



# **Conflict Resolution**

## **Bainbridge College**

### **Mediation and Grievance Procedures**

**These procedures shall be developed and approved by  
The Faculty, Staff, and President of the College**

**Revised November 2010**

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## **BAINBRIDGE COLLEGE**

### **MEDIATION PROCEDURES FOR EMPLOYEES AND STUDENTS**

#### **I. Definitions**

- A. The term “disputant(s)” shall mean an employee or group of employees, a student or group of students who have a perceived conflict or controversy.
- B. “Mediation” is a structured conflict resolution process in which a person with no interest in the outcome of the conflict/dispute assists the parties in reaching a negotiated settlement of their differences. The mediation process is voluntary and aims at a signed agreement defining the future behavior of the parties. A mediator helps parties communicate, negotiate, and reach agreements and settlements but is not empowered to render a decision.
- C. Certified “mediators” are those employees trained and certified by the Negotiation Institute of the Consortium on Negotiation and Conflict Resolution in conjunction with the Chancellor’s Committee on Alternative Dispute Resolution.
- D. “The Conflict Resolution Committee” is a standing committee charged with the responsibility of managing the mediation process.
- E. Full-time teaching faculty shall be construed to mean those full-time persons having faculty status and having at least one (1) academic year ten (10) months of continuous service during the previous year; excluding the President and the President’s staff, to include but not limited to the Vice President of Academic Affairs, Vice President of Business Affairs, Vice President of Student Affairs, Director of Technology Services, and all Department/Division Chairpersons.
- F. Classified staff shall be construed to mean those full-time employees other than faculty and administration of the college, having at least ten (10) months of continuous service during the previous year.

#### **II. Purpose**

The purpose of mediation is to provide a means to hear disputes of college employees and students who have not received satisfaction in the resolution of their dispute

#### **III. Preliminary Steps to Entering the Mediation Process**

Open communication between employees, students, and administrators is encouraged to resolve disputes informally whenever possible before entering the mediation process. However, if no resolution is made at this level of communication, participants may pursue mediation as the next step. An employee or student with a complaint should, but is not required to, bring the complaint before the appropriate supervisor. In the case of a student with a non-academic complaint, he/she is encouraged, but not required to, bring the

complaint before the Vice President of Student Affairs. In the case of a student with a complaint regarding a class, the student is encouraged, but not required to, follow the administrative remedies of the college which are currently in place, i.e., to meet first with the instructor to attempt to resolve the complaint. If this action does not satisfy the student, he/she may then meet with the appropriate division/department chair. If the student is still not satisfied, he/she may meet with the Vice President of Academic Affairs. Should the student still not receive satisfaction, he/she may appeal to the President of the college.

If the supervisor does not resolve the complaint to the satisfaction of the disputant, then the disputant may, but is not required to, approach the next level of supervision. If the disputant does not receive satisfaction from the higher level of supervision then he/she may submit the dispute to the Conflict Resolution Committee for voluntary mediation. If mediation does not resolve the complaint or the disputant does not choose mediation, he/she may file his/her complaint with the Grievance Committee.

#### **IV. Jurisdiction**

The Conflict Resolution Committee shall have jurisdiction to consider disputes of any student or employee of Bainbridge College. Disputes heard by the Conflict Resolution Committee shall include, but are not limited to, the following:

- A. Complaints reasonably related to terms and conditions of employment such as salary, promotion, tenure and/or non-renewal. Additional examples of complaints include committee appointments, leaves of absence, faculty assessment, teaching loads/overloads, office hours, summer employment, class scheduling, advisement, academic freedom, travel requests, and equipment requests.
- B. Complaints by students may include, but not limited to, grades, class policies, and college policies.
- C. Any dispute referred to the Committee for hearing by the President of Bainbridge College or the Board of Regents of the University System of Georgia.

#### **V. Conflict Resolution Committee**

There shall be a standing Conflict Resolution Committee to which all college employees and students shall have access. The Conflict Resolution Committee shall have the authority to mediate individual or group disputes, to attempt a negotiated agreement, and present to the President the outcome of the process.

**A. Committee Selection**

The Conflict Resolution Committee shall be composed of four (4) individuals, two (2) full-time teaching faculty and two (2) classified staff. The Conflict Resolution Committee will elect its Chairperson on an annual basis during the month of August. All committee members will be offered training to become certified mediators. A student may be appointed as an ad hoc member if deemed necessary by the chairperson. All committee members must follow and abide by the ethical standards for neutrals as set forth by the Georgia Office of Dispute Resolution. All members will be appointed by the President.

**B. Eligibility for Service on the Conflict Resolution Committee**

All full-time teaching faculty and classified staff, as defined in Section I are eligible to serve on the Conflict Resolution Committee.

**VI. Mediation Process**

- A.** The disputant shall file in writing his/her complaint with the Conflict Resolution Committee within thirty (30) working days after the occurrence of the alleged act causing the dispute. This time limitation may be extended by majority vote of the Conflict Resolution Committee. The Conflict Resolution Committee determines if the complaint is appropriate for mediation.
- B.** If the dispute is not appropriate for mediation, the disputant may proceed with filing an official grievance with the Grievance Committee.
- C.** If mediation is deemed appropriate, the Conflict Resolution Committee will assign a certified mediator to the case. The first mediation session must be arranged and held by the mediator within five (5) working days from receipt of the complaint.
- D.** The disputants will meet with the mediator who will guide their discussion and help them work toward a mutually satisfactory solution. During the mediation process the mediator may meet privately with the disputants to try to develop a better understanding of the problem which may be necessary in helping to solve the dispute.
- E.** If an agreement is reached, the mediator will assist the disputants in writing an agreement. If mediation fails a grievance statement may be filed with the Grievance Committee.
- F.** Within two (2) working days after mediation, the mediator shall report to the Conflict Resolution Committee the status (full agreement, partial agreement, or no agreement) of the mediation. The mediator is under no further reporting obligations. The Committee shall in turn report the results to the President within three (3) working days.

**VII. Prohibition of Retaliatory Action**

A disputant shall not be harassed, intimidated, or otherwise penalized or retaliated against for utilization of the mediation process. If the disputant believes retaliation has occurred, he/she may communicate in writing to the Conflict Resolution Committee Chairperson his/her request to convene a meeting within five (5) working days of the request to hear allegations of retaliatory actions against the disputant. After hearing the allegations, the Conflict Resolution Committee shall conduct a confidential investigation, not to exceed ten (10) working days in duration, to determine the validity of the alleged retaliatory actions. If the Conflict Resolution Committee determines the accusations to be valid, it shall within ten (10) working days present its findings and recommendations to the President and provide a copy to the disputant. If the outcome of the process is not satisfactory to the disputant, he/she may file a complaint with the Grievance Committee Chairperson.

**VIII. Modification of the Procedure**

Modification of the procedure may be made by concurrence of the Conflict Resolution Committee for any specific case for which circumstances make these procedures inappropriate.

# **BAINBRIDGE COLLEGE**

## **GRIEVANCE PROCEDURES FOR EMPLOYEES AND STUDENTS**

### **I. Definitions**

- A.** The term “grievance” shall mean an identified cause of distress affording reason for complaint or dispute. A grievance alleges a violation of rights, privileges, due process, or other harm of one or more parties arising from their employment or enrollment at Bainbridge College.
- B.** The term “grievant” shall mean an employee or group of employees, a student or group of students in distress/dispute over an issue.
- C.** The term “Grievance Committee” is defined as those members selected in accordance with these procedures.
- D.** Full-time teaching faculty shall be construed to mean those full-time persons having faculty status and having at least one (1) academic year ten (10) months of continuous service during the previous year; excluding the President and the President’s staff, to include but not limited to, the Vice President of Academic Affairs, Vice President of Business Affairs, Vice President of Student Affairs, Director of Technology Services, and all Department/Division Chairpersons.
- E.** Classified staff shall be construed to mean those full-time employees of the college other than faculty and administration of the college, having at least ten (10) months of continuous service during the previous year.

### **II. Purpose**

The purpose of the grievance process is to provide a means to hear disputes of college employees and students who have not received satisfaction in the resolution of his/her dispute.

While the process described in this Grievance procedure is generic and therefore available to address any concerns of members of the College community and its employees, it is intended to be of particular use to those persons seeking to exercise the rights accorded them pursuant to the College's policy of Equal Opportunity. More specifically, this policy constitutes the grievance mechanism called for by the regulations implementing the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Title IX (barring sex discrimination), Title VI (barring discrimination on the basis of race, color, or national origin); and Title VII (barring discrimination on the basis of race, color, religion, gender, or national origin).

**III. Preliminary Steps to Filing A Formal Grievance**

Open communication between employees, students, and administrators is encouraged to resolve disputes informally whenever possible before entering the voluntary mediation process. However, if no resolution is made at this level of communication, or mediation is not appropriate, the disputant may file a grievance as the next step. If the disputant is not satisfied with the resolution of the Grievance Committee, he/she may appeal to the President of the College. If satisfaction is not received from the President of the College, the disputant may appeal to the Board of Regents.

**IV. Jurisdiction**

The Grievance Committee shall have jurisdiction to consider disputes of any employee or student of Bainbridge College. Disputes heard by the Grievance Committee shall include, but not limited to the following:

- A.** Complaints reasonably related to terms and conditions of employment such as salary, promotion, tenure and/or non-renewal. Additional examples of complaints include committee appointments, leaves of absence, faculty assessment, teaching loads/overloads, office hours, summer employment, class scheduling, advisement, academic freedom, travel requests, and equipment requests.
- B.** Complaints pertaining to the denial of rights prohibited by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Title IX (barring sex discrimination), Title VI (barring discrimination on the basis of race, color, or national origin); and Title VII (barring discrimination on the basis of race, color, religion, gender, or national origin).
- C.** Complaints by students may include, but not limited to, grades, class policies, and college policies.
- D.** Disputes referred to the Committee for hearing by the President of Bainbridge College or the Board of Regents of the University System of Georgia.

**V. Grievance Committee**

**A. Selection of Chairperson**

There shall be a Chairperson for each Grievance Committee, who along with an Alternate Chairperson, shall be elected annually by the staff and the faculty of the college from among the full-time employees of the institution for a one (1) year term, to begin no later than August 31st of each year; provided that not more than one person shall be elected from the faculty of any one department/division of the college. The Chairperson and Alternate Chairperson will be the individuals receiving the most votes. The Chairperson and Alternate Chairperson shall rotate the duties of the Chairperson with each serving as the other's assistant.

**B. Committee Selection**

All grievances shall be filed in writing with the Chairperson within thirty(30) days after the alleged act prompting the grievance or completion of the mediation process. If the grievance is determined by the Chairperson to be within the jurisdiction of the Committee, he/she shall draw a committee of nine (9) persons as potential members of the Grievance Committee, by lot or other random process, from a list of eligible full-time teaching faculty members, classified staff, or students as appropriate to each case. The following college personnel may not serve on the Grievance Committee: The President, the President's staff to include, but not limited to, the Vice President for Academic Affairs, Vice President for Business Affairs, Vice President for Student Affairs, Director of Institutional Research, Director of Technology Services, Division and Department Chairs, as well as part-time employees, part-time faculty, and any employee or faculty who has been at the college less than one year. College personnel with dual status (faculty/staff) will serve in the capacity under which they are predominately serving at the time of the selection of the respective committees. When grievances involve only faculty members, the Chairperson shall draw the nine (9) member committee of 5 faculty from eligible full-time teaching faculty members and 4 staff members. For grievances between faculty members and classified staff, the Chairperson shall draw four (4) members of the committee from eligible full-time teaching faculty and five (5) members from eligible classified staff. For grievances involving classified staff only, the Chairperson shall draw the nine (9) member committee of 5 staff from the eligible classified staff and 4 faculty members. For grievances involving students only, student and faculty, and students and classified staff, the member committee should consist of 3 students, 3 faculty, and 3 staff members. The S.G.A. President will develop a student pool of currently enrolled students at the beginning of each Fall Semester.

**C. Eligibility for Service on the Grievance Committee**

All full-time employees as defined in Section I and all currently enrolled students that have successfully completed 24 semester credit (BC earned not institutional) hours are potential committee members of the Grievance Committee. Employee's names shall be removed from the pool if:

1. Employment or enrollment terminates
2. An employee or student is a grievant; or
3. An employee or student is named or otherwise directly involved in the grievance.

**D. Excusing Committee Members**

Individuals who are drawn as possible Grievance Committee members may be excused by the Chairperson if he/she determines that:

1. There is a bona fide conflict of interest between the member(s) and either of the parties of the grievance;
2. The committee member is ill.
3. For good reason.
4. Service on the committee is voluntary.

**E. Selection of Grievance Committee Members**

Each Grievance Committee shall consist of the Chairperson (non-voting) and three (3) voting members chosen from a committee of nine (9), constituted as set forth in Section V (B) above. Upon notification of the names of the committee members, each party shall in the presence of the Chairperson strike the names of three (3) persons from the committee. The parties shall alternate in exercising their strikes, beginning with the grievant, until three (3) members remain. These three (3) members shall constitute the Grievance Committee. It is anticipated that the Chairperson will complete this “striking” process with five (5) days following the selection of the committee.

**F. Removal of Grievance Committee Member for Cause**

A party may present a request in writing, at least three (3) days in advance of any hearing, to the Chairperson to remove any member of the committee or reasonable cause. If the Chairperson grants the request, he/she shall fill the vacancy thus created by random selection of another member, according to the process described in section V (B) above. The member chosen to fill the vacancy may likewise be removed for reasonable cause. The Chairperson may on his own motion remove any member for reasonable cause.

**G. Notice to Parties and Grievance Committee of Hearing**

After the Grievance Committee has been selected, written notice of the time and date set for the hearing shall be hand delivered or mailed to the parties, and to the members of the Grievance Committee by the Chairperson no less than five (5) working days in advance of the date set for the hearing. The grievance process shall be completed within forty-five(45) days after the complaint is presented to the Grievance Committee. This time limitation may be extended by majority vote of the Grievance Committee.

**VI. Duties of the Chairperson**

The Chairperson of each Grievance Committee shall not vote but shall be responsible for the conduct of the hearing and implementation of the grievance procedures. His/her duties include:

- A.** Receiving the grievance and determining that it is one which is properly heard by a Grievance Committee, (if not, the grievant shall be so notified in writing).
- B.** Drawing within five (5) working days following receipt of written grievance, a committee of nine (9) persons as potential members of the Grievance Committee from the pool of eligible full-time faculty, classified staff, or students as the case may be.
- C.** Notifying the parties:
  - 1. Whether the grievance is one which is properly heard by a duly constituted Grievance Committee, and if so
  - 2. That a hearing panel of nine (9) members has been drawn and
  - 3. That each party should come before him/her on a specific date and strike the names of three (3) committee members.
- D.** Assuring that all parties are familiar with the grievance procedures.

- E. Distributing the complaint (grievance) to the members of the Grievance Committee; setting a date for the hearing after conferring with the Committee members.
- F. Convening the hearing after written notice (at least five (5) working days in advance of the hearing) to the members of the Grievance Committee and the parties; conducting and presiding over the hearing; ruling on motions of the parties and assisting the Grievance Committee during its deliberations.
- G. Assuring that a tape recording or transcript of the hearing is made and retained for use in the event an appeal is filed.
- H. Forwarding a copy of the written Findings and Recommendations of the Grievance Committee to the President within ten (10) working days after the hearing.

**VII. Procedures for Requesting a Hearing**

- A. The grievant, within thirty (30) working days after the occurrence of the alleged act causing the grievance or after the mediation process, shall file a written request for a hearing with the Chairperson of the Grievance Committee stating the following:
  - 1. The facts of the complaint, including the date, time, and place the act occurred and include any other pertinent facts.
  - 2. The names of possible witnesses.
  - 3. A description of the evidence which supports the complaint.
- B. The Chairperson, within three (3) days from the filing of the application for hearing by the grievant, shall determine if the grievance is proper. If so, the Chairperson will instruct the parties as to the procedures to be followed in drawing the names of the members of the Grievance Committee and in conducting the hearing. If not, the Chairperson will notify the parties and the President of his/her determination and give the reason(s). The President may direct that a duly constituted Grievance Committee hear the grievance. The Chairperson will, within five (5) days following receipt of a grievance, cause the Committee members to be selected.

**VIII. Hearing Procedure (Example of How to Conduct a Grievance Hearing Can Be Found in the Appendix C)**

- A. A tape recording, transcript, or written summary of the proceedings shall be kept and made available to the parties concerned at reasonable cost.
- B. During the proceedings, grievant(s) and respondent(s) should present their own case. Parties who would like to have a representative present their case may petition the Chairman of the Grievance Committee in writing of their wishes prior to the hearing. Attorneys may be present as observers and advise the grievant.
- C. The parties shall be afforded a reasonable opportunity to obtain and present witnesses, documentary and/or other evidence except confidential records.
- D. The parties concerned have the right to cross-examine all witnesses. Where the witness cannot appear because of illness or other cause acceptable to the Committee, the sworn statement of the witness may be introduced into the record. In such event, the opposite party shall have the right to file counter-statements within three (3) days following the completion of the hearing.

- E. The Chairperson shall administer an oath or affirmation to all witnesses.
- F. The Chairperson will determine whether or not there should be a time limitation for the hearing. If such a limitation is considered appropriate, the committee will inform both parties of the time allocated for each argument.
- G. The Committee will not be bound by legal rules of evidence. The Committee may receive any evidence of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available. The Chairperson or presiding officer will decide all questions relating to the admissibility of evidence or other matters.
- H. The decision of the Committee, resulting in the Findings and Recommendations, will be based on the evidence introduced at the hearing and shall be made within ten (10) days after the date of the hearing or within ten (10) days after receipt of the transcript of the hearing if one is deemed necessary. The Committee will report its decision in the form of Findings and Recommendations to the President and the parties.
- I. Public statements and publicity about the complaint shall be avoided.

**IX. Findings and Recommendations of the Committee**

The Findings and Recommendation(s) of the Committee shall be written by a member selected by the Committee at the conclusion of the hearing. Findings and Recommendations shall be sent to the parties and copy sent to the President not later than ten (10) working days following the hearing, unless a transcript of the hearing is required, in which event Findings and Recommendations shall be sent no later than ten (10) working days following receipt of the transcript. Findings and Recommendations made by the Grievance Committee shall be binding. The parties have the right to appeal to the President for review of the Grievance Committee's decision.

**X. Appeal of Decision**

If the grievant is unsatisfied with the Findings and Recommendations from the Grievance Committee, the student may appeal the decision to the President of the college.

1. A student shall file a written appeal to the President within 5 business days of receiving the response referenced in item IX above.
2. The appeal will be decided based entirely on documents provided by the student and the administration; therefore, the student must ensure that he has provided all relevant documents with his appeal.
3. The decision of the President shall be made within 10 business days of receipt by the President of the appeal.
4. The decision of the President concerning the grievance appeal is final.
5. The parties have the right to appeal to the Board of Regents for review of the President's final decision.

**XI. Prohibition of Retaliatory Action**

A grievant shall not be harassed, intimidated, or otherwise penalized or retaliated against for utilization of the grievance process. If the grievant believes retaliation has occurred, he/she may communicate in writing to the Grievance Committee Chairperson his/her request to convene a meeting within five (5) working days of the request to hear allegations or retaliatory actions against the grievant. After hearing the allegations, the Grievance Committee shall conduct a confidential investigation, not to exceed ten (10) working days in duration, to determine the validity of the alleged retaliatory actions. If the Grievance Committee determines the accusations to be valid it shall within ten (10) working days present its Findings and Recommendations to the President and provide a copy to the grievant. If the outcome of the process is not satisfactory to the grievant, he/she may file a complaint with the Grievance Committee Chairperson.

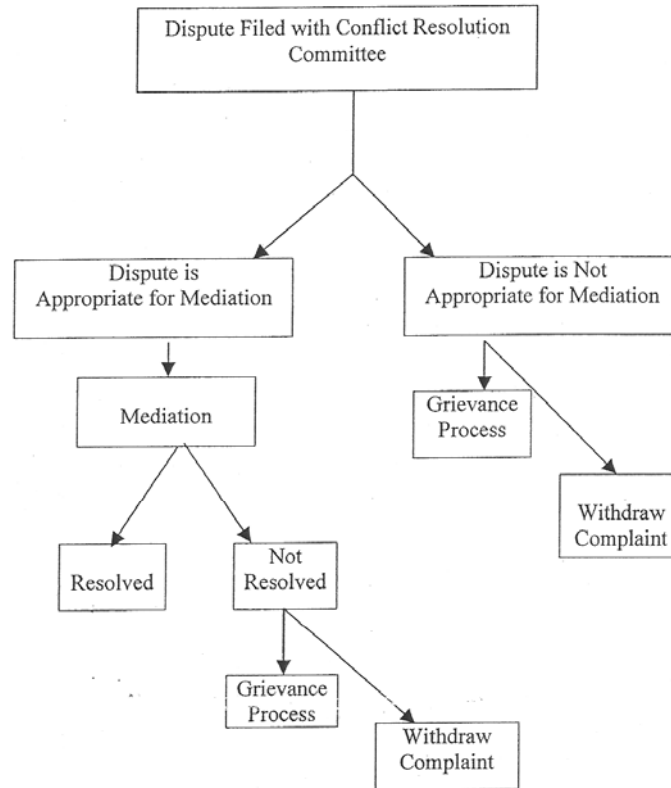
**XII. Modification of the Procedure**

Modification of the procedure may be made by concurrence of the Chairperson and Alternate Chairperson for any specific case for which circumstances make these procedures inappropriate.

# **Appendix A**

## **Mediation Flowchart**

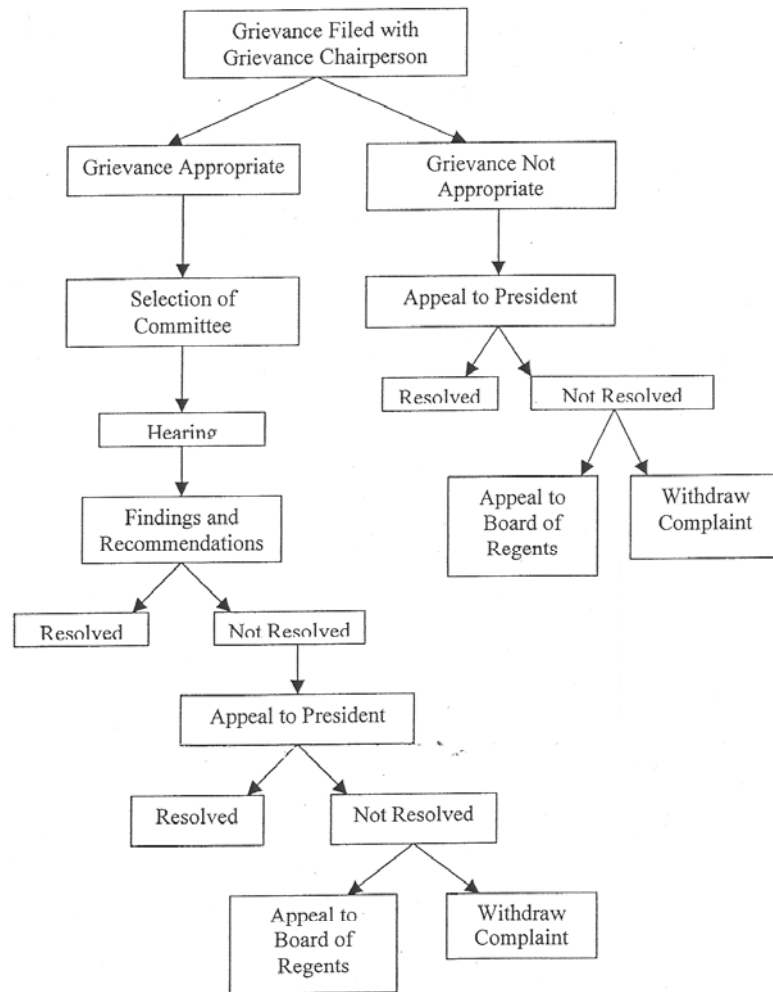
## Mediation Process



# **Appendix B**

## **Grievance Flowchart**

## Grievance Process



# **Appendix C**

## **Sample Procedure for Conducting a Grievance Hearing**

## SAMPLE PROCEDURE FOR CONDUCTING A GRIEVANCE HEARING

Conducting an effective hearing does not require any knowledge of court procedures or formal rules of legal evidence. In fact, an informal hearing held in an orderly manner will be conducive to a full development of the facts and issues. However, there are some basic procedural guidelines, which the Committee Chairperson should follow to insure that the hearing is fair and impartial and meets the requirements of due process.

First, the Chairperson should read the following statement (or one similar to it), completing the blanks appropriately:

My name is \_\_\_\_\_. I have been appointed/elected by \_\_\_\_\_ to serve as Chairperson of this Committee to hear the (grievance, complaint, charges against, appeal of) \_\_\_\_\_ Name \_\_\_\_\_, \_\_\_\_\_ Position \_\_\_\_\_ at this institution. Other members of this committee are \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.

This hearing is being held pursuant to Bainbridge College Grievance Procedures. It is the function of this Committee to hear and review all pertinent facts of this case, giving both parties the opportunity to present their respective side of the issues involved. It is not contemplated that any decision will be made today. Rather, the Committee will review the record of this hearing and submit its Findings and Recommendations to the President.

Mr./Ms. \_\_\_\_\_ Name of Grievant \_\_\_\_\_, I understand that you are being assisted in this hearing today by \_\_\_\_\_.

The hearing will be an informal one. Each party will be allowed to present sworn statements and the testimony of witnesses. Formal rules for the introduction of any evidence will not apply. I will authorize the introduction of any evidence into the record, which may be of probative value to the Committee in determining the issues involved. The Committee's findings will be based entirely on the hearing record.

Mr./Ms. \_\_\_\_\_ Name of Grievant \_\_\_\_\_, the burden of proof is on you to sustain your allegations by appropriate evidence and Mr./Ms. \_\_\_\_\_ Name of Respondent \_\_\_\_\_ will have the opportunity to respond. We have allocated \_\_\_\_\_ hours/minutes to each side. Please observe the time limitations.

All persons who expect to testify will please stand and you will be sworn at this time. Chairperson administers oath to all witnesses simultaneously, including the parties if they expect to testify. All witnesses, (except the parties) should leave the room at this time until called to testify. I will ask Mr./Ms. \_\_\_\_\_ to keep time for us.

Next, the grievant may present a brief (5 – 10 minutes) opening statement if he/she desires. Thereafter, the grievant should proceed to present evidence in support of his/her case. Any evidence, which will assist the Committee in reaching a decision, should be admitted into the record. However, the Chairperson may exercise discretion and exclude any evidence, which is not pertinent to the issues.

The parties have the right to be present during the entire hearing, including the examination of all witnesses. They may question their own witnesses and cross-examine opposing witnesses. When a witness cannot appear because of illness or other cause acceptable to the Committee, the sworn statement of the witness may be introduced into the record and served on the opposite party who should be allowed additional time, not to exceed three (3) days, following the completion of the hearing to file counter sworn statements.

The grievant may question his/her witnesses or ask that the witnesses be permitted to make a narrative statement. At the conclusion of the grievant's questioning, the respondent should be given an opportunity to question (cross-examine) the grievant's witness. Questions by Committee members should be reserved until both parties have completed questioning the witness. Further, time should be charged only against the party asking the questions. Time used by the Committee members in questioning witnesses should not be charged against either party.

The Chairperson should not limit the scope of questions asked by appropriate persons unless it appears that the questions are wholly irrelevant to the purpose of the hearing or the questions are asked solely to embarrass, harass, or intimidate the witness.

The Chairperson should attempt to keep the evidence confined to issues. Parties should not be allowed to focus undue attention on collateral or inconsequential matters. Further, repetitive or cumulative evidence may be excluded to reduce the length of the hearing.

At the conclusion of the grievant's case, the respondent may respond. He/she should be allowed to make a brief (5 – 10 minutes) opening statement. The respondent then may call witnesses. After each witness has testified, the Chairperson should ask the grievant if he/she wishes to question the witness. The Chairperson should not assume that the grievant knows that he/she has this right.

Since the hearing is an informal one, the Chairperson may allow informal exchanges and comments between parties or among Committee members and participants. The Chairperson may require that the hearing be conducted on a more formal basis when he/she believes this approach will be more conducive to an orderly hearing. However, the Chairperson should maintain control of the hearing at all times and not allow either party to interfere with the orderly presentation of the other's case. Personal abuse, harassment or obscene language is always out of order.

Documentary (written) evidence introduced by the Committee or by either party should be marked for identification by the person making a record of the hearing. Generally, Committee evidence, (Request for Hearing, Notice of the Hearing, etc.) should be marked C-1, C-2, etc.; grievant evidence marked G-1, G-2, etc.; and respondent's evidence marked R-1, R-2, etc. The party offering the evidence should first show it to the opposing party for review and then to the Committee Chairperson for approval before being admitted in evidence. The opposing party may object to the introduction of any document, stating his/her reasons therefore. It is then the responsibility of the Chairperson to decide whether the document should be admitted into evidence. Relevance and reliability are key considerations.

The party introducing written evidence should identify the evidence for the record (unless the opposite party agrees to its authenticity), preferably by calling a witness with firsthand knowledge of the document. However, since the legal rules of evidence do not apply, it will be sufficient if the party simply describes the documents, its sources, and what its introduction is intended to show. The Chairperson should announce that the document is admitted into the record if that is his/her decision.

Normally, the party with the burden of proof (grievant) has the right to open and close the final arguments in a hearing. The grievant should be granted no more than a total of ten (10) minutes for closing argument. He/she should be advised that part of his/her time may be reserved for rebutting the closing argument of the respondent who should be allowed equal time for final argument.

If neither party wishes to submit additional documentary evidence after the hearing is concluded, the Chairperson should announce that the record is closed. If either party asks to present additional evidence, additional time not to exceed three (3) days to rebut the evidence may be granted. The party presenting it to the opposite party should send copies of evidence presented. The Chairperson should announce the record is closed, and thereafter no further evidence should be received.

## AFTER THE HEARING

Immediately after the conclusion of the hearing, the Committee should meet privately to discuss their initial reaction to the case and the evidence while it is fresh on their minds. As soon as the record (transcript, tape, etc.) of the hearing is available, each Committee member should carefully review it before reaching a decision. The Committee should then meet again, discuss the case, and reach its decision, which is then put in writing and signed. It does not have to be unanimous and a minority report may be filed.

1. Findings of Fact: A brief summary of the facts as determined by the Hearing Committee from the evidence presented at the hearing, including a statement, as to the nature of the case (e.g., salary dispute alleging race). State findings of fact on each major issue raised by the parties.
2. Violations: A general statement of Regents' Policies or institutional rules and regulations violated, if any, and/or the stated reasons for the action.
3. Recommendation(s): A statement specifying the action the Committee recommends. (Note: The Committee should keep its purpose in mind and limit the scope of its recommendation(s) to the case.

To reduce the length of the decision without sacrificing clarity, the Committee report should include only such factual recitals as necessary to present and decide the issues.

The Committee's final decision should be sent to the grievant by official letter to be delivered to addressee only, with receipt to show to whom and when delivered and address where delivered. (Direct delivery by institution representative is permissible). The letter should include a statement advising the grievant of his/her right to appeal to the President for review of the Committee's final decision.