

Academic Staff Hearing & Appeals Committee
Prehearing Procedures and Hearing Protocols
(May 2022)

During the pendency of any case, the parties are encouraged to explore informal resolution directly with the other side.

1. Preliminary Review

Any individual who invokes their hearing rights must file an Intake Form with the Secretary of the University's Office. ASHAC will conduct a preliminary review to ensure that the Intake Form is complete and that a basis for an appeal/grievance/complaint exists. ASHAC may reject a hearing request, or a portion of a hearing request, as it deems appropriate including for untimeliness, lack of jurisdiction, or lack of authority to award or recommend the remedy requested. If ASHAC rejects any portion of the initial submission, the filing party will be given an opportunity to respond in writing within a time limit to be set by ASHAC.

2. Notice to Respondent

Upon acceptance of a complete Intake form, ASHAC will notify both parties, and provide the respondent with a copy of the same, along with any supporting documentation provided by the filing party. From that point forward, all communication between ASHAC and the parties will be via email.

3. Initial Information Gathering

In advance of the hearing, ASHAC may, in its sole discretion, ask either party or both parties to provide additional information, which could include a written response to questions and/or copies of documents relating to the matter.

4. Prehearing Meeting

If ASHAC believes it will be helpful, the ASHAC Chairperson, in their sole discretion, may hold a prehearing meeting with the parties (and their advisors, if any) to review the pertinent aspects of the case and address any issues relating to the case/hearing.

5. Prehearing Arrangements

- In advance of the hearing, ASHAC will supply the parties with a framework for the hearing, the specific issue to be adjudicated by ASHAC, and the anticipated length of the hearing.
- The Secretary of the University's Office will make all logistical arrangements for the hearing, including location reservations and recording arrangements. All hearings will be either audio recorded or recorded using Microsoft Teams Meeting or similar

technology, unless otherwise agreed in advance by ASHAC. A copy of the recording will be provided at no cost to the parties.

- Although efforts will be made to schedule a hearing at a time convenient for all parties, the final hearing date and time will be at the discretion of the Secretary of the University's Office and will take into consideration such factors as ASHAC member availability.
- The parties must identify their preference for an open or closed hearing no later than 10 working days prior to the hearing. An academic staff member who is the subject of a disciplinary, demotion, or dismissal hearing has the right to demand an open evidentiary hearing under Wis. Stat. §19.85(1)(b). All other hearings will be open or closed in ASHAC's sole discretion, considering, among other things, the preferences of the parties, privacy interests of the parties and/or witnesses, and the confidential nature of any evidence. In the event that a hearing is open to the public, no confidential materials may be entered as evidence.
- At least 10 working days prior to the hearing, each party must submit an electronic copy of any evidence that they intend to use at the hearing, and a list of potential witnesses, to ASHAC and to the other party.

6. Hearing Rules

- Testimony, questioning, or other formal input to ASHAC during the hearing is limited strictly to the parties concerned. A party's legal counsel or advisor will not be permitted to actively participate in the hearing, except as may be expressly required by the applicable rule such as Wis. Admin. Code § UWS 11.21(1)(d)-(e). However, ASHAC may allow short recesses for discussion between the parties and their legal counsel or advisor.
- Witnesses and all other persons involved in the hearing are to be treated with courtesy and respect.
- Each party will be responsible for the attendance of any witnesses that they desire to call. In the spirit of Academic Staff governance, it is expected that individuals who are involved or who have information that may be germane to the matter will fulfill their duty to the institution by testifying.

7. Hearing Order

Unless otherwise indicated by ASHAC in advance of the hearing, a hearing will proceed as follows:

- The ASHAC Chairperson will call the meeting to order.
- The roll is called, and the ASHAC Chairperson will ensure quorum.
- If a quorum is present, the Chairperson states the purpose of the meeting—to hold a hearing pursuant to the applicable sections of the UWM Academic Staff Personnel Policies and Procedures and UW System Policy.
- If applicable, ASHAC will consider a motion to move into closed session.

- The parties will introduce themselves for the record.
- The ASHAC Chairperson will provide a brief introduction to the case.
- Each side will be given equal presentation time and may use no more than five minutes of their allotted time at each of the beginning and end of their presentation for an opening and closing statement respectively.
- The party with the burden of proof will proceed first in the hearing. They will present their case and may call witnesses. Both the opposing side and ASHAC members will have the opportunity to ask questions of each witness.
- For layoff cases, ASHAC will determine whether the employee established a prima facie case that improper factors significantly entered into the layoff decision. If ASHAC does not make such a finding, the layoff hearing ends; if they do make this finding, the layoff hearing continues to the next step.
- The party without the burden of proof will proceed second in the hearing. They will present their case and may call witnesses. Both the opposing side and ASHAC members will have the opportunity to ask questions of each witness.
- For layoff cases, the academic staff member may use a portion of their allotted time for rebuttal.
- Following the evidentiary portion of the hearing, ASHAC will deliberate and determine findings. At the conclusion of deliberations, the Committee will adjourn.

8. Report

ASHAC will report its findings in writing as required by the type of hearing being conducted.