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1.0 Hearing Authority

- 1.1 An employee's request for a hearing pursuant to Policy ([P-6914](#)), shall be presented to the Chancellor.
- 1.2 The Board shall determine whether the hearing shall be conducted before the entire Board, before a hearing board consisting of one or more members of the Board and selected by the Board, or before a hearing officer appointed by the Board.
 - 1.2.1 The procedures outlined below shall apply equally to a hearing before any of the bodies referred to in Section 1.2 above, which shall be called the Hearing Authority in this policy.
- 1.3 The hearing shall be conducted in accordance with the following procedures:
 - 1.3.1 Time of Hearing - A hearing relating to the validity of the charges upon which the recommendation for disciplinary action was based shall be commenced not later than thirty (30) days after filing the request for hearing, except by mutual agreement.
 - 1.3.2 Notice of Hearing - The employee shall be given ten (10) calendar days' written notice of the date, time and place of the hearing. The method of delivery shall be personal or by certified or registered mail, postage paid, return receipt requested, to the employee's last known address. Notice by mail shall be effective at the time of postal deposit.
 - 1.3.3 Conduct of the Hearing - At the time and place designated, a hearing shall be held for the purpose of determining the validity of the charges and the appropriateness of the disciplinary action brought against the appellant employee. Such hearing shall be closed to the public unless otherwise requested by the employee in writing at the time of the request for a hearing. The employee shall be present and shall have the right to representation of the employee's choice, call witnesses, have the right to cross-examine witnesses, and may present documentary and demonstrative evidence.
 - 1.3.4 Access to Records - The appellant employee and the employee's representative, if any, shall be allowed access to any documents and District records, within the policies defining confidentiality, which will assist in adjudicating the complaint in the disciplinary action.
 - 1.3.5 Burden of Proof - The District shall carry the burden of proof in support of the disciplinary action. Both parties may call witnesses, shall have the right of cross-examination, and may present documentary and demonstrative evidence.

- 1.3.6 Evidence - The hearing may be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be admitted for any purpose but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The rules of privileges and of official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.
- 1.3.7 Non-Disclosure of Proceedings - During the pendency of the hearing, no disclosure of the proceedings shall be made public without the concurrence of the Hearing Authority and the appellant employee.
- 1.3.8 Continuance - At any time during the hearing, the Hearing Authority may order a continuance for a reasonable period of time.
- 1.3.8.1 If an employee-initiated request for continuance is granted, the employee shall be deemed to have waived salary for the period of the continuance. Any request for continuance made less than forty-eight (48) hours prior to the time set for the hearing will be denied unless good cause is shown for the continuance.
- 1.3.9 Report of Hearings - Hearings may be conducted without a stenographic reporter or audio tape recording machine unless either party requests that the hearing be reported or recorded.
- 1.3.9.1 Transcripts of Hearings - Transcripts of hearings shall be furnished on payment of the cost of preparing such transcripts. When transcripts are provided by the employees of the District, the cost shall be determined by the employee in charge of business affairs of the District. When transcripts are provided by an independent contractor, the cost will be established by the independent contractor.
- 1.4 Decision of the Hearing Authority - The written decision of the Hearing Authority shall state the findings as to the validity of the charges upon which the disciplinary action is being recommended. The decision also shall state the action to be imposed. The action imposed shall not be more severe than that imposed or recommended by the Chancellor unless the employee is given notice of the intention to impose more severe action and a continuance for five (5) working days. Such notice may be given verbally at the hearing and the continuance may be waived by the employee.

- 1.4.1 Board Determination - If the hearing is not before the full Board, written findings and recommendations shall be submitted by the Hearing Authority to the full Board for its approval. If the Board accepts such findings and conclusions, it need not review the record of the hearing; if it declines to accept such findings and conclusions, it must review the record or provide for an additional opportunity to be heard, after which it may adopt the findings and conclusions made by the Hearing Authority, or make its own findings and conclusions.
- 1.4.2 Effective Date - Unless the decision provides otherwise, it shall be effective immediately.
- 1.4.3 Notice of Decision - A copy of the decision, including notice of its effective date, shall be mailed promptly to the employee or the employee's representative by certified mail.
- 1.4.4 Finality of Decision - There shall be no administrative appeal available to an employee other than as described in this policy.

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(Formerly P-6634)

LRCCD

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