

University of Wisconsin-Platteville Complaints and Grievances Commission
Grievance Hearing Procedure
Approved Unanimously by the Commission on 1/30/2015

1. A faculty member must submit his or her grievance to the Commission chairperson in writing within 300 days of when he or she knew or should have known of the incident or incidents about which she/he is grieving. The Commission shall dismiss untimely submitted grievances.

2. The faculty member submitting the grievance (“grievant”) is entitled to hearing before a five-member panel of the Commission (“hearing panel”), which shall act on behalf of the Commission, within 20 days of submission of a written grievance to the Commission chairperson. This deadline may be extended by consent of the grievant or by order of the hearing panel. A grievant may disqualify any panel member with a conflict of interest as described in Section 7(c) (iii) of the Complaints and Grievance Commission Policy.

The Chair of Hearing Panel shall consult the Chair of the Commission and verify that the respondent has been given a copy of the grievance filed by the grievant. If the respondent had not been aware of the grievance, the Chair of the Hearing Panel shall forward the grievance to the respondent

3. The grievant shall present his or her grievance to the hearing panel. The grievant may testify and present witnesses, documents and other materials in support of his or her position. The grievant may choose to be accompanied by a representative, who may support and advise the grievant. However, the representative may not provide testimony, make statements, or otherwise participate in the hearing. If the grievant plans to present witnesses and documents, the grievant must send a list of witnesses and all documents to the Chair of the hearing panel at least five days before the scheduled hearing. If the grievance is against a particular individual (“respondent”), the respondent may testify and present witnesses, documents and other materials in support of his or her position, and may be accompanied by a representative under the same terms as the grievant. If the respondent plans to present witnesses and documents, the respondent must send a list of witnesses and all documents to the Chair of the hearing panel at least five days before the scheduled hearing. At least three days prior to the hearing, the Chair of the hearing panel shall share the grievant’s and respondent’s witness lists and documents with the opposing party. If the grievance is not against a particular individual, the university administration may appoint an individual to act as a respondent to the grievance.

4. The following relate to the grievance hearing:

- (a) A hearing will be limited to the specific grievance that had been filed with the Commission and no new or additional grievance may be added at the hearing directly or indirectly.
- (b) A room in the MPSC or a conference room in one of the halls on Campus will be reserved for the hearing and media services will be contacted to record the

- hearing as stated in #9 below. The layout of the room in which the hearing is held may have to be improvised on the day of the hearing depending on the furniture available in the room. See last page of this document for two example layouts for hearings. The order in which the various elements of a hearing occur, as well as any hearing procedures, may be finalized by the respective hearing panel for a specific grievance. However, the general sequence of elements of a hearing is outlined in the following sections.
- (c) The hearing generally shall be limited to 90 minutes and the hearing shall not extend beyond two hours.
 - (d) The grievant will first make opening remarks for 10 to 15 minutes. If any document is provided as evidence, two copies must be handed over to the hearing panel which will pass one of the copies to the respondent.
 - (e) The respondent will then make opening remarks for 10 to 15 minutes. If any document is provided as evidence, two copies must be handed over to the hearing panel which will pass one of the copies to the grievant.
 - (f) The hearing panel may give the grievant up to thirty more minutes for additional response. The grievant may use this time to present witnesses. A witness may only provide evidence that is relevant to the specific grievance that had been filed with the Commission. If the grievant provides an additional response, then the respondent shall be given equal time for additional response and may present witnesses. A witness may only provide evidence that is relevant to the specific grievance that had been filed with the Commission.
 - (g) The hearing panel members may then take the rest of the time to ask questions. The grievant, respondent, and witnesses may be recalled to answer questions from the members of the hearing panel.
 - (h) During the hearing, only hearing panel members may ask questions of the grievant, respondent and any witnesses. The grievant, respondent, and witnesses shall not question each other during the hearing. The panel also may call and question additional witnesses, and ask for additional information from the grievant, the respondent, the witnesses or the university. The panel may halt the presentation of information it deems irrelevant to the grievance.
 - (i) A witness may be present at the hearing only when he or she is making a statement or being questioned. A grievant's or respondent's representative may not also be a witness.
 - (j) The above order of hearing, hearing date, issue(s) for hearing, time limits, and any other procedural determinations, if the hearing panel chooses to set them, must be sent to the grievant and any respondent at least three days prior to the hearing.

5. The hearing panel may hold a grievance hearing in closed session in conformance with the Wisconsin Open Meetings law. The hearing panel should consult with the university's legal counsel prior to holding a closed meeting.

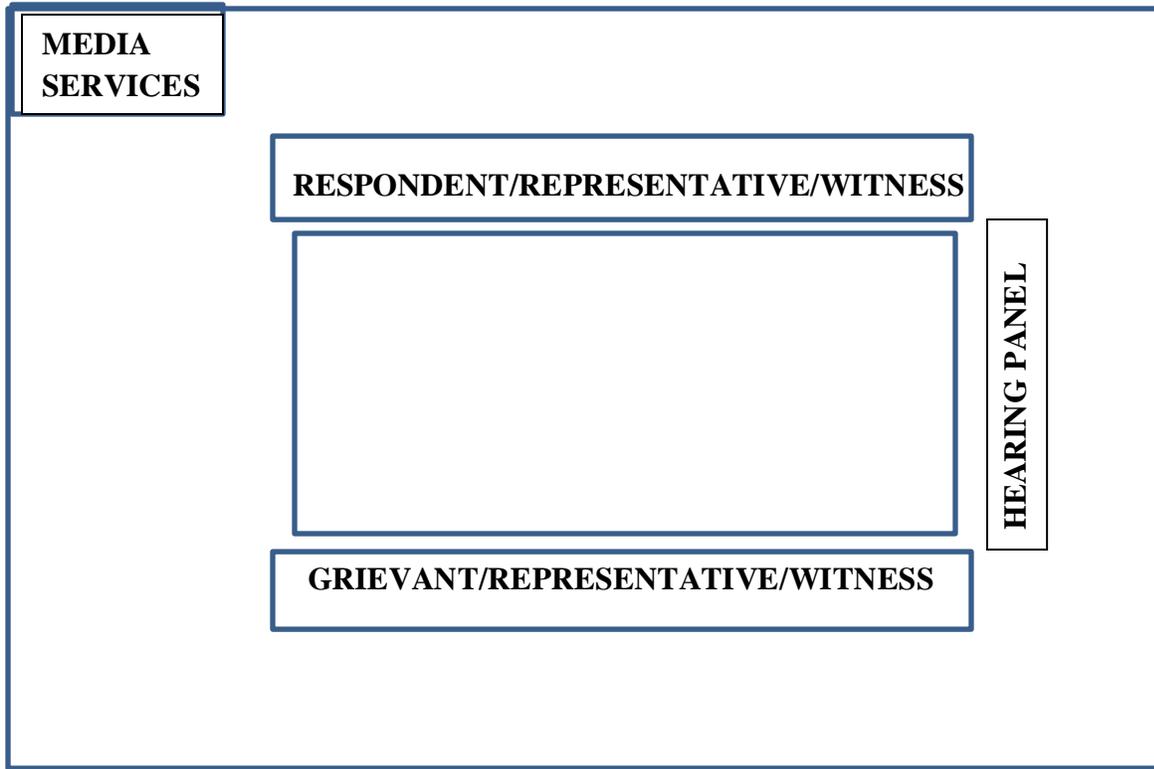
6. All panel members, witnesses and representatives must respect the confidentiality of the information and records introduced into the hearing.

7. An audio recording will be made of the hearing.
8. The hearing panel's findings and recommendation must be based solely on information made available to both the grievant and any respondent during the course of the grievance. If additional information is received by the hearing panel during the course of its investigation, and outside the hearing, that information must be shared with the grievant and any respondent, and each must be given a reasonable opportunity to respond at the hearing or in writing.
9. The hearing panel will investigate the grievance and conduct the hearing as expeditiously as possible. Based on the evidence, the hearing panel will reach a determination by majority vote with respect to the issue(s) presented by the grievance, and within 30 days after completion of the hearing, the hearing panel will report in writing its findings and recommendation for resolving the grievance to the Chancellor.

Note:

1. Each year or semester the Commission may revise the above procedures on the basis of its previous experience.
2. If grievant and /or respondent has disabilities that were documented by the Human Resources Department at the time of hiring or at any time during employment, then the Commission and the Hearing Panel will revise the above procedures to accommodate specific disabilities that must be accommodated by the institution, in consultation with the grievant and/or the respondent.

**COMPLAINTS & GRIEVANCES COMMISSION- HEARING PANEL
EXAMPLE LAYOUT FOR HEARING IN GARDNER HALL**



**COMPLAINTS & GRIEVANCES COMMISSION- HEARING PANEL
EXAMPLE LAYOUT FOR HEARING IN MPSC**

