

# **Rules and Regulations Pertaining to the Governance of the Northwest College Board of Trustees**

*July 2004  
Amended January 2007  
Amended September 2007  
Amended July 2009  
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## **CHAPTER I. *Introduction***

### **Section 1. Rules and Regulations**

These Rules and Regulations, as created in December 2003, are based upon the rules and regulations of Northwest Community College as established on April 11, 1983, and revised January 1986 and August 1992.

### **Section 2. Statutory Reference**

Northwest College has been created under the auspices of Article III, Community College Districts of State of Wyoming [\[WS 21-18-301\]](#). Formation of the College's district is also established by the Wyoming Community College Commission Rules, Policies and Procedures.

### **Section 3. Organization**

The UW Northwest Center, the first satellite branch of the University of Wyoming, opened Sept. 10, 1946, in the Powell High School building. In 1953, the Northwest Community College District was created, as provided by Chapter 146, Wyoming Session Laws of 1951. It became an autonomous institution that year, independent of both the university and the local school. The new college district's boundaries copied that of the Powell school district. Its first Board members were elected on May 12, 1953. On Jan. 30, 1968, Park County voters outside the Powell school district approved expansion of the college district to include all of Park County.

### **Section 4. Name**

The legal name of the college is "Northwest Community College District, State of Wyoming" [\[WS 21-18-301\]](#). In 1989, the College's Board of Trustees officially designated "Northwest College" as the name of the operating unit of the District.

### **Section 5. Purpose**

The purpose of the Northwest College Board of Trustees shall be to govern the College within the parameters of State of Wyoming Statute and to the benefit of the College District citizenry.

**Section 6. Objective**

The objective of the Northwest College Board of Trustees shall be to assure that the College accomplishes its vision and mission.

**Section 7. Powers of the Board of Trustees**

The Board has full powers of organization and governance of Northwest College, subject to such control as provided for by Wyoming State Statute and the Wyoming Community College Commission.

**Section 8. Northwest College District and Service Area**

The College District, which operates Northwest College located at Powell, Wyoming, is a legally defined area including all of Park County. Northwest College's service area includes the Wyoming counties of Park, Big Horn and Washakie as stated in Wyoming Community College Commission Rules, Policies and Procedures.

## **CHAPTER II.** ***Board membership***

### **Section 1. Qualification**

A candidate for the Northwest College Board of Trustees must be a resident elector of the College District and be a resident of the subdistrict as described in Section 2. Election.

### **Section 2. Election**

Election of Northwest College Board members shall be in accordance with Wyoming State Statute. Equitable representation on the Board shall be ensured by the College District's division into three subdistricts. Three members of the Board are elected from subdistrict "A" which includes that area situated in School District #1; three members from subdistrict "B" which includes that area contained in School District #6; and one member from subdistrict "C" which includes that area contained in School District #16.

### **Section 3. Oath of Office**

Each person elected or appointed as a member of the Board of Trustees shall file with the Vice President/Secretary of the Board of Trustees an Oath of Office which is as follows:

"I, [state your name], do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the constitution of the state of Wyoming; that I have not knowingly violated any law related to my election or appointment, or caused it to be done by others; and that I will discharge the duties of my office with fidelity."

### **Section 4. Term of Office**

Members of the Board of Trustees are elected by the voters of the College District. The number of members of the Board of Trustees shall be seven. The term of office of each elected member is four years.

### **Section 5. Vacancies**

A vacancy on the Board because of death, resignation, removal, disqualification or otherwise may be filled by the Board for the unexpired portion of the term [[WS 22-18-111\(b\)](#)].

### **Section 6. Compensation, Reimbursement and Insurance**

No members of the Board of Trustees shall receive compensation for services rendered as such, but shall be entitled to receive reimbursement for reasonable expenses. Members of the Board of Trustees may be insured with appropriate liability insurance as determined by the Board.

### **Section 7. Restriction of Individual Authority**

Legal authority is vested in the Board of Trustees and may be exercised only by formal action of the Board taken in regular and special meetings. No individual member of the Board may act on behalf of the Board unless specifically instructed by action of the Board. Every member of the Board shall be under obligation to honor the decision of the majority.

**Section 8. Conflicts of Interest**

a. General Issues

No member of the Board of Trustees shall receive any compensation or remuneration or derive any profit or gain by reason of Board membership or by reason of services to the College District. In addition, Board members in compliance with [WS 6-5-118](#) must sign a disclosure of intent statement as it pertains to College investments.

b. Federal Communication Commission

Any member of the Board of Trustees having an attributable interest as defined by the Federal Communications Commission in another radio station, or construction permit for a radio station, if the principal community contour of such station would overlap, in whole or in part, the principal community contour of the Northwest College noncommercial radio station, shall not participate in any decisions or actions of the Board of Trustees regarding any aspect of or affecting the Northwest College non-commercial FM radio station while that person holds the attributable interest.

## **CHAPTER III.** *Officers*

### **Section 1. Officers**

Officers of the Northwest College Board of Trustees are a President, a Vice President/Secretary, and a Treasurer, each of whom is elected by the Board of Trustees.

### **Section 2. Election and Term of Office**

The Officers of the Board of Trustees shall be elected annually by the Board at the December meeting. Each Officer shall hold office until a successor shall have been duly elected and qualified or until death or until resignation or shall have been removed in the manner hereinafter provided.

### **Section 3. Removal**

Any officer appointed by the Board of Trustees may be removed by the Board by a vote of a majority of the members for non-attendance or non-performance of duties, or when it is in the best interest of the Board to do so.

### **Section 4. Vacancies of Officers**

A vacancy occurring in one of the officer positions shall be filled by the affirmative vote of a majority of the members of the Board of Trustees. A member thus appointed to fill a vacancy shall be appointed for the unexpired term of the predecessor in that officer position.

### **Section 5. Board President**

The President of the Board of Trustees shall be the principal executive officer of the Board and, subject to the control of the Board, shall in general supervise and control all of the business and affairs of the College District. He/she shall, when present, preside at all meetings of the Board.

He/she may sign, with the Vice President/Secretary or any other proper officer of the Board hereunto authorized by the Board, any deeds, mortgages, general obligation bonds, revenue bonds, contracts, or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these Bylaws to some other officer or agent of the Board or of the College District, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the Office of President and such other duties as may be prescribed by the Board from time to time. The President shall preside at all meetings of the Board. In the President's absence, the presiding officer will be Vice President/Secretary, and Treasurer, in that order.

### **Section 6. The Vice President/Secretary**

The Vice President/Secretary shall ensure that minutes and proceedings of the Board meetings are kept in one or more books provided for that purpose, and that all notices are duly given in accordance with the provisions of these Bylaws or as required by law, and in general perform all duties incident to the Office of Vice President/Secretary and such other duties as from time to time may be assigned to him/her by the President of the Board or by the Board of Trustees.

**Section 7. The Treasurer**

The Treasurer shall give a bond for the faithful discharge of his duties in such penalty and such surety of sureties as the Board of Trustees shall determine. He/she shall have charge and custody of and be responsible for all funds of the College District and shall disburse or cause the disbursement of all funds on the order of the Board of Trustees; receive and give receipts for monies due and payable to the District from any source whatsoever; deposit all such monies in the name of the District in such banks, trust companies, or other depositories as shall be selected in accordance with the provisions of these Bylaws; sign all general obligation bonds and coupons attached thereto; and in general perform all the duties incident to the Office of the Treasurer and such other duties as from time to time may be assigned to him by the President of the Board of Trustees or by the Board of Trustees.

## **Chapter IV.**

### ***Board Code of Ethics and Conduct***

#### **Section 1. Responsibilities**

The Board of Trustees shall adhere to the following code of ethics and conduct:

Governing Board members are-responsible to:

- a. devote time, thought, and study to the duties and responsibilities of a community college Board member so that they may render effective and creditable service;
- b. represent the Board appropriately in public as an elected official;
- c. bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the community college is to be administered;
- d. work with fellow Board members in a spirit of harmony, cooperation, and respect in spite of differences of opinion that arise during vigorous debate;
- e. base decisions upon all available facts in each situation; vote their honest conviction in every case, with careful thought and consideration unswayed by partisan bias of any kind; and abide by and uphold the final majority decision to the Board. Board members are encouraged to speak with one voice following a decision of the Board;
- f. understand that trustees have no authority as individuals but must act with the Board as a whole; give direction to the College President as a Board, not as individuals; and conduct relationships with community college staff, local citizenry, and media on this basis;
- g. avoid using the trustee position to promote personal, business or professional interest and avoid seeking special privileges or private gain apart from the total interest of the community college district;
- h. as a point of courtesy, attempt to notify the Board President and College President prior to addressing sensitive topics in a public meeting;
- i. follow federal, state and College laws, rules, regulations and policies;
- j. focus on the future and set aside past events;
- k. rely on the Board President and College President as the official College spokespersons to the media for the Board.

#### **Section 2. Enforcement**

- a. A member of the Board of Trustees who reasonably believes that a Trustee has violated the Board Code of Ethics and Conduct, a policy, rule, regulation, or law shall report the violation to the Board President. The Board President shall work with the alleged offender to resolve the issue informally if possible. If the alleged offender is the Board President, the violation shall be reported to the Board Vice-President.

- b. If informal resolution is not possible, the Board President shall request the matter be investigated by the College's Dispute Resolution Officer or a duly qualified unbiased third party and brought before the Board for an informal hearing.

The alleged offender shall be given advance notice of at least 10 working days of the time, place, and date of the informal hearing. The notice shall state the factual basis for the alleged violation and identify the provision of the Board Code of Ethics and Conduct, policy, rule, regulation, or law allegedly violated.

Unless the alleged offender requests a public meeting, the matter shall be heard in executive session pursuant to the Wyoming Public Meetings Act (WS 16-4-601).

- c. The remaining Trustees shall, by vote, determine whether a violation occurred. If the Board determines a violation occurred, the Board shall determine appropriate sanctions. Sanctions may include public censure and suspension of travel.
- d. If the alleged violation is believed to be a violation of the law including the Ethics and Disclosure Act (WS 9-13-101), the matter shall be turned over to the county attorney or appropriate enforcement agency.

In the event of a violation of the Ethics and Disclosure Act, felony conviction, or otherwise where the law allows, the Board may recommend removal from office, in which case the alleged offender shall be given an opportunity for a hearing before the Board of Trustees in accordance with the College's Rules governing Contested Case Hearings.

## **CHAPTER V.** *Meetings of Board of Trustees*

### **Section 1. Regular Meetings**

Regular monthly meetings of the Northwest College Board of Trustees shall be held without other notice than these Rules and Regulations on the second Monday of each month. All regular meetings are open to the public and the Board will conduct meetings in accordance with the Wyoming Open Meetings Law [[WS 16-4-401-WS 16-4-406](#)].

### **Section 2. Special and Emergency Meetings**

In accordance with the Wyoming Open Meetings Law, special and emergency meetings of the Board of Trustees may be called by the Board's presiding officer.

Special meetings may be called by giving notice of the meeting to each Board member and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at a special meeting.

The Board may hold emergency meetings on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty-eight (48) hours.

### **Section 3. Executive Sessions**

The College Board may hold executive sessions open only to the Board members and other persons as the Board may wish to be present. Executive sessions may be called by the Board's presiding officer or a majority vote of the Board members. Executive sessions shall be held in accordance with the Wyoming Open Meetings Law.

### **Section 4. Open Meetings**

*[adopted 4/13/15]*

The Board of Trustees shall at all times comply with the provisions of the Wyoming Public Meeting Act. The Board of Trustees shall not engage in any communication among themselves or other activity which will derogate the purposes and intent of the Wyoming Open Meeting Act.

To assure compliance with the Wyoming Open Meeting Act, pertinent provisions of the Wyoming Public Meeting Act are adopted and expanded as follows:

#### **Electronic Communications**

No meeting of the Board of Trustees shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously.

#### **Communications Outside of Meeting**

Communications among the Board of Trustees outside a meeting, including, but not limited to, sequential communications among members of the Board, shall not be used to circumvent the purpose of the Wyoming Open Meeting Act. For purposes of complying with this provision, communications among members of the Board by electronic mail, mobile telephonic texting, Skype or other similar forms of electronic communications should be limited as follows:

Non-meeting electronic communications among members of the Board generally should be limited to the following matters:

Matters which pertain to administrative, ministerial or scheduling matters;

Matters which pertain to educational opportunities for members of the Board;

Matters which pertain to studies, trends, statistics or similar information pertaining to public education which may be of benefit to any or all Board members.

To all extent practical, members of the Board should avoid non-meeting electronic communications:

Which involve a matter included as a Board meeting agenda item or included in a report which is presented at any regular or special meeting of the Board. Such items should be reserved for a regular or special meeting;

In which a member of the Board expresses an opinion regarding any matter or subject which may reasonably be expected to be an item of discussion or action during any regular or special meeting of the Board. Such expressions should be reserved for a regular or special meeting.

Any electronic communication between trustees may be subject to the Freedom of Information Act.

### **Section 5. Place of Meetings**

Generally, Board of Trustees meetings will be conducted on the College campus, unless otherwise specified by Board action. A fall semester regular meeting shall be held in Meeteetse and a spring semester meeting shall be held in Cody.

### **Section 6. Quorum**

Four members of the Board of Trustees shall constitute a quorum for transaction of business at any meeting of the Board. Trustees may attend meetings via video or audio conferencing.

### **Section 7. Agenda**

- a. For meetings of the Board of Trustees, agenda items shall generally focus on college governance, policy, and planning.
- b. The agenda shall be prepared by the College President in consultation with the Board President for each Board meeting.
- c. Individual trustees may request appropriate agenda items by submitting an item to the Board President at least two weeks prior to the next regularly scheduled Board meeting.  
Items other than action items may also be added to the agenda by a majority vote of the Board at the beginning of a Board meeting. Emergency action items may be added.
- d. The agenda and sufficient supporting documentation, including a copy of the minutes of the previous meeting, shall be provided to the members of the Board at least three business days before the meeting.

At each meeting, time shall be provided for a Citizens' Open Forum.

**Section 8. Minutes**

The Board of Trustees shall keep minutes of its meetings for recording the official acts of the Board. The minutes shall be open to inspection by any citizen upon reasonable notice and convenience.

**Section 9. Order of Business**

Generally, regular meetings of the Board of Trustees are to be conducted according to Roberts Rules of Order Accepted Order of Business.

**Section 10. Voting Procedure**

Voting shall be by voice unless requested by one or more Board members that a roll call vote or ballot be taken. The official vote shall be recorded to include the person making the motion and resultant public vote. If a vote is not unanimous, the majority prevails. A minimum of three (3) concurring votes is required to decide any motion. The President is a voting member with all the rights and privileges of Board membership.

**Section 11. Meeting Conduct**

The Board of Trustees will generally use a procedure similar to that of Robert's Rules of Order but will not be required to specifically comply with Robert's Rules of Order. For special circumstances and upon the request of any member, the Board will use the most recent edition of Robert's Rules of Order for the conduct of business related to the matter in question.

**Section 12. Presumption of Assent**

A member of the Board of Trustees who is present at a meeting of the Board at which action on any College matter is taken shall be presumed to have assented to the action unless his/her dissent is entered into the minutes of the meeting.

**CHAPTER VI.**  
***Board Committees***

**Section 1. Committee Types**

The Board of Trustees may establish such Standing and Ad Hoc Committees as it deems necessary to serve and protect the College's welfare.

**Section 2. Methods of Appointment**

The Board President shall appoint the members of all Board Committees.

**Section 3. Limitation of Authority**

All Committee action shall be reported as recommendations for consideration and action by the Board at regular meetings.

## **Board** *General Powers and Duties*

### **Section 1. College Policies**

The Board of Trustees is the legislative body of the College and acts as the College policy-maker in accordance with Wyoming Statute [[WS 21-18-303–WS 21-18-304](#)].

### **Section 2. Supervision of College President**

The Board has the responsibility for supervising and evaluating the College President. The Board shall ensure that the President performs duties as described in Chapter IX-College President.

### **Section 3. College Budget**

The Board shall review and adopt the College's annual budget as prepared by the College administration. The Board shall have the responsibility and delegable authority for any and all college financial transactions and operations.

### **Section 4. Fiscal Year**

The fiscal year of Northwest College shall begin on the 1st day of July and end on the 30th day of June in each year.

### **Section 5. College Audit**

It is the general practice of the Board of Trustees to engage the services of an independent accountant to conduct annual audits.

### **Section 6. College Seal**

The Board of Trustees shall provide a Seal which shall be circular in form and shall have inscribed thereon "Northwest Community College District, State of Wyoming, College Seal."

### **Section 7. Contracts**

The Board of Trustees authorizes the College President to enter into any contract or execute and deliver any instrument in the name of and on behalf of the College District.

### **Section 8. Calendar**

The Board will approve the official College calendars.

### **Section 9. Curriculum and Diplomas**

The Board shall review and approve all new degree programs, any degree program modifications, as well as any credit bearing certificates of 30 or more credits and shall confer all diplomas and certificates.

**CHAPTER VIII.**  
***Deposits - Payments***

**Section 1. Warrants, Checks, Drafts**

All warrants, checks, drafts, or other orders for payment of money, notes or other evidence of indebtedness issued in the name of the College District shall have the current Board officers' signatures affixed using a secured signature machine. NWC federal funds shall require two signatures, one from the College President, and one from either the Vice President for Administrative Services or the Finance Director.

**Section 2. Deposits**

All funds of the College District not otherwise employed shall be deposited from time to time to the credit of the College District in such banks, trust companies, or other depositories as designated by the Board of Trustees. The Board, at its discretion, may appoint designated signature authority to the College President, the Finance Director, and/or the Vice President for Administrative Services for routine banking business.

## **CHAPTER IX.** *College President*

### **Section 1. Authority**

The Northwest College President is appointed by the College Board and is directly responsible to the Board. The College President is the chief executive officer of the institution. The Board evaluates the President, acknowledges the President's recommendations, while providing resources to the President to complete the respective duties.

### **Section 2. Duties**

The President is responsible for the completion of duties relating to Wyoming statutes, College policies, and procedures. The President has authority and responsibility for the (well-being) of College finances, records, buildings, grounds, personnel, students, business, support services, and instructional activities.

Additional duties and classification are delineated in the President's position description and contract.

### **Section 3. Conditions of Employment**

The terms of the President's employment shall be at the will of the majority of the Trustees with terms as detailed in the Presidential Employment Contract.

**CHAPTER X.**  
*Amendments*

**Section 1. Amendments**

These Rules and Regulations may be altered, amended, or repealed, and new Rules and Regulations adopted by the Board of Trustees at any regular or special meeting of the Board.

**CHAPTER XI.**  
*Rules of Practice Governing Contested Cases  
Before the Board of Trustees of  
Northwest Community College, State of Wyoming*

**ARTICLE I**  
**GENERAL PROVISIONS**

**Section 1. Authority**

These rules are adopted as authorized by the Wyoming Administrative Procedures Act [[WS 16-3-101—16-3-115](#)], and under the provisions of [[WS 21-18-304](#)], as amended.

**Section 2. Effective Upon Compliance**

These rules shall be effective upon compliance with all pre-requisites set forth in the Wyoming Administrative Procedures Act [[WS16-3-102—16-3-106](#)], or any statute amending, recodifying or superseding the same.

**Section 3. Previous Rules Superseded**

From and after the effective date of these rules, any previously filed rules and regulations of Northwest Community College District, State of Wyoming (hereinafter "Northwest College") shall be superseded and shall be of no further force or effect. The previously filed rules as they relate to hearings and contested cases are amended as provided for herein. Other rules and regulations which have been superseded and repealed may, at the discretion of the Board of Trustees, be incorporated in general policies.

**Section 4. Promulgation, Amendment or Repeal of Rules**

Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedures Act.

**ARTICLE II**  
**DEFINITIONS AND APPLICABILITY**  
**HEARINGS AND CONTESTED CASES**

**Section 1. Definitions**

As used in these rules:

- a. "Board" means the Board of Trustees of Northwest College.
- b. "President" means the President of the Board of Trustees of Northwest College.
- c. "Vice President/Secretary" means the Vice President/Secretary of the Board of Trustees of Northwest College.
- d. "Treasurer" means the Treasurer of the Board of Trustees of Northwest College.
- e. "Hearing" includes all contested cases.
- f. "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.
- g. "Person" means any individual, partnership, corporation, association, municipality, governmental subdivision or public or private organization of any character other than an agency.
- h. "College" means Northwest Community College District, State of Wyoming.

**Section 2. Applicability of Rules**

- a. These rules shall apply to all hearings required by law to be held before the Board and to any other matters wherein a contested case as defined by law is presented, or any other matter wherein a hearing is required by law, rule or regulation.
- b. Hearings not in compliance with these rules may only be held by the Board upon express written agreement by all parties.
- c. All petitions filed with the Board in the form of appeals from decisions of College employees, administrators, or other staff shall be handled under these rules to the extent they are applicable unless other procedures have been specifically approved by the Board.

**ARTICLE III**  
**HEARINGS BEFORE THE BOARD**

**Section 1. Generally**

Any person whose legally-recognized rights have been or will be affected by any decision, order, ruling, or other action taken has a right to a hearing before the Board.

**Section 2. Petition**

Any person desiring to come before the Board for a hearing must file with the Board, in the office of the Executive Secretary to the Board at Powell, Wyoming, a petition setting forth:

- a. A concise statement of the facts on which the petitioner relies.
- b. A statement in ordinary language, setting forth the action or decision desired by the petitioner.
- c. The name, address and telephone number of the petitioner and of the attorney for the petitioner, if any.
- d. The signature of the petitioner and attorney for the petitioner, if any.
- e. The legal authority, if any, or known at the time of the filing of the petition, upon which the petitioner relies.

**Section 3. Board As Petitioner**

In any matter in which the College is required to hold a hearing before the Board in which it has the burden of proof; the College shall be deemed the petitioner for purposes of these rules. Any notices or writings required by law for said hearing shall be deemed to be the petition for the College. Any objection by the other party to the petition of the College shall be served in writing at least ten (10) working days before any scheduled hearing.

**Section 4. Notice of Hearing**

For any hearing which is to be held before the Board, the Secretary shall cause written notice of any hearing held under these rules to be served upon each party as much time in advance of the date set for hearing as is reasonably practicable. Such notice shall include a statement of:

- a. The time, place and nature of the hearing.
- b. The legal authority and jurisdiction under which the hearing is to be held.
- c. The particular sections of the statutes, rules, or court decisions involved.
- d. A short and plain statement of the matters asserted. If the Secretary is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a more definite and detailed statement shall be furnished.

**Section 5. Hearing Examiner**

- a. Whenever it shall appear, from statements of any party or other sources, including applicable Federal or State case law, that a dispute exists wherein a hearing is authorized or required to be held before the Board, the Board, at its option, may delay further proceedings until all factual disputes are heard and recommendations made by a hearing examiner as provided in this section.
- b. The hearing examiner shall be the presiding officer at the hearing and shall conduct all proceedings in an impartial manner.
- c. The hearing examiner shall be a qualified member of the bar of Wyoming.

- d. The hearing examiner shall make recommended findings of fact and conclusions of law to the Board in writing.
- e. The hearing examiner shall be hired by the Board and shall be entitled to a reasonable fee for his/her services and reimbursement for reasonable expenses incurred in connection therewith, but shall not be considered an employee of the College, but rather, an independent contractor.
- f. The hearing examiner shall accord the parties the same hearing procedural rights as are available to them in a hearing before the Board as herein set forth.
- g. The impartial hearing examiner shall not be an employee of the Board or a person with a personal or professional interest in the case at hearing, nor be biased or prejudiced against any party to the hearing.

#### **Section 6. Adoption of Findings of Fact and Conclusions**

- a. The recommended Findings of Fact and Conclusions of Law certified by the hearing examiner under Section 5.d of this Article III of these rules shall be mailed to all parties and members of the Board.
- b. Any party objecting to the recommended Findings of Fact and Conclusions of Law shall present any objections at the next meeting of the Board occurring at least forty-eight (48) hours after mailing of the recommended Findings of Fact and Conclusions of Law to all parties or within fourteen (14) days after mailing.
- c. The recommended Findings of Fact and Conclusions of Law shall be adopted by the Board unless a majority of the members of the Board object to the recommended Findings of Fact and Conclusions of Law. No member of the Board may object to the recommendations unless he/she shall have been present at the hearing or has read the transcript of the proceedings or heard or examined the official record of the hearing. The decision of the Board to either adopt or reject the recommended Findings of Fact and Conclusions of Law shall be issued in writing within twenty (20) days of receipt of the recommended Findings of Fact and Conclusions of Law.

#### **Section 7. Duties of Presiding Officer**

The presiding officer at any hearing before the Board shall be the President of the Board, or any member of the Board authorized to act in the absence of the President, or the hearing examiner as provided in Section 5.b of this Article III of these rules. The presiding officer shall have authority and power to:

- a. Assign to each proceeding instituted by the filing of a petition, a docket number which shall include the year and a different number for each separate petition filed that year. There shall be established a separate file for each docketed case in which shall be systematically placed all papers, pleadings, documents, transcripts and evidence pertaining thereto, and all such items shall have noted thereon the docket number assigned and the date of filing;
- b. Administer oaths and affirmations;
- c. Issue subpoenas;
- d. Rule upon offers of proof and receive relevant evidence;
- e. Take or cause depositions to be taken in accordance with the provisions of the Wyoming Administrative Procedures Act and rules of the Board;
- f. Regulate the course of the hearing;
- g. Hold conferences for the settlement or simplification of the issues;

- h. Dispose of procedural requests or similar matters;
- i. Cause Findings of Fact and Conclusions of Law to be finalized and filed with the Clerk and delivered to all parties;
- j. May recess the hearing or grant continuances for good cause;
- k. May require written briefs from any party clarifying its legal or factual position;
- l. May declare that any matter is being taken under advisement and that a decision will be announced at a later time, not to exceed sixty (60) days after conclusion of the hearing;
- m. Punish contempt by permanent removal from the hearing location by any person so offending;
- n. See that a recording of the hearing is made by either an electronic recording device or certified shorthand or machine reporter or other person authorized to administer oaths;
- o. Take any other action authorized by law, consistent with these rules, or required to fulfill any of his/her duties.

### **Section 8. Order of Procedure at Hearing**

As nearly as may be, hearing shall be conducted in accordance with the following order of procedure:

- a. The petitioner may briefly state his/her case and the evidence by which he/she expects to sustain it.
- b. The adverse party may then briefly state his/her defense and the evidence he/she expects to offer in support of it.
- c. The petitioner shall first produce his/her evidence; the adverse party will then produce his evidence.
- d. The parties will then be confined to rebutting evidence unless the presiding officer permits them to offer evidence in their original case.
- e. The presiding officer may, in his/her discretion, allow evidence to be offered out of the order as herein prescribed.
- f. Closing statements will be made in the following sequence:  
(1) Petitioner (2) Adverse Party (3) Petitioner in Rebuttal

### **Section 9. Witnesses at Hearings to be Sworn**

All persons testifying at any hearing shall stand and be administered the following oath by the presiding officer: "Do you swear (or affirm) to tell the truth, the whole truth and nothing but the truth in the matter now before the Board?", unless the hearing officer waives said oath on a showing that the person understands the meaning of telling the truth and that he/she may be charged and convicted of the crime of falsifying his/her testimony.

### **Section 10. Disposition of Case by Stipulation**

Any case may be finally disposed of by stipulation, agreed settlement, consent order or default of the parties, approved by the Board. An appropriate order or stipulation accordingly shall be entered in the case record.

### **Section 11. Applicable Rules of Civil Procedure to Apply**

The rules of practice and procedure contained in the Wyoming Rules of Civil Procedure (WRCP), insofar as the same may be applicable, and not inconsistent with the laws of the State of Wyoming, or these rules shall apply at all hearings under these rules. Service of the petition and notice of hearing may be by certified or registered mail to the last known address of the employee or student involved or by personal service by any adult, provided that service upon an employee or student by an employee of the College shall be witnessed unless an acknowledgment of service is signed by the employee or student. All other notices and service of papers shall be made in accordance with Rule 5 WRCP.

### **Section 12. Attorneys**

The filing of a petition or other similar representation by an attorney constitutes his/her appearance for the party for whom the representation is made. The Board or hearing examiner must be notified in writing of any withdrawal from the case. Any person appearing at a hearing in a representative capacity, shall be precluded from examining or cross-examining any witness, unless such person shall be an attorney licensed to practice in the State of Wyoming, or a non-resident attorney, associated with a Wyoming attorney. These rules shall not be construed to prohibit any person from representing himself/herself in any hearing under these rules.

### **Section 13. College Attorney Present**

In all matters before the Board, or under these rules, the President shall request the College attorney to be present, to assist and advise the Board and to represent the College. If there is a conflict in the Board attorney acting as advisor for the Board, the Board shall authorize the employment of Special Counsel to act either as attorney for the Board or attorney for the College.

### **Section 14. Taking of Testimony - Reporter**

Where oral testimony of witnesses is taken in a hearing under these rules, the testimony shall be reported either by an electronic recording device or by a certified shorthand machine reporter or other person authorized to administer oaths whose compensation for taking such testimony shall be at the expense of the College. A transcription of the proceedings or any part thereof shall be at the cost and expense of any party requesting the same, except when a decision is appealed to State District Court, in which case the party appealing shall secure and file a transcript of the testimony and other evidence offered at the hearing, which transcript must be verified by oath of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case. The cost of making such transcript shall be paid by the party prosecuting such appeal.

### **Section 15. Decision and Order**

The Board shall make a written decision and order in all cases, which order and decision shall be filed by the Secretary in the file of the matter. The vote of the Board shall be shown in its decision. A copy shall be provided to each party and when it involves a College employee, it shall be placed in the College records pertaining to the employee.

### **Section 16. Appeals**

Any decision of the Board is subject to appeal to the District Court and the Supreme Court of Wyoming as provided by law.

**Section 17. Application of Wyoming Administrative Procedures Act**

Whether or not herein set forth, the provisions of the Wyoming Administrative Procedures Act [[WS 16-3-101—16-3-115](#)], as amended and the Wyoming Education Code (21-3-101 et. seq.), shall govern all procedures before this Board except in all statutory proceedings before this Board should a conflict arise between the statutes and these rules, the statutes shall govern and control.

**Section 18. Severability**

If any provision of these rules of practice or the application thereof to any matter is held invalid, the invalidity shall not affect the other provisions or applications of these rules which can be given effect without the invalid provision or application, and for this purpose the provisions of these rules are severable.

**Section 19. Amendment of Rules**

Any amendment to these rules shall become effective as provided by [[WS 16-3-103 and 16-3-104](#)], as amended.

\_\_\_\_\_

Date

\_\_\_\_\_  
President, Board of Trustees  
Northwest Community College District,  
State of Wyoming

\_\_\_\_\_

Date

\_\_\_\_\_  
Secretary