

University Staff Council

Hearing Committee.

The University Staff Council shall be responsible for forming the hearing bodies required by the UW System and University of Wisconsin Oshkosh university staff rules.

(1) Membership.

When it becomes necessary to form a hearing body, the president of the Council shall be responsible for forming a three-person hearing committee according to the following procedures:

- (a) The three members shall be chosen from the Council by the president, using random selection procedures. The chairperson of the hearing committee shall be appointed from among these three by the president.
- (b) The three-member committee shall be joined by an administrative liaison, designated by the Chancellor, who serves as a non-partial, non-voting member.
- (c) The president of the Council shall not serve as a member of any hearing committee.
- (d) No member of the Council shall serve simultaneously on more than one committee hearing individual cases.
- (e) The following are disqualified from service on a hearing committee: (1) any individual who participated in the initiation, formulation, investigation or filing of allegations or charges; (2) any individual who is a member of the concerned university staff member's department or equivalent; and (3) any individual who is a material witness.
- (f) If, in the opinion of the president of the Council (and with concurrence of the Chancellor), members are needed to serve on additional hearing committees, they will be randomly selected by the president from university staff in at least their third year of service at University of Wisconsin Oshkosh.

(2) Procedures.

If a hearing is determined to be necessary, the committee shall operate consistent with the procedures in this section. Where appropriate, additional procedural requirements indicated in the other sections of these rules shall apply. Requirements guaranteeing due process and assuring procedural uniformity include the following:

- (a) At the request of the president of the Council, and with concurrence of the Chancellor, the University shall provide legal counsel to a hearing committee. All parties shall be notified if legal counsel is to be provided.

- (b) University staff members shall be assured of a fair hearing, which will include the right to present testimony in one's own behalf, the right to offer witnesses, the right to cross-examine adverse witnesses, and the right to counsel or representation.
- (c) The department or functional equivalent of the university staff member concerned shall be consulted and have the opportunity to present evidence or testimony through the unit Director or other representative(s), as appropriate.
- (d) By a majority vote a hearing committee may, on the motion of one of the university staff members involved, or on its own initiative, disqualify any one of its members for cause. In such case, the president of the Council shall designate a replacement unless, in their opinion, the disqualification should occur after a significant portion of the hearing already has taken place. The same replacement procedures shall be followed in the event a member of the committee is not able to complete the assignment.
- (e) Hearing shall be open or closed in accordance with the Wisconsin Open Meetings Law.
- (f) A verbatim sound recording shall be made of all formal hearings. Upon written request, a copy of the recording shall be made available at no cost within a reasonable period of time to anyone involved in the hearing.
- (g) The committee shall have access to all documentary evidence it believes to be pertinent, including public records and official documents specifically requested by the committee, and shall have the right to summon witnesses necessary to assure a fair hearing.
- (h) The Chancellor or designee shall assist committees in obtaining witnesses and documents required for proper conduct of hearings.
- (i) The hearing committee shall not be bound by common law or statutory rules of evidence; it may admit evidence having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony, and shall allow the exercise of legal privileges. Members of the hearing committee who participate in discussion of the merits and decision-making shall be familiar with all testimony, all deliberations, and all evidence presented.