

LOS ANGELES COMMUNITY COLLEGES
OFFICE OF THE CHANCELLOR
ADMINISTRATIVE REGULATIONS

INDEX NUMBER B-29

REFERENCE: Board Rule 71400.40	TOPIC: Hearing Procedures For Proceedings for Debarment, Revocation of Prequalification or Finding of Nonresponsibility
ISSUE DATE: November 19, 2009	INITIATED BY: Office of General Counsel
CHANGES:	DATE OF CHANGES:

The following procedures are established pursuant to Board Rule 71400.40. These procedures may be adjusted by the hearing officer or committee as deemed appropriate for the particular case.

1. Designation of Hearing Committee or Hearing Officer

- a. District staff will make a recommendation to the President of the Board regarding the appropriate hearing officer or Board committee, depending on the particular case.
- b. If the hearing is a meeting of the Board of Trustees' committee, it is required to be conducted in a public session pursuant to the Ralph M. Brown Act.

2. Presentation

- a. Each side will be allocated equal time for presentation ("Presentation Time"). The General Counsel or designee will be responsible for determining the appropriate time for any particular case, and will be responsible for providing appropriate notice.
- b. Each side may make an opening statement, which will be deducted from its Presentation Time.
- c. Since the proceedings are administrative, evidentiary objections will be limited to relevance. Objections to evidence such as hearsay and lack of foundation will be reserved for a closing statement, and will go to the weight of the evidence, rather than its admissibility.

- d. Once each side has made its full presentation, if it has Presentation Time remaining, up to five minutes may be used for a closing statement.
- e. The Hearing Committee members or Hearing Officer will be entitled to ask questions of witnesses, and after each side's closing statements. However, time spent asking and answering questions put forward by the Hearing Committee members or Hearing Officer will not be deducted from each side's Presentation Time.

3. Testimony and exhibits

- a. A court reporter will record the proceedings. Transcripts may be made available to anyone upon request, at the expense of the requesting party.
- b. The court reporter will swear in all witnesses.
- c. If one side seeks to cross-examine a witness, the time spent on cross-examination will be deducted from its Presentation Time.
- d. Each side should be prepared with its exhibits pre-marked, and supply 12 copies. The District staff will use sequential letters, and the respondent will use sequential numbers. Exhibits will be included in the court reporter's transcript as part of the official record.

4. Decision

- a. At the conclusion of the presentations, if the matter is being heard by a Hearing Committee, the Hearing Committee will deliberate in public session regarding its recommendation to the Board of Trustees. The Hearing Committee will then direct staff to prepare a draft of a written recommendation, and designate which member of the Hearing Committee will review the draft for finalization. If the matter is being heard by a Hearing Officer, the Hearing Officer will direct staff in the preparation of a recommended decision.
- b. The final recommendation will be presented to the full Board of Trustees for approval or disapproval promptly upon completion of the written recommendation.