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## Organizational Description and Rules of Practice

### ARTICLE ONE

#### Description of Organization

##### **Sec. 10a-5-1. Organizational structure and division of responsibilities**

The Board of Governors for Higher Education, created under Section 10a-2 of the General Statutes, derives its duties and authority from Chapter 185 of the General Statutes. The Board, consisting of eleven voting members, carries out its responsibilities in accordance with its bylaws and under the applicable provisions of Chapter 3 of the General Statutes. The Board serves as the central policy-making authority for public higher education in Connecticut. The Board, pursuant to Section 10a-5 of the General Statutes, appoints a Commissioner responsible for implementing the policies and directives of the Board. The Commissioner employs the staff for the Department of Higher Education, the administrative arm of the Board. The staff, which collects information and prepares studies, analyses and recommendations for the Board's review and action, is organized into four areas: the Office of the Commissioner; the Division of Financial Affairs; the Division of Academic Affairs; and the Division of Research and Information Services.

The areas of major responsibility within the Department of Higher Education are generally as follows:

**The Office of the Commissioner:** The Commissioner of Higher Education provides executive leadership and overall direction to all segments of the Department. In articulating and implementing the policies and recommendations of the Board, the Commissioner represents the Board before the Governor, the General Assembly, higher education constituencies and the general public. The responsibility for educational opportunity is within the Commissioner's office and includes (a) assisting the Board in statewide efforts to increase enrollment, retention, and graduation of disadvantaged students; and (b) helping ensure that the staffs of the state's public higher education institutions are representative of the diversity of the total population of the state.

**The Division of Financial Affairs:** The division consists of three offices: the Office of Budget and Financial Planning, the Office of Facilities Planning, and the Office of Student Financial Assistance. The major functions of the division include financial planning, preparation of operating and capital public higher education budget requests, taking into account budget requests submitted to the Board by the constituent units; facilities planning; development of statewide tuition, fee, and student financial aid policies; and administration of numerous state and federal financial aid programs. Functions related to the internal administration of the Department (purchasing, payroll, budgeting, and accounting) also are performed within this division.

**The Division of Academic Affairs:** The major tasks performed by this division are those related to academic planning and the assessment of applications for program and institutional licensure and accreditation; the review of unit mission and institutional role and scope statements; and the review of existing academic programs offered by public colleges and universities. In addition, staff of the division are involved in coordination of programs financed through the federal Vocational Education Act, coordination of job training programs under the federal Job Training Partnership Act and review of proposals submitted under the Board's program for contracting with independent colleges.

**The Division of Research and Information Services:** This division coordinates legislative activities, public information, research and computer services for the Department. Key responsibilities of the division include the preparation of an annual legislative package, administrative regulations and special reports to the General Assembly; liaison to the various committees of the General Assembly; production and dissemination of research reports on issues of concern to the Connecticut higher education system; research support to other areas of the Department; dissemination of information through media to increase community awareness of issues and decisions affecting the Connecticut higher education system; and overseeing the development of a management information system for higher education to provide access to information required for higher education planning, budgeting, and research.

(Effective March 25, 1986)

### **Sec. 10a-5-2. Commissioner of higher education**

The Commissioner is appointed by the Board and serves as the Chief Executive Officer of the Department. The Commissioner is responsible for implementing the policies and directives of the Board and has additional responsibilities as prescribed by the Board. The Commissioner administers, coordinates and supervises the activities of the Department staff in accordance with policies established by the Board. In the discharge of statutory responsibilities, the Commissioner may designate an alternate to serve on any commission, foundation or committee.

(Effective March 25, 1986)

### **Sec. 10a-5-3. Official address**

All communications should be addressed to the Commissioner of Higher Education, Department of Higher Education, 61 Woodland Street, Hartford, Connecticut 06105.

(Effective March 25, 1986)

### **Sec. 10a-5-4. Maintenance of records; public inspection**

The records of the Board are maintained at the Department of Higher Education at 61 Woodland Street and are available for inspection and copying during business hours. Published regulations, policy statements, administrative rulings, decisions, orders, interpretations, and findings are available through the Commissioner's office. The Board complies with all state and federal laws regarding both disclosure of public records and protection of personal records of a confidential or private nature.

(Effective March 25, 1986)

### **Sec. 10a-5-5. Petition requesting the promulgation, amendment, or repeal of regulations**

Any person may at any time petition the Board to promulgate, amend or repeal any regulation. All petitions relating to regulations must be addressed to the Board and transmitted through the Office of the Commissioner. Petitions shall be in writing, shall be signed by the petitioner and shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. The petition also shall state the facts and arguments that favor the action proposed by including such facts and arguments in the petition or in a brief annexed thereto. Upon receipt of a petition the Board shall within thirty (30) days determine whether to deny the petition or to initiate regulation-making procedures. The Board shall follow the procedures established under Chapter 54 of the General Statutes for the issuance, amendment or repeal of a regulation.

(Effective March 25, 1986)

## ARTICLE TWO

### Rules of Practice

#### Part 1

#### General Provisions

##### **Sec. 10a-5-6. Procedures governed**

These rules govern practices and procedures for the Board of Governors for Higher Education and the Department of Higher Education under the applicable laws of the State of Connecticut except where otherwise provided by statute.

(Effective March 25, 1986)

##### **Sec. 10a-5-7. Definitions**

As used in these rules and except as otherwise required by the context or provided by law:

(a) “Board” means the Board of Governors for Higher Education created by Public Act 82-218 and, where applicable, its predecessor agencies.

(b) “Department” means the Commissioner and the Department of Higher Education as described in the General Statutes, specifically Section 10a-5.

(c) “Advisory Committee” means the Advisory Committee to the Board of Governors as described in the General Statutes, specifically Section 10a-3.

(d) “Executive Committee” means the Executive Committee of the Advisory Committee to the Board of Governors as described in the General Statutes, specifically Section 10a-4.

(e) “Commissioner” means the Commissioner of Higher Education as described in the General Statutes, specifically Section 10a-5.

(f) “Constituent Units” means the units of the state system of public higher education as described in the General Statutes, specifically Section 10a-1.

(g) “Hearing Panel” means the one or more members of the Board or other duly designated individual or group of individuals sitting or chosen to sit as the presiding leader over a hearing in lieu of the full Board.

(h) “Intervenor” means each person, other than a party, admitted by the Board or hearing panel as a participant in a contested case.

Other definitions applicable to these rules are found in Chapter 54 and Title 10a of the General Statutes.

(Effective March 25, 1986)

##### **Sec. 10a-5-8. Construction**

These rules shall be construed by the Board, the Department, and any hearing panel to secure just, speedy and inexpensive determination of the issues presented.

(Effective March 25, 1986)

##### **Sec. 10a-5-9. Waiver of rules**

Where good cause appears, the Board, Department or hearing panel may permit deviation from these rules, except where precluded by statute.

(Effective March 25, 1986)

## Part 2

### Formal Requirements as to Documents and Other Papers Filed in Proceedings

#### Sec. 10a-5-10. General

Every application, notice, motion, petition, complaint, brief and memorandum filed in proceedings governed by these regulations shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person. Communications should embrace only one matter and, when the subject matter pertains to a pending proceeding, the title of the proceeding and the number, if any, should be given.

(Effective March 25, 1986)

#### Sec. 10a-5-11. Copies

Except as may be otherwise required by these rules or by any other rules or regulations of the Board or Department or ordered or expressly requested by the Board or hearing panel there shall be filed with the Department an original and fifteen copies of all motions, petitions, applications, documents or other papers.

(Effective March 25, 1986)

#### Sec. 10a-5-12. Date of filing

All correspondence, motions, petitions, orders, decisions, findings of fact, applications and any other documents governed by these rules shall be deemed to have been filed or received on the date on which they are issued or received by the Department at its official address.

(Effective March 25, 1986)

#### Sec. 10a-5-13. Effect of filing

The filing with the Department of any petition, complaint, request for a declaratory ruling, or any other request of any nature whatsoever shall not relieve any person of the obligation to comply with any statute, or with any regulation or order of the Board or hearing panel.

(Effective March 25, 1986)

#### Sec. 10a-5-14. Service

(a) **General rule.** Service of all documents and other papers filed in all proceedings, including petitions, applications, complaints, motions, notices, briefs, and exhibits but not limited to those categories, shall be by personal delivery or by first class mail, except as otherwise provided.

(b) **On whom served.** In the case of proceedings in which there are two or more parties, all such documents and other papers shall be served by the person filing the same on every person who has theretofore been designated a party or intervenor in the proceeding. Certification of such service shall be endorsed on all documents and other papers filed with the Department.

(c) **Service by the Board.** A copy of any document or other paper served by the Department on behalf of the Board or a hearing panel, showing the addresses to whom the document or other paper was mailed, shall be placed in the Department's files and shall be prima facie evidence of such service and the date thereof.

(d) **Service as written notice.** Written notice of all decisions, orders, or authorizations issued by the Board or hearing panel shall be given to the person affected

thereby by personal service upon such person or by first class mail, unless the Board or hearing panel orders some other form of service.

(Effective March 25, 1986)

**Sec. 10a-5-15. Extension of time**

Except as otherwise provided, the Board or a hearing panel may, for good cause shown, extend any time limit prescribed or allowed by these rules. All requests for extension shall be made before the expiration of the period originally prescribed or as previously extended.

(Effective March 25, 1986)

**Sec. 10a-5-16. Consolidation of proceedings**

Proceedings involving related questions of law or fact may be consolidated at the discretion of the Board.

(Effective March 25, 1986)

**Sec. 10a-5-17. Rules of conduct**

Where applicable, the canons of professional ethics and the canons of judicial ethics adopted and approved by the judges of the superior court govern the conduct of the Board and hearing panel members, state employees, and all attorneys, agents, representatives, and any other persons who shall appear in any proceeding or in any contested case on behalf of any public or private person, firm, corporation or association.

(Effective March 25, 1986)

**ARTICLE THREE**

**Contested Cases**

**Part 1**

**General**

**Sec. 10a-5-18. Description**

The rules in this Article set forth procedures to be followed by the Board, Department and any hearing panel in contested cases as defined in Chapter 54 of the General Statutes, specifically Section 4-166(2).

(Effective March 25, 1986)

**Part 2**

**Parties, Intervenor and Participation**

**Sec. 10a-5-19. Designation of parties**

In issuing the notice of hearing the Department on behalf of the Board or hearing panel will name as parties those persons whose participation as a party is necessary to the proper disposition of a contested case. All other persons proposing to be named or admitted as parties shall apply for such designation in the manner hereinafter described.

(Effective March 25, 1986)

**Sec. 10a-5-20. Application to be designated as party**

(a) **Filing of petition.** Any other person who proposes to be named or admitted as a party shall file a written petition to be so designated not later than ten (10) days before the date of the hearing.

(b) **Contents of petition.** The petition shall state the name and address of the petitioner. It shall describe the manner in which the petitioner claims to be substantially and specifically affected by the proceeding. It shall state issues to be decided, the relief sought by the petitioner, and the statutory or other authority therefor, and the nature of the evidence, if any, that the petitioner intends to present in the event that the petition is granted.

(c) **Designation as party.** The Board or hearing panel with the advice of the Department shall consider all such petitions and will name or admit as a party any person or entity whose legal rights, duties or privileges will be determined by the decision of the Board or hearing panel in a contested case or if the Board or hearing panel finds that the participation of such person or entity as a party is necessary to the proper disposition of said contested case.

(Effective March 25, 1986)

**Sec. 10a-5-21. The department as a party**

The Department may upon the request of the Commissioner be designated by the Board or the hearing panel as a party to any contested case. In the event the Department is designated as a party, the Commissioner shall select one or more members of the Department, not involved in the preparation or the presentation of the Department's position on the contested case, and direct that member or members to provide or arrange such technical assistance as the Board or hearing panel may require. In all other contested cases when the Department is not named as a party the Department shall limit its involvement in the contested case to providing or arranging such technical assistance as the Board or hearing panel may need and offering such information and recommendation as the Board or hearing panel upon notice to the party to the contested case may request. Whether designated as a party or not the staff of the Department shall, in any communications with the Board or hearing panel, conduct themselves in accordance with the applicable requirements of the law regarding notice and opportunity to be heard.

(Effective March 25, 1986)

**Sec. 10a-5-22. Application to be an intervenor**

(a) **Request to participate.** At least three business days prior to the commencement of oral testimony in any hearing on a contested case, any person may request that the Board or hearing panel permit that person to participate in the hearing as an intervenor.

(b) **Contents of request.** In so requesting, the proposed intervenor shall state the person's name and address and shall specifically describe the manner in which said person is affected by the contested case. The proposed intervenor shall further state in what way and to what extent that person proposes to participate in the hearing.

(c) **Designation as intervenor.** The Board or hearing panel will determine the proposed intervenor's participation in the hearing, taking into account whether or not such participation will furnish assistance to the Board or hearing panel in resolving the issues of the contested case.

(Effective March 25, 1986)

**Sec. 10a-5-23. Participation by intervenor**

The intervenor's participation shall be limited to those particular issues, that state of the proceedings, and that degree of involvement in the presentation of evidence and argument that the Board or hearing panel shall expressly permit at the time such intervention is allowed.

(Effective March 25, 1986)

**Part 3****Notice of Hearings****Sec. 10a-5-24. Place of hearings**

Unless by statute or by direction of the Board or hearing panel a different place is designated, all hearings shall be held at the official office of the Department.

(Effective March 25, 1986)

**Sec. 10a-5-25. Notice of hearings**

(a) **Persons notified.** The Department shall give written notice of a hearing in any contested case to all parties, to all persons who have become intervenors, to all persons otherwise required by statute to be notified, and to such additional persons as the Board or hearing panel shall direct. The Department may give notice by newspaper publication and by such other means as the Board or hearing panel may deem appropriate.

(b) **Contents of notice.** The notice shall contain the items of information required by law in contested cases as set forth in Section 4-177(b) and elsewhere in the General Statutes.

(c) **Length of notice.** Unless otherwise provided by statute, or unless the Board or hearing panel finds that a shorter period of notice is reasonable and consistent with the public interest, notice of a hearing shall be given at least fourteen (14) days prior thereto.

(d) **Continuances.** For good cause shown, the Board or hearing panel may grant a continuance.

(Effective March 25, 1986)

**Sec. 10a-5-26. Bill of particulars**

Not later than ten (10) days after service of the initial notice of hearing in a contested case, any party may apply to the Department for a bill of particulars containing more definite and detailed statement of any facts. If the Department finds that a more definite and detailed statement of any facts is necessary and appropriate, a bill of particulars shall be prepared as directed by the Commissioner and a copy served on each person theretofore named or admitted as a party or intervenor.

(Effective March 25, 1986)

**Part 4****Hearing Procedures****Sec. 10a-5-27. Witnesses and subpoena**

The Board or hearing panel may, if it is necessary for a just resolution of a contested case, cause subpoenas to be issued directing any person whose testimony may be related to the matters before the Board or hearing panel to appear and give such evidence as is necessary. Said subpoena may direct the production for

examination of any records or documents or other evidence relating to the issues before the Board or hearing panel.

(Effective March 25, 1986)

**Sec. 10a-5-28. Conduct of hearing**

(a) **Purpose of hearing.** The purpose of any hearing in a contested case is to provide all parties an opportunity to present evidence and argument on all issues to be considered by the Board or hearing panel.

(b) **Order of procedure.** The order of procedure at hearings shall be determined by the Board or hearing panel and communicated to the parties at the beginning of the hearing.

(c) **Limiting number of witnesses.** To avoid unnecessary cumulative evidence, the Board or hearing panel may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing.

(d) **Written testimony.** The Board or hearing panel may permit any party or witness to offer testimony in written form. Such written testimony shall be received in evidence with the same force and effect as though it were stated orally by the party or witness who has given the evidence, provided that each such party or witness shall be present at the hearing at which testimony is offered, shall adopt the written testimony under oath, and shall be made available for cross examination as directed by the Board or hearing panel. Prior to its admission such written testimony shall be subject to objections by parties.

(Effective March 25, 1986)

**Sec. 10a-5-29. Rules of evidence**

(a) **General.** Any oral or documentary evidence may be received, but it shall be the policy of the Board and any hearing panel to exclude irrelevant, immaterial or unduly repetitious evidence.

(b) **Documentary evidence, copies.** Documentary evidence may be received at the discretion of the Board or hearing panel in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original.

(c) **Cross examination.** Such cross examination may be conducted as the Board or hearing panel shall find to be required for a full and true disclosure of the facts.

(d) **Facts noticed, Board records.** The Board or hearing panel may take administrative notice of judicially cognizable facts, including the records and the prior decisions and orders of the Board.

(e) **Facts noticed, scope and procedure.** The Board or hearing panel may take administrative notice of generally recognized technical or scientific facts within the Board's specialized knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, or by an appropriate reference in preliminary reports or otherwise of the material noticed. The Board or hearing panel shall employ the Board's experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making its finding of facts and arriving at a final decision.

(Effective March 25, 1986)

**Sec. 10a-5-30. Rule of privilege**

The Board or hearing panel shall give effect to the rules of privilege recognized by law in Connecticut where appropriate to the conduct of the hearing.

(Effective March 25, 1986)

**Sec. 10a-5-31. Stipulations**

Parties may by stipulation in writing filed with the Department agree upon the facts or any portion thereof, which stipulation may be regarded and used as evidence at the hearing. The Board or hearing panel may in such cases require such additional evidence as may be necessary.

(Effective March 25, 1986)

**Sec. 10a-5-32. Filing of added exhibits**

(a) **Additional evidence.** At any stage of the hearing the Board or hearing panel may call for further evidence upon any issue, and require such evidence to be produced by the party or parties concerned or by the Department, either at that hearing or adjournments thereof. At the hearing, the Board or hearing panel may authorize any party to file specific documentary evidence as a part of the record within a specified time, provided that every other party shall be afforded a reasonable opportunity to review and rebut said evidence.

(b) **Filing of documents subsequent to hearing.** The Board or hearing panel may order or may, for good cause shown, allow the parties to file evidentiary documents of any kind, or exhibits, at a time subsequent to the completion of the hearing, such time to be determined by the Board or hearing panel. If a request for such subsequent filing is granted, the requesting party shall on or before the date set for filing, send to the Department copies of all documents or exhibits which are the subject of the request. If such requirement for copies is impracticable, the Board or hearing panel may suspend the above provisions; in such cases, the Department shall allow reasonable inspection of the original by all parties. Other parties may file additional documentary evidence to rebut or explain such late filed exhibit.

(Effective March 25, 1986)

**Sec. 10a-5-33. Oral argument, when made**

When, in the opinion of the Board or the hearing panel, time permits and the nature of the proceedings, the complexity or importance of the issues of fact or law involved and the public interest warrant, the Board or hearing panel may, either on its own motion or at the request of a party, at or before the close of the taking of testimony, allow and fix a time for the presentation of oral argument, imposing such limits of time on the argument as deemed appropriate in the proceeding.

(Effective March 25, 1986)

**Sec. 10a-5-34. Briefs**

(a) **General.** Briefs may be filed by a party either before or during the course of a hearing, or within such time thereafter as the Board or hearing panel shall designate. Failure to file a brief shall in no way prejudice the rights of any party. The order of filing briefs after the hearing including reply briefs will be designated by the Board or hearing panel.

(b) **Contents and scope of briefs, proposed findings and order.** Briefs may contain: (1) a concise statement of the case, (2) an abstract of the evidence relied upon by the party filing, with reference to the pages of record, if available, or exhibits where the evidence appears, (3) argument and authorities, and (4) proposed findings and conclusions and, if desired, a proposed form of order or rule.

(Effective March 25, 1986)

## Part 5

### Dispositions and Decisions

#### **Sec. 10a-5-35. Disposition without hearing**

Unless precluded by law, any contested case may be resolved by stipulation, agreed settlement, consent order or default, provided that the Board after seeking the advice of the Department approves the same.

(Effective March 25, 1986)

#### **Sec. 10a-5-36. Proposal for decision by hearing panel**

(a) The decision by a hearing panel shall be treated as a proposal for decision within the meaning of that term as it is used in Chapter 54 of the General Statutes, and as it is specifically used in Section 4-179.

(b) The hearing panel's proposal for decision shall not be adopted by the Board until it has been served upon all parties, and until an opportunity has been afforded to each party adversely affected by the proposed decision to file exceptions, to present briefs, and to make oral argument before the Board. The Board may limit the period of time for argument by serving notice of such limitation upon all of the parties simultaneously with the proposal for decision. For good cause shown, the Board may enlarge the period of time for argument if the request is made in writing, stating the reasons therefor, and filed with the Department at least five business days prior to the proceeding at which such proposal for decision is scheduled to be discussed or acted upon by the Board.

(c) In the proposal for decision to be served upon the parties, the hearing panel will set forth its summary of each issue of fact or law that it finds necessary to reach the conclusion contained in the proposed decision.

(d) Compliance with the above stated requirement concerning the proposal for decision may be waived by a written stipulation of the parties.

(Effective March 25, 1986)

#### **Sec. 10a-5-37. Final decisions in a contested case**

All decisions and orders of the Board concluding a contested case shall be in writing and shall be made part of the record of such case. The Board will serve a copy of its decision on each party in the manner required by Chapter 54 of the General Statutes and these regulations.

(Effective March 25, 1986)

## Part 6

### Miscellaneous

#### **Sec. 10a-5-38. Maintenance of record**

The Department shall be responsible for keeping the record in all contested cases. The record shall consist of the notice of the hearing, the return receipt for any decisions or orders sent to the parties by registered mail and those items designated as part of the record by Chapter 54 of the General Statutes, specifically Section 4-177(e).

(Effective March 25, 1986)

#### **Sec. 10a-5-39. Transcripts**

(a) **Transcript and Record.** A transcript of all hearings in a contested case shall be taken. The Department shall require any party or other person requesting a copy

of the transcript to pay the reasonable cost of preparing such copy before the Department makes a copy available to such party or other person.

(b) **Transcript Corrections.** Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing. Transcript corrections agreed to may be incorporated into the record, if and when approved by the Board or hearing panel, at any time during the hearing, or after the close of evidence. The Board or hearing panel may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of the proceeding.

(Effective March 25, 1986)

### **Sec. 10a-5-40. Participation of the executive committee in contested cases**

The Executive Committee shall be permitted to participate in all proceedings before the Board relating to contested cases, provided that the participation does not offend the right of any party to due process, that said participation comports with the orderly disposition of the business of the Board, and that the Executive Committee members shall not have the power to vote on any decision the Board must make.

(Effective March 25, 1986)

## **ARTICLE FOUR**

### **Declaratory Ruling**

#### **Sec. 10a-5-41. Purpose**

The purpose of this article is to define procedures for handling petitions for declaratory rulings made pursuant to Chapter 54 of the General Statutes, specifically Section 4-175. Where appropriate the procedures set forth in Article Three of these regulations relating to contested cases are applicable to petitions for declaratory rulings.

(Effective March 25, 1986)

#### **Sec. 10a-5-42. Form of petition for declaratory ruling**

The Department will accept a petition for a declaratory ruling on behalf of the Board if it is in the following form:

(a) The petition must be in writing and must include the factual background of the issue. It shall be mailed to the Board or delivered in person during normal business hours at the Department's official office.

(b) It shall be signed by the petitioner and shall include his or her address for purpose of reply.

(c) A copy has been sent by the petitioner by first class mail to any person whom the petitioner has reason to believe may fairly have an interest therein.

(d) The petition shall state clearly the question of applicability upon which a ruling is sought.

(e) The petition shall state the position of the petitioner with respect to the question of applicability.

(f) If desired the petitioner may include argument in support of the petitioner, with such legal citations as are considered appropriate.

(Effective March 25, 1986)

**Sec. 10a-5-43. Procedure after petition for declaratory ruling filed**

(a) The Board in consultation with the Department shall determine whether it will issue a declaratory ruling within forty-five days after the petition has been received.

(b) If the Board decides that it will not issue a declaratory ruling it will notify the petitioner that the request has been denied and furnish a statement of the reasons for said denial to the petitioner.

(c) If the Board decides to issue a declaratory ruling the Board may give notice to any other person that such a declaratory ruling has been requested and may receive and consider facts, arguments, and opinions from persons other than the petitioner.

(d) If the Board deems it necessary or helpful to conduct a hearing on any issue related to the request for a declaratory ruling, it will schedule such hearing and give such notice as is appropriate. The Board may conduct the hearing itself or authorize a hearing panel of less than the majority of the Board to hear the matters and prepare a proposal for decision for consideration by the full Board.

(e) A copy of any declaratory ruling issued by the Board shall be sent to the petitioner and any other interested parties.

(Effective March 25, 1986)

**Sec. 10a-5-44. Record of declaratory ruling**

The Department shall maintain a record of all declaratory rulings issued by the Board which is appropriately indexed and available for public inspection.

(Effective March 25, 1986)

**ARTICLE FIVE**

**Resolution of Disputes Between Governing Boards**

**Sec. 10a-5-45. Purpose**

Pursuant to Section 10a-19 of the General Statutes the Board is authorized to resolve disputes between two or more boards of trustees of the constituent units upon written request by one such board. The decision of the Board is binding on the affected boards of trustees unless modified by legislative action. The purpose of this Article is to set forth the procedures for resolving disputes between two or more boards of trustees.

(Effective March 25, 1986)

**Sec. 10a-5-46. Procedures**

To the extent deemed appropriate by the Board, Article Three of these regulations, pertaining to contested cases, shall constitute the procedures to be followed by the Board for resolving disputes between two or more boards of trustees.

(Effective March 25, 1986)