

PROCEDURAL GUIDELINES FOR IMPARTIAL HEARING OFFICERS SELECTED FROM THE UW SYSTEM ROSTER OF ARBITRATORS

Effective July 1, 2015, a university staff employee who alleges that a dismissal decision was not based on just cause and is dissatisfied with the Step One decision may appeal the decision to an impartial hearing officer (IHO). If the IHO is selected from the UW System roster of arbitrators, the hearing procedures shall include, but may not necessarily be limited to, the following:

I. Pre-hearing Protocol

- a. The UW System institution from which the employee was dismissed (hereinafter the “Employer”) shall provide the IHO with, at minimum, a copy of the termination letter and the employee’s appeal documentation.
- b. After the IHO is selected, the IHO, the Employer’s representative and the employee will jointly schedule a date for the hearing.
- c. The hearing will generally be held at the UW System institution from which the employee was dismissed in a room equipped to accommodate the proceeding.
- d. The institutions may establish their own policies regarding whether the employee pays a portion of the \$800 set fee and reasonable expenses for the IHO, but the Employer shall be responsible for ensuring that the IHO is paid.
- e. An institution may provide travel pay to the IHO.
- f. The IHO is not bound by the strict rules of evidence, but shall exclude evidence deemed irrelevant, immaterial, or unduly repetitious.

II. Hearing Protocol

- a. All hearing procedures shall be under the jurisdiction and control of the IHO. Although the ultimate objective in each case is that there be a fair hearing, on a case-by-case basis IHOs may prescribe limitations for the purpose of conducting an efficient and orderly hearing. The IHO has the authority to administer oaths; to limit testimony, evidence, and the time for oral argument; and to rule on motions presented by the parties.
- b. An audio recording of the hearing shall be made by the Employer, and the Employer shall provide the IHO with a copy of the recording.
- c. Unless the IHO determines otherwise, the Employer shall initially have one hour to present its position at the hearing. The Employer, or the Employer’s representative, may present oral and/or written evidence, including the direct examination and cross-examination of witnesses.
- d. Unless the IHO determines otherwise, the employee shall initially have two hours to present his or her case at the hearing. The employee, or the employee’s representative, may present oral and/or written evidence, including the direct examination and cross-examination of witnesses.
- e. The IHO shall provide both parties with an opportunity for rebuttal.
- f. The IHO may ask any questions of either party as he or she deems appropriate.
- g. The IHO may request oral arguments.

III. Post-Hearing Protocol

- a. Generally, post-hearing briefs will not be requested.

- b. Within 30 calendar days of the hearing, the IHO shall issue a written report that provides a brief statement of the pertinent facts and provides a rationale for the IHO's recommendation as to whether the grievance should be sustained or denied. The IHO's report and recommendation are advisory to the Chancellor.
- c. Within 20 calendar days of receipt of the IHO's report and recommendation, the Chancellor or Chancellor's designee shall release a decision in which he or she determines whether just cause for the discharge existed.