

### **DMAA (Legal) Hearing Procedures**

On May 26, 2022, The Tarrant County College District approved the following procedures to be utilized in DMAA (Legal) hearings conducted by the Board:

- 1) The hearing is to be tightly focused on the issue at hand: whether the employee's acts and omissions that produced the recommendation for termination constitute good cause to terminate the employee's employment prior to the expiration of his/her employment contract. Evidence and testimony that is not relevant to that issue shall not be permitted.
- 2) Character witnesses and witnesses seeking to testify as to the employee's performance (unless relevant to the recommendation) shall not be permitted.
- 3) The hearing will be held before a quorum of the Board of Trustees and may be conducted as either an open or closed session, at the election of the employee.
- 4) The hearing shall be completed in one (1) day, even if that means the proceedings exceed eight (8) hours in length.
- 5) Interrogatories, requests for disclosure and/or production, depositions and any other pre-hearing discovery shall not be permitted.
- 6) The hearing shall be conducted by a Hearing Officer appointed and paid by TCCD. He or she shall be an attorney licensed in the State of Texas with not less than ten (10) years of experience in civil trial or appellate law.
- 7) Each party shall make opening and closing statements, each not to exceed ten minutes in length. The employee may make a final rebuttal statement, not to exceed five (5) minutes in length.
- 8) Other than attorney-client privilege principles, neither the Texas Rules of Evidence nor the Texas Rules of Civil Procedure shall apply to the hearing proceedings. The Hearing Officer alone shall determine questions of privilege and the relevance of testimony and evidence offered, if disputed by either party. The Hearing Officer will determine any questions of appropriate procedure or issues of decorum that arise during the hearing, and in all cases his or her determination shall be final.

- 9) The Hearing Officer does not have subpoena power, but TCCD shall require current employees to appear at the hearing if approved by the Hearing Officer.
- 10) Each party may call up to five (5) witnesses.
- 11) Each witness may be examined for up to thirty (30) minutes and may be cross-examined for up to thirty (30) minutes, including any re-direct or re-cross questioning. For example, If Party A's examination of a witness lasted fifteen (15) minutes, and Party B's cross-examination of that witness lasted thirty (30) minutes, Party A may conduct re-direct questioning for up to (15) minutes, but Party B may not re-cross that witness.
- 12) If both parties call the same witness, the time limits on testimony shall not be extended.
- 13) Time for the elements of the hearing will be kept by a TCCD employee and will be strictly observed.
- 14) Members of the Board shall be permitted to ask questions of the parties, their counsel, and the Hearing Officer during the hearing.
- 15) The Board of Trustees shall be represented by legal counsel at the pre-hearing conference and at the hearing. That counsel shall not participate in the proceedings. but the Board of Trustees may adjourn the proceedings briefly, from time to time, to consult with their counsel. Counsel for the Board of Trustees shall not also serve as counsel for TCCD during the pre-hearing conference or the hearing.
- 16) Legal counsel for the parties shall be permitted to provide opening, closing and rebuttal statements and examine and cross examine witnesses.
- 17) The Hearing Officer will conduct a pre-hearing conference to determine the relevance of the witnesses and testimony to be offered, and the decision of the Hearing Officer, both at the pre- hearing conference and at the hearing, shall be final.
- 18) Not less than five (5) business days prior to the pre-hearing conference, the parties shall submit to the Hearing Officer for approval, and exchange with each other, in writing, the names of their respective proposed witnesses and any documentation they propose to submit for the Board's consideration at the hearing.

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- 19) The hearing shall be conducted at a place and time of TCCD's choosing; provided, however, the employee shall be given adequate time prior to the hearing to prepare his or her presentation to the Board of Trustees.
- 20) An audio recording shall be made of the hearing. Upon request and without charge, the employee will be provided a copy of the recording.
- 21) Upon completion of the hearing proceedings, the Board of Trustees shall confer privately. Counsel for the Board of Trustees may consult with the Board of Trustees during their deliberations.
- 22) Thereafter, the Board of Trustees shall render a written decision as to whether good cause exists to terminate the employee's employment contract. A copy of this decision shall be given to each party.
- 23) The decision of the Board of Trustees is final.

DATE REVIEWED: 05/26/2022

DMAA(REGULATION)