

POLICY

SOMERSET COUNTY BOARD OF EDUCATION

Date Submitted: May 27, 1980 Date Reviewed: March 30, 1982 January 19, 1999 February 21, 2006 October 21, 2008	Number: 100-11
Subject: Suspension or Dismissal Hearings	Date Approved: June 15, 1980, March 21, 2006 November 18, 2008 Date Revised: February 16, 1999 February 21, 2006 September 16, 2008 Date Effective: July 1, 1999, March 21, 2006 November 18, 2008

1. PURPOSE

To establish policies and procedures used to govern hearings involving dismissal of tenured employees.

2. ROLES

A. Presiding Officer

- (1) The Chairman of the Board, and in his absence, the Vice Chairman of the Board, and in the absence of both, a member of the Board designated by the Chairman shall sit as the Presiding Officer.
- (2) The Presiding Officer shall conduct the hearing in accordance with these rules, and shall, on behalf of the Board and with the assistance of counsel:
 - (1) Generally preside over the hearing.
 - (2) Make all rulings on the reception of evidence.
 - (3) Recess or adjourn the hearings.

B. Notice of Superintendent's Recommendation and Right to a Hearing

Any employee who is recommended for suspension or dismissal has a right to a hearing. If an employee requests a hearing, the Board will schedule that hearing. He/she shall be provided written notice in sufficient detail of the grounds for such recommendation ten (10) days prior to the hearing, fairly enabling him/her to prepare his/her defense. He/she shall also be provided with a copy of the procedures governing suspension and dismissal hearings.

3. HEARING

A. Conduct of the Hearing

- (1) The employee or employees whose suspension or dismissal is recommended shall have the right of assistance of private counsel of his/her own choosing. If any such employee shall have more than one counsel, the counsel shall agree upon one of them who shall participate on behalf of the employee.

If the employee has counsel, then his/her evidence and argument, other than his/her own testimony, shall be presented by his/her counsel. The Superintendent may also have the assistance of counsel, who shall present the case on behalf of the Superintendent. The Board shall have counsel available at the proceeding and may recess the hearing from time to time in order to consult with the counsel.

- (2) If any such employee shall have more than one counsel, the following rule shall be applicable: only one of such counsel may question a given witness, only one of such counsel shall summarize the evidence and present argument, and only one of such counsel shall be responsible for making all objections and motions during the course of the hearing; provided, that the above functions may be divided among such counsel. Cost of copies of the transcript or any part thereof, shall be paid by either party to the hearings requesting such copy.
- (3) The Presiding Officer shall open the hearing by stating the recommendation of the Superintendent as the same has been communicated to the Board.
- (4) The Superintendent shall then present to the Board such facts upon which his/her recommendation is based by such witnesses, documents and other evidence as he/she may choose, subject to the provisions of paragraph 4 hereof.
- (5) The employee may question any witnesses and may examine any documents or other evidence presented to support the Superintendent's recommendation.
- (6) The employee may, upon conclusion of the evidence offered to support the Superintendent's recommendation, present such witnesses, documents, or other evidence as he/she may choose in his/her behalf, subject to the provisions of paragraph 4 hereof.
- (7) The Superintendent may question any witnesses and may examine any documents or other evidence presented on behalf of the employee.
- (8) Upon the conclusion of the case presented by the employee, the Superintendent may present rebuttal evidence, subject to questioning and examination by the employee; and the employee may then present evidence, subject to questioning and examination by the Superintendent.
- (9) The members of the Board may examine any or all evidence in the proceedings, and may question any witness following the questioning by the Superintendent and the employees.
- (10) Upon the conclusion of all the evidence, the Superintendent and the employee shall have the right to summarize the evidence and present argument, provided, however, the Presiding Officer may set reasonable limits on the time for such summary and argument.
- (11) The Board may add such witness upon its own motion it may desire.

B. Reception of Evidence

- (1) 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.

- (2) The Presiding Officer may limit or refuse to admit cumulative or repetitive evidence, and may curtail redundant questioning. He may encourage (but shall in no event coerce) the parties, where possible, to make proffers stipulations in place of cumulative evidence.
- (3) All testimony shall be given under oath.

C. Decision and Order

Each decision and order of the 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. -Hearings shall not be open to the public and no information shall be released to the public except as required by law. (e.g., request for revocation of certification.)