

1 The Transylvania County Board of Education (the “board”) is guided by generally accepted
2 standards of fairness in establishing processes for hearings before the board. Given the board’s
3 considerable responsibilities for overseeing the educational program and operations of the
4 schools, the board also strives to be efficient in carrying out its various functions, including
5 conducting hearings.

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7 Unless other hearing processes are required by law or board policy, the following procedures
8 will apply in board hearings. The board reserves the right to modify the procedures described in
9 this policy as necessary in any particular hearing in order to be fair and efficient, in order to meet
10 legal requirements or for any other reason the board deems sufficient.

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12 1. A hearing will be open to the public unless a closed session is permitted by law.

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14 It is the express policy of the State and this board to make hearings open to the public
15 except for certain purposes specified in the Open Meetings Law.

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17 Grievance appeals pursuant to policies 1740/4010, Student and Parent Grievance
18 Procedure, and 1750/7220, Grievance Procedure for Employees, typically will be heard
19 in closed sessions in order to prevent the disclosure of confidential information. Closed
20 sessions will be conducted in accordance with policy 2320, Compliance with the Open
21 Meetings Law.

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23 The board will consider requests made by a parent, student, or employee to conduct a
24 hearing in open session that is permitted by law to be held in closed session. However,
25 the board will make the final determination of whether a hearing will be held in open or
26 closed session.

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28 2. The superintendent is responsible for providing sufficient notice of the time and place
29 that a hearing will be held and the nature of the hearing that will be available.

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31 In order to resolve complaints expeditiously, board hearings will be scheduled as
32 promptly as possible and notice given to the parties. The superintendent should provide
33 as much notice as is feasible given the particular circumstances. The superintendent shall
34 provide a copy of this policy and, when possible, specify time limitations on the oral
35 presentation if different from what is provided in number 5 of this policy.

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37 3. Individual hearings will be held unless the board determines that a group hearing would
38 be a more effective process for hearing and addressing the matter.

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40 When two or more individuals share the same or a similar concern or are involved in the
41 same matter to be heard by the board, the board may consider whether to conduct a group
42 hearing. The board may consider factors such as generally accepted standards of
43 fairness, the need for efficiency, and the ability to prevent the disclosure of confidential

44 information. The board will consider requests for group or individual hearings and will
45 make the final determination.

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47 4. Unless otherwise required by law, the board may designate a panel of two or more board
48 members to hear and act on behalf of the board.

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50 The superintendent shall confer with the chairperson of the board to determine whether
51 the full board or a panel of the board will conduct a hearing. The board also may
52 establish a panel to hear certain types of appeals, such as student grievances.

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54 5. All parties involved in the hearing may submit written position statements and will be
55 given the opportunity for a limited oral presentation.

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57 Written statements may be submitted at the hearing or in advance of the hearing unless
58 otherwise specified. All parties will be given the opportunity to address the board orally
59 as well. The board may establish time limitations for oral presentations for different
60 types of hearings or may set the time limitation for a particular hearing. Unless a
61 different time frame is established in the notice, in applicable board policies, or at the
62 hearing, each party will be offered 15 minutes to present his or her position to the board.

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64 6. The board may limit oral presentation to be made by the parties themselves; other
65 witnesses may be excluded.

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67 The board believes that in most instances, permitting the parties to speak before the board
68 enables a fair presentation of the parties' positions. The board may designate types of
69 hearings in which parties may or may not be represented by legal counsel. Any
70 individual intending to be represented by legal counsel must notify the superintendent in
71 advance of the hearing so that there will be an opportunity to clarify whether legal
72 counsel may be used and to provide the superintendent and board the opportunity to be
73 represented by legal counsel. If necessary, the meeting may be rescheduled to enable the
74 board and/or superintendent to secure legal counsel for the hearing.

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76 7. Legal rules of evidence do not apply to information considered by the board.

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78 The board may consider any information that a reasonably prudent person would consider
79 in conducting the serious affairs of a business.

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81 8. In reviewing any appeal of a decision of school personnel, the board will determine
82 whether the administrative record as a whole provides sufficient evidence to justify the
83 decision of the superintendent. New evidence will not be permitted unless necessary to
84 prevent a threat of substantial unfairness.

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86 The board will review the administrative record, including any administrative
87 proceedings, and will provide an opportunity for the superintendent and the party

88 contesting the decision to make a limited oral presentation of their positions. The
89 submission of documentary evidence and presentation of additional witnesses will be
90 allowed at the discretion of the board.

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92 9. The superintendent is responsible for making a record of the hearing.

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94 The superintendent shall make any record required by law. At a minimum, the board
95 record will incorporate the administrative record provided to the board for review and
96 any written documents submitted by the parties. The record also will provide the
97 decision of the board and the basis for the decision when such information is required or
98 specified in law or board policy.

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100 Legal References: G.S. 115C-45(c); 143-318.11

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102 Cross References: **Discrimination and Harassment Prohibited by Federal Law (policy**
103 **1710/4020/7230)**, **Title IX Sexual Harassment Grievance Process (policy**
104 **1726/4036/7237)**~~Discrimination, Harassment, and Bullying Complaint Procedure (policy~~
105 ~~1720/4015/7225)~~, Student and Parent Grievance Procedure (policy 1740/4010), Grievance
106 Procedure for Employees (policy 1750/7220), **Remote Participation in Board Meetings (policy**
107 **2302)**, Compliance with the Open Meetings Law (policy 2320), Long-Term Suspension, 365-
108 Day Suspension, Expulsion (policy 4353), Requests for Readmission of Students Suspended for
109 365 Days or Expelled (policy 4362), Teacher Contracts (policy 7410) School Administrator
110 Contracts (policy 7425), Classified Personnel: Suspension and Dismissal (policy 7940)

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112 Adopted: October 19, 2015

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114 Revised: [DATE]