

BROOKDALE COMMUNITY COLLEGE

BOARD POLICY

1.5141

I. Title of Policy

Procedural Rules for Hearings

II. Objective of Policy

To establish ~~an outline for~~ rules for hearings before the Board of Trustees.

III. Authority

Higher Education Restructuring Act of 1994, Section 6(f); [Board Bylaws 1.5060 Meetings in General, and 1.5140 Appearances and Hearings before the Board](#)

IV. Policy Statement

The Higher Education Restructuring Act of 1994 grants to each public institution of higher education final authority to determine controversies and disputes concerning tenure, personnel matters, and other issues arising under title 18A of the New Jersey Statutes.

To implement this authority, rules for conduct of such hearings ~~have been~~ ~~must be~~ established and ~~must~~ conform to the "Administrative Procedures Act," P.L. 1968, c. 410 (c.52:14B-1 et seq.); ~~applicable sections of the collective bargaining unit agreements, and/or employee handbook for non-represented employees, and Board Policy 6.3000 Student Conduct.~~

~~The President shall, therefore, implement rules for hearings before the Board of Trustees and such rules must address the following issues:~~

- ~~A. — Commencement of proceedings;~~
- ~~B. — Limitation periods;~~
- ~~C. — Contents of petitions;~~
- ~~D. — Contents of tenure charges;~~
- ~~E. — Election of remedies;~~
- ~~F. — Service of petition and tenure charges;~~
- ~~G. — Responsible pleadings;~~

- H. — Intervention;
- I. — Jurisdiction;
- J. — Standard of review and burden of proof;
- K. — Hearing panel and hearing officer;
- L. — Transmittal to Office of Administrative Law;
- M. — Hearing by Board, quorum, voting eligibility;
- N. — Public and private proceedings;
- O. — Subpoenas;
- P. — Applicability of Rules of Office of Administrative Law;
- Q. — Emergent relief;
- R. — Prehearing conferences and settlement conferences;
- S. — Transcription of proceedings.

The public has the right to speak at a public meeting of the Board; speakers will be treated consistently as to time to comment and manner of comment. How much time is allowed for each speaker, the timing of the comment within the meeting's framework, and determination of whether comments are permitted at a particular meeting, are all within the discretion of the Chair of the Board.

Any individual or group may petition the Board for a Hearing before the Board, the applicant for such a hearing shall file with the Administrative Assistant to the Board a written request, together with the question or topic for discussion or presentation, at least 48 hours prior to the scheduled Meeting and/or Hearing.

Comment [LH1]:
Board Bylaws Code of Ethics adopted Nov 2013

V. Responsibility for Implementation

Board of Trustees

Approved: Board of Trustees
6/29/95

Proposed Revision: January 2014