

## **Recommendation to Revise *UWM Policies & Procedures* Chapter 5.25 Fair Hearing**

### **Rationale:**

The revisions were made to bring our policy in compliance with UW System Chapter [4.05 Adequate due process](#).

### **CLEAN version:**

#### **5.25 Fair Hearing**

The faculty member addresses a written request for a hearing to the chairperson of the Dismissal Hearing Committee. A fair hearing includes:

- (1) Service of notice of hearing with a specific charge in writing at least ten (10) working days prior to the hearing.
- (2) A right to the names of witnesses and of access to documentary evidence upon the basis on which dismissal is sought
- (3) A right to be heard in his/her defense.
- (4) A right to an advisor, counsel or other representative, and to offer witnesses.
- (5) A right to confront and cross-examine adverse witnesses. If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the hearing committee may reasonably restrict the faculty member or complainant from questioning each other.
- (6) A verbatim record of all hearings, which might be a sound recording, provided at no cost.  
  
(Document 3150, 5/10/18; UWM Administration approval, 6/18/18)
- (8) Written findings of fact and a written decision based on the hearing record.
- (9) Admissibility of evidence governed by Wis. Stats. 227.45 (1) to (4).

**TRACKED version:**

**5.25 Fair Hearing**

The faculty member addresses a written request for a hearing to the chairperson of the Dismissal Hearing Committee. A fair hearing includes:

- (1) Service of notice of hearing with a specific charge in writing at least ~~twenty ten~~ (20) working days prior to the hearing.
- (2) A right to the names of witnesses and of access to documentary evidence upon the basis on which dismissal is sought. ~~Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.~~
- (3) A right to be heard in his/her ~~own~~ defense ~~by all bodies passing judgment.~~
- (4) A right to an advisor, counsel or other representative, and to offer witnesses.
- (5) A right to confront and cross-examine adverse witnesses. ~~against a faculty member. If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the hearing committee may reasonably restrict the faculty member or complainant from questioning each other.~~
- (6) A verbatim record of all hearings, which might be a sound recording, provided at no cost.  
  
(Document 3150, 5/10/18; UWM Administration approval, 6/18/18)
- ~~(7) A finding of just cause based on clear preponderance of the evidence.~~
- (8) Written Findings of fact and a written decision based on the hearing record.
- (9) ~~The a~~Admissibility of evidence ~~is~~ governed by Wis. Stats. 227.45 (1) to (4). ~~The burden of proof of the existence of just cause for dismissal is on the administration.~~

**ORIGINAL version:**

**5.25 Fair Hearing**

The faculty member addresses a written request for a hearing to the chairperson of the Dismissal Hearing Committee. A fair hearing includes:

- (1) Service of notice of hearing with a specific charge in writing at least twenty (20) working days prior to the hearing.
- (2) A right to the names of witnesses and of access to documentary evidence upon the basis on which dismissal is sought. Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.
- (3) A right to be heard in his/her own defense by all bodies passing judgment.
- (4) A right to counsel or other representative and to offer witnesses.
- (5) A right to confront and cross-examine witnesses against a faculty member.
- (6) A verbatim record of all hearings, which might be a sound recording, provided at no cost.  
  
(Document 3150, 5/10/18; UWM Administration approval, 6/18/18)
- (7) A finding of just cause based on clear preponderance of the evidence.
- (8) Findings of fact and a written decision based on the hearing record.
- (9) The admissibility of evidence is governed by Wis. Stats. 227.45. The burden of proof of the existence of just cause for dismissal is on the administration.