

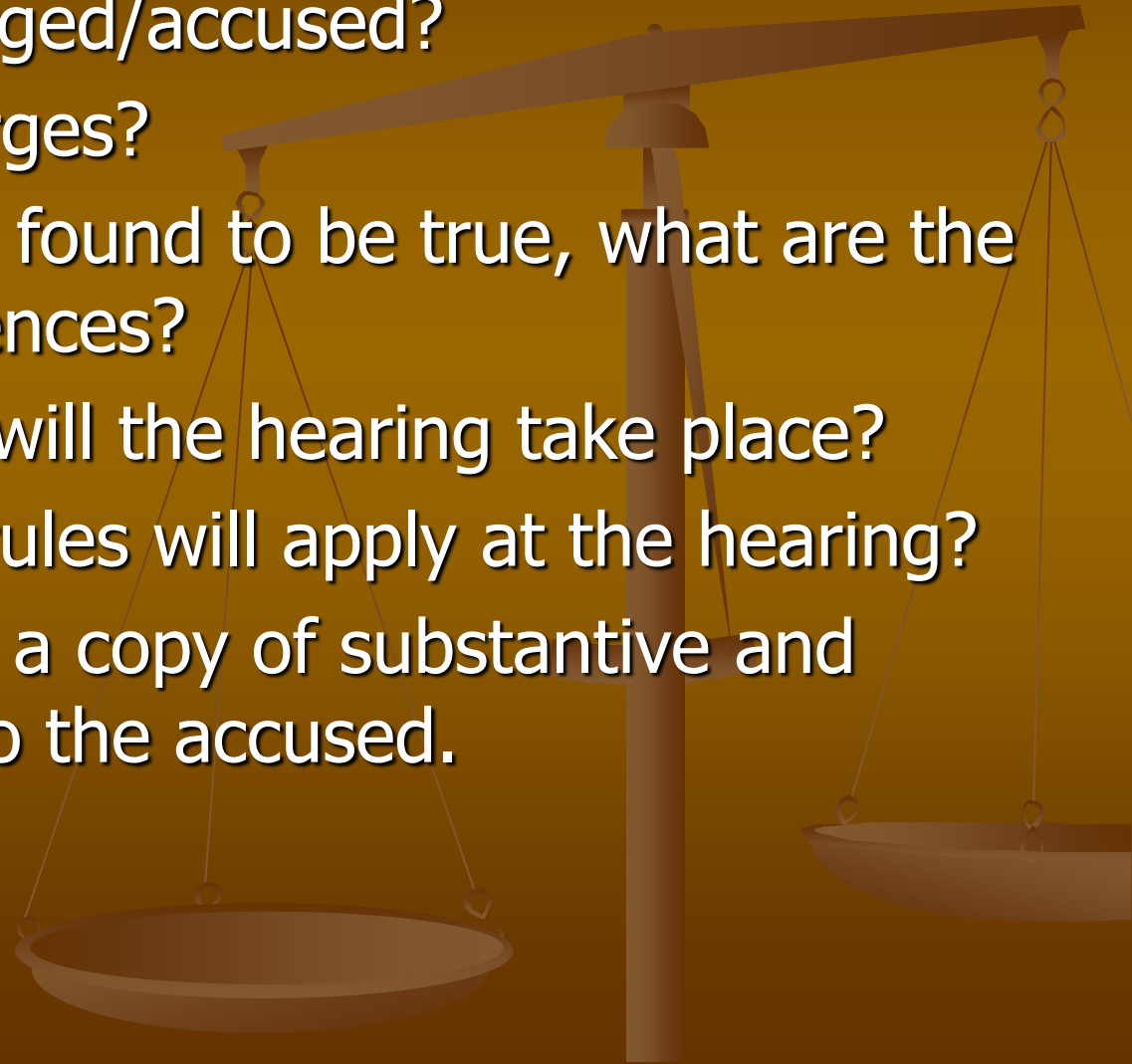
How to Properly Run a Disciplinary Hearing

Presented by Dave Laraba

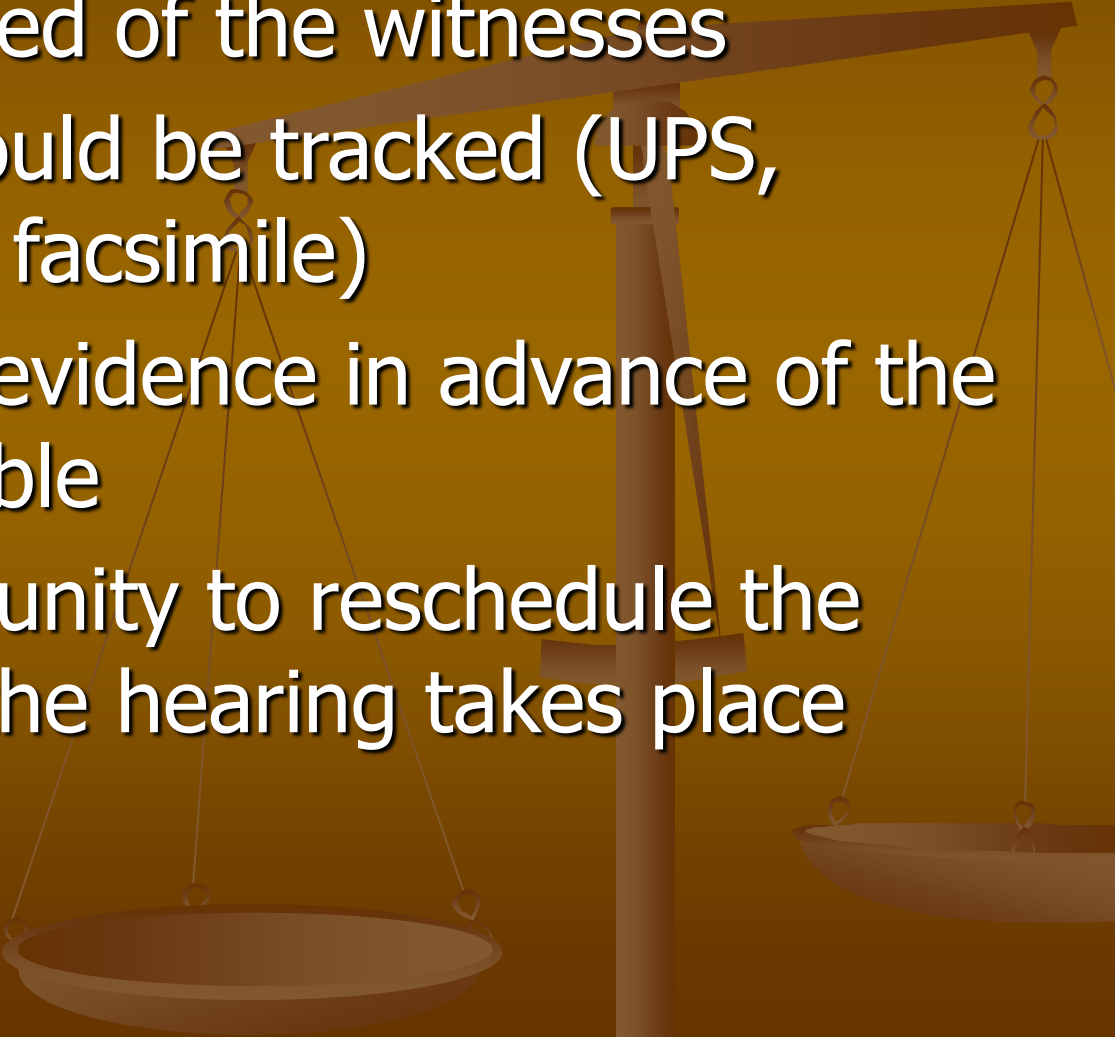


The Notice Letter

- Who is being charged/accused?
- What are the charges?
- If the charges are found to be true, what are the possible consequences?
- When and where will the hearing take place?
- What procedural rules will apply at the hearing?
- May want to send a copy of substantive and procedural rules to the accused.



The Notice Letter Cont.

- Notify the accused of the witnesses
 - Notice letter should be tracked (UPS, Certified Mail or facsimile)
 - Provide written evidence in advance of the hearing if available
 - Give one opportunity to reschedule the hearing before the hearing takes place
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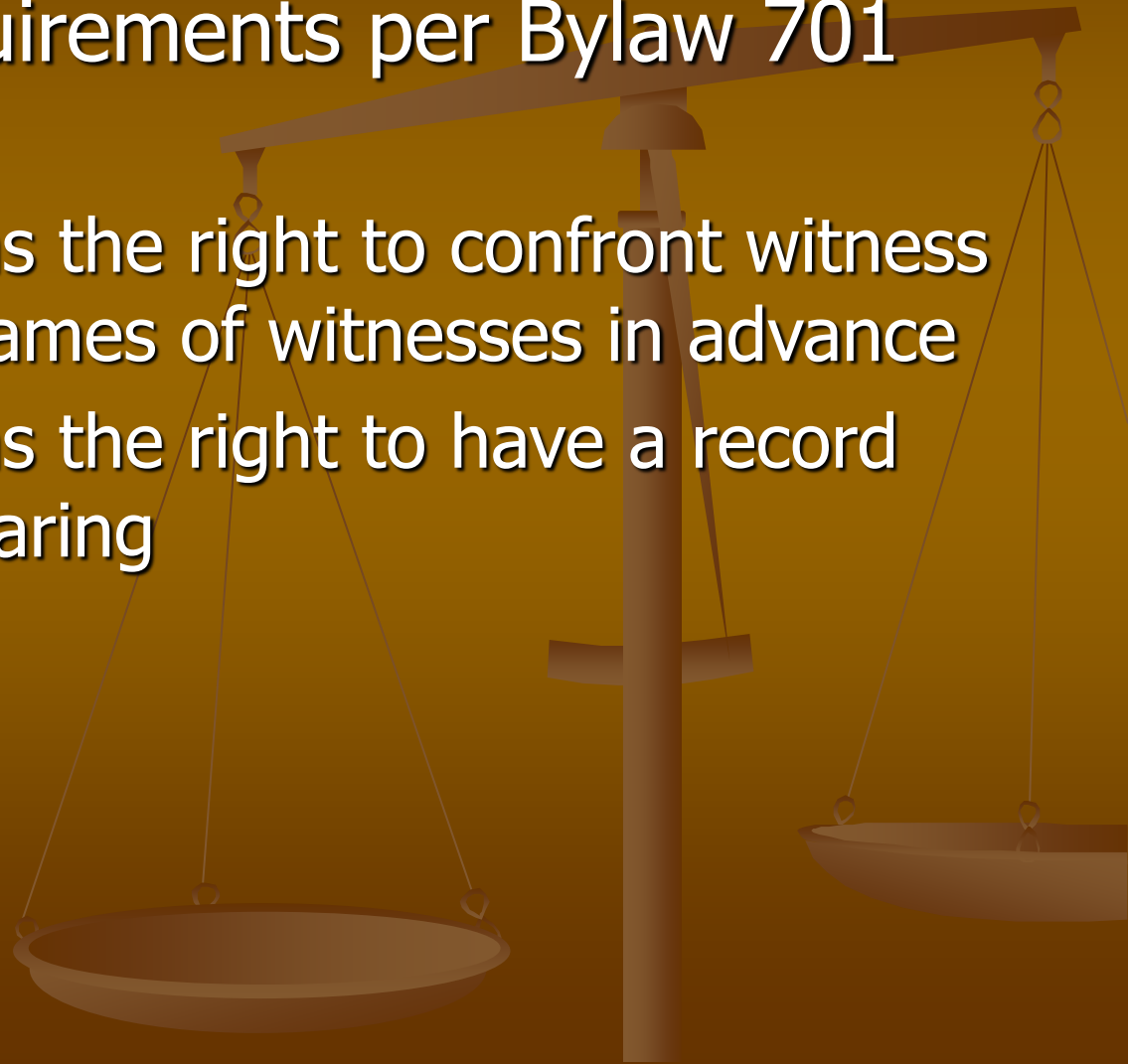
The Hearing



- Time to receive evidence and hear testimony
 - There should be a formal offering of evidence or notation that the hearing panel has received evidence into the record
- Opportunity for accused to present defense
- Procedural Requirements per Bylaw 701
 - Hearing panel must be disinterested and impartial
 - The accused may be assisted (Policy 701-1)
 - The accused may call witnesses and present evidence

The Hearing Cont.

- Procedural Requirements per Bylaw 701 cont.
 - The accused has the right to confront witness and have the names of witnesses in advance
 - The accused has the right to have a record made of the hearing



The Decision

- A written decision is required by Bylaw 701
 - The decision must be based solely on the evidence of record
 - The reasons for the decision must be included
 - The written decision should include specific factual findings of the panel
 - Conclusory statements of guilt are insufficient
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