses, may introduce evidence, may testify, and may question adverse witnesses.
- c. Unless the employee demands a public hearing, the matter may be heard in executive session.
- d. Evidence must be relevant, noncumulative, and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs.
- e. The administration has the burden of proof.
- f. The hearing will be recorded by the District.

2. Order of Proceedings

The hearing shall proceed in the following manner, unless the presiding officer otherwise directed:

- a. The notice of disciplinary action and the hearing request shall be made part of the record. The administration, and then the employee, may state their positions, but the employee may wait until after the administration has presented its evidence.
- b. The administration presents witnesses and evidence, subject to examination by the employee.
- c. The employee presents witnesses and evidence, subject to examination by the administration.
- d. The employee may be called as a witness by the administration.
- e. The parties respectively may offer rebuttal evidence.
- f. When the evidence is concluded, the administration and then the employee may briefly comment on the evidence.

3. Decision

- a. The Governing Board may make its decision at the hearing or take the matter under consideration for decision at a specified future time.
- b. If the Governing Board upholds a disciplinary action, it shall state the facts which it finds to be true and upon which its decision is based. It may direct the Chancellor to submit a proposed statement of facts for consideration by the Governing Board.
- c. The Governing Board's decision shall be expressed in writing and copies provided to the employee and to the administration.

4. Hearing Officer

- a. The Governing Board may refer the matter to a Hearing Officer for hearing and recommended decision.
- b. After hearing, the Governing Board may adopt the Hearing Officer's recommended decision in whole or in part, refer the matter for further hearing, or hear the matter itself either *de novo* or on the record of the proceedings before the Hearing Officer.

Public Employees, Local 1, Article 16