

## CHAPTER 1

### LARAMIE COUNTY COMMUNITY COLLEGE RULE OF PRACTICE FOR CONTESTED CASES

**Section 1. Authority.** This rule is promulgated pursuant to the Wyoming Administrative Procedures Act; W.S. § 16-3-101 *et. seq.* as amended.

**Section 2. Definitions.** As used in this rule:

- a. "Hearing Officer" shall mean an independent person or entity chosen by Laramie County Community College through the President or the President's designee to conduct a hearing.
- b. "Party" shall mean the Petitioner, Laramie County Community College, and any other individual or entity properly admitted as a party to the proceedings.
- c. "Petitioner" shall mean individual, who has initiated and requested the contested case hearing.
- d. "Respondent" is the individual or entity against whom the contested case action has been brought, i.e., Laramie County Community College.

**Section 3. Applicability.** Any Petitioner whose rights allow for a contested case hearing and who has exhausted all applicable primary appeal processes may petition for a contested case.

#### Section 4. Commencement of Contested Case

A contested case is commenced by the filing of a written request to the Board Secretary at the address of Laramie County Community College. Petitioner shall have seven (7) business days from the date the notice of board action is sent to file a written request for a contested case. The written request shall be provided to the Board Secretary no later than midnight on the seventh (7<sup>th</sup>) business day. Failure to timely file a written request for a contested case shall result in the matter being dismissed. The written statement in support of a contested case shall include:

- 1) The name, mailing address and phone number of the Petitioner and the Petitioner's legal representative, if any;
- 2) A concise statement of the facts, issues and objections in relation to the action taken by the Laramie County Community College;
- 3) A concise statement as to the relief desired;
- 4) A reference to any applicable statute, rule, policy or procedure, if known.

#### Section 5. Contested Case Procedure

When a Petitioner has properly and timely requested a contested case hearing, Laramie County Community College shall then promptly notify the Hearing Officer. The Hearing Officer shall then continue the contested case proceedings, including all pre-hearing actions, and the hearing itself, in accordance with the Wyoming Administrative Procedure Act. The Hearing Officer

may also issue subpoenas in accordance with W.S. §16-2-107(d). The contested case hearing shall occur within sixty (60) days of the date the contested case is presented by Petitioner, unless the Petitioner and Respondent stipulate to a later date for the contested case hearing to occur. Laramie County Community College will designate one (1) or more members of the Board of Trustees, an employee of Laramie County Community College, or an employee of another agency to act as the Hearing Officer. The Hearing Officer will issue a written order which shall include a recommended decision and conclusions of law, and a recommended decision or order based upon a written record, except as provided for by law.

The Hearing Officer's written order shall be provided to all parties and to the Board of Trustees. Each party shall have ten (10) business days within which to file exceptions to the recommended Order. The exceptions shall be provided to the Board Secretary at the Laramie County Community College by 5:00 p.m. on the tenth (10<sup>th</sup>) business day. The exceptions shall be made a part of the record. Any Trustee who has reviewed the record, including the transcript, may vote on the matter whether or not the Trustee was present at the hearing. The Board will take action on the recommendation of the Hearing Officer based upon the written record, except as provided for by law, and will issue written findings of fact, conclusions of law, and a decision or order. The Board's decision or order shall be mailed to all parties or to any party's counsel of record. The Board's written order shall be the final agency order.

**Section 6. Costs of Contested Case.** Laramie County Community College shall bear the expense of the hearing officer. All parties shall bear their own expenses associated with the hearing. Respondent will ensure that the proceeding is recorded, either by a court reporter, or by other appropriate means. No transcript will be prepared unless ordered and payment by the party requesting the transcript.

**Section 7. Appeal.** Any appeal from the Board of Trustees' written order shall be taken in accordance with the Wyoming Administrative Procedures Act, W.S. §16-2-301, et seq. as amended.

ADOPTED this 27<sup>th</sup> day of May, 2014.

LARAMIE COUNTY COMMUNITY COLLEGE  
BOARD OF TRUSTEES, CHEYENNE, WYOMING

*Carol Merrill*

CHAIRWOMAN

ATTEST:

*Vicki Boreing*  
Vicki Boreing, Board Recording Secretary