



## **CHARTER CONTRACT REVOCATION HEARING PROCEDURES**

In accordance with the provisions of RSMo Section 160.405.8(4), the following procedures are established for the purpose of conducting administrative hearings to determine whether a Charter Contract, entered into by Washington University in St. Louis (the "University"), and a Missouri Nonprofit Corporation Public Charter (the "Charter"), should be revoked.

### **Necessity of Request for Hearing**

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If the Charter submits a timely, written request for a hearing to the University Sponsor, the procedures outlined herein shall apply to the conduct of such a hearing. Failure of the Charter to make a written request for a hearing within two weeks of receiving the notice of proposed revocation shall constitute a waiver of the Charter's right to a hearing before the hearing panel.

### **Necessity of Answer**

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If the Charter contests any of the reasons for the proposed revocation contained in the notice of proposed revocation, it must file a written answer specifying those reasons being contested and setting forth its reasons for contending that such proposed revocation is inappropriate. Such written answer must be provided to the University Sponsor not later than five calendar days prior to the date of the hearing. The Charter's failure to file such an answer shall constitute an admission of the accuracy and legitimacy of the reasons for the proposed revocation contained in the notice.

### **Appointment of and Role of Hearing Panel**

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The University shall appoint a hearing panel to be comprised of University employees, not exceeding three in number, and shall designate one such employee as the chair of the hearing panel. This panel shall be comprised of the Vice Chancellor of Government & Community Relations, the University Provost, and the Executive Vice Chancellor for Administration, or their designees.

If a timely, written request for a hearing has been submitted by the Charter, the hearing panel shall conduct a hearing and, based upon the information presented at such hearing, shall make a written determination as to whether the Charter Contract should or should not be revoked consistent with the provisions of RSMo Section 160.405.8.

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## Hearing Procedure

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If a timely, written request for a hearing has been submitted by the Charter, the University Sponsor shall send via mail or email a written notice to the Charter specifying the date, time and place of such hearing. The hearing shall be held not more than fourteen days after the written request for a hearing has been received by the University unless, for good cause shown, the hearing is continued by the chair of the hearing panel.

The chair of the hearing panel shall preside at the hearing, shall call the roll of the hearing panel, and shall ascertain the presence or absence of a representative of the Charter, including its attorney, and the presence or absence of the University Sponsor, including his or her attorney. Unless such reading is waived by the Charter, the chair shall read the Notice of Hearing, shall read the grounds for revocation stated in the written Notice of Proposed Revocation and shall read any written Answer submitted on behalf of the Charter.

The hearing shall be recorded, either by court reporter or otherwise, and shall be open to the public.

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### Burden of Proof and Rules of Evidence

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The burden of demonstrating the existence of one or more of the alleged reasons for revoking a Charter Contract shall rest with the University Sponsor. Formal rules of evidence shall not be required.

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### Opening Statements

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The University Sponsor shall make opening remarks outlining the grounds for the proposed revocation of the Charter Contract. The representative of the Charter may also make opening remarks and may elect to do so either immediately following the opening remarks of the University Sponsor or at the close of the presentation.

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### University Sponsor's Evidence

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The University Sponsor may call witnesses and may present written information at the hearing as deemed appropriate by the hearing panel. Witnesses called by the University Sponsor may be questioned by the Charter's representative and/or by the members of the hearing panel.

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### Charter's Evidence

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The Charter may call witnesses and may present written information at the hearing as deemed appropriate by the hearing panel. Witnesses called by the Charter may be questioned by the University Sponsor and/or by the members of the hearing panel.

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### **Rebuttal Evidence**

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The hearing panel shall permit the University Sponsor and/or the Charter to present additional information in rebuttal of the other's presentation.

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### **Authority of the Hearing Panel**

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The hearing panel shall have the authority:

- a. To determine relevancy and admissibility of any evidence offered by the University Sponsor and/or the Charter;
- b. To permit a stipulation of facts agreed to by the University Sponsor and the Charter;
- c. To permit the incorporation into the record by reference of any document, affidavit or exhibit produced at the hearing and available for the University Sponsor and the Charter to examine and comment upon;
- d. To request the attendance of witnesses in addition to those witnesses called by the University Sponsor or the Charter;
- e. To dismiss any person from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the hearing panel or its chair; and
- f. To have present a legal advisor to the hearing panel, who shall be designated by the University's General Counsel.

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### **University Sponsor and Charter's Rights Upon Hearing**

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In addition to other rights specified herein, the University Sponsor and the Charter shall have the following rights in connection with a hearing:

- a. To be present at the hearing, which right is deemed waived by failure to appear for such hearing;
- b. To have present at the hearing any legal or other advisor or counselor, to consult with such advisor or counselor during the hearing and to have such advisor or counselor participate in the questioning of witnesses and make statements on their behalf;
- c. To hear or examine evidence presented by the other;
- d. To question witnesses present and testifying on behalf of the other or witnesses present and testifying at the request of the hearing panel; and
- e. To be informed in writing of the hearing panel's determination.

### **Determination by the Hearing Panel**

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The hearing panel shall meet in executive session, outside the presence of the University Sponsor and the Charter representative, shall discuss the evidence presented at the hearing and, by a majority vote of the members of the hearing panel, shall reach its determination regarding the proposed action. The hearing panel shall transmit same within ten (10) days after the hearing, with written determination being provided to the University Sponsor and the Charter.

### **Right to Appeal to State Board of Education**

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In accordance with the provisions of RSMo Section 160.405.8 (4) a final decision on the revocation of a Charter Contract is subject to an appeal to the State Board of Education, which shall determine whether the charter shall be revoked.