

## CHAPTER 7. HEARING PROCEDURE (SENSITIVE POSITIONS)

29. GENERAL CONDUCT. Hearings before security hearing boards are conducted in an orderly manner, and in a serious, businesslike atmosphere of dignity and decorum. The hearing is expedited to the extent that it is practicable to do so.
30. ATTENDANCE LIMITED. The hearing is private. There are present at the hearing only:
- a. Members of the hearing board;
  - b. Stenographer(s);
  - c. Employee against whom charges have been made;
  - d. Employee's counsel of choice;
  - e. Department employees concerned; and
  - f. Witnesses. Witnesses shall be present in the hearing room only when actually presenting testimony.
31. UNDER OATH OR AFFIRMATION. Testimony before the board is under oath or affirmation.
32. RIGHTS OF EMPLOYEE. The board takes whatever action is necessary to ensure the employee of a full and fair consideration of his case. The hearing board informs the employee of his right to:
- a. Participate in the hearing;
  - b. Be represented by counsel of his choice;
  - c. Present witnesses and offer other evidence in his own behalf and in refutation of the charges brought against him; and
  - d. Cross-examine witnesses.
33. READING OF CHARGES, ETC. A hearing is opened by reading the statement of charges against the employee. This is followed by a reading of the statements or affidavits presented by the employee in answer to such charges.

34. EVIDENCE. The Department and the employee each may introduce such evidence as the board may deem proper. Rules of evidence are not binding on the board. However, reasonable restrictions are imposed as to the relevancy, competency, and materiality of

matters considered so that the hearings are not unduly prolonged and comply with due process.

35. WITNESSES: FAILURE TO APPEAR, ETC. There may be an occasion when a person who has made charges against the employee and is called as a witness does not appear. In such cases his failure to appear may be considered by the board in evaluating such charges.
36. WITNESSES: SEQUENCE, CROSS-EXAMINATION. The employee or his counsel has the right to control the sequence of witnesses called by him. Reasonable cross-examination of all witnesses by the employee or his counsel is permitted.
37. RIGHTS OF BOARDS. Security hearing boards may, in their discretion, invite any person to appear at the hearing and to testify. A board is not bound by the testimony of such witness by reason of having called him, and has full right to cross-examine him.
38. DISCLOSURES. A security hearing board conducts the hearing proceedings in such manner as to protect from disclosure information:
  - a. Affecting the national security; or
  - b. Tending to disclose or compromise investigative sources or methods.
39. VERBATIM TRANSCRIPT. A complete verbatim transcript is made of the hearing by qualified reporters. The transcript constitutes a permanent part of the record. Upon request, the employee or his counsel is furnished a copy of the transcript of the hearing, including any documentary evidence or exhibits considered by the board.
40. DECISION OF BOARD. A security hearing board makes its findings and bases its determination on the record of the hearing. The decision of the board is in writing and is signed by all members of the board. The decision of the board, including its findings together with a complete record of the case, is sent to the Secretary for his review and decision.