University of Wisconsin-Platteville Complaints and Grievances Commission
Complaint Hearing Procedure

Overview and Complaint Reporting Procedure

1. Definition. Complaints are allegations by the administration, students, academic staff members, other faculty members, classified staff members, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member’s performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 4. The complainant may or may not have any personal stake or involvement in the claim; and may or may not be personally affected by the conduct in question. The remedy sought may be a sanction imposed upon the faculty member against whom the complaint is made.

2. Informal Complaint Resolution. In many cases, complaints can be resolved informally (for example, through direct contact with the faculty member or through the intervention of the faculty member's supervisor). The purpose of informal resolution is to end the objectionable behavior and resolve the concern rather than to assess blame and impose disciplinary sanctions. While informal resolution may result in some mutually agreeable action, such as an apology or a behavior contract, no record of a complaint resolved informally will be placed in the faculty member's official personnel file.

3. Formal Complaint Resolution. If informal resolution of the situation is not possible or if the offense is so serious or persistent as to warrant disciplinary action, then a formal complaint should be filed. The purpose of formal resolution shall be to determine if the complaint has validity and, if so, to enact disciplinary sanctions, such as a written reprimand, disciplinary probation, or suspension. All complaints must be filed in a timely manner; individual policies, such as the UW-Platteville Policy & Procedures Regarding Discrimination and Harassment, may have specific time lines that must be followed. A record of formal resolution, including the written complaint and a statement of the outcome, shall be placed in the faculty member's official personnel file.

   a. Step One: The Written Complaint. To initiate the formal resolution process, a written complaint must be filed with the Chancellor. The complaint shall contain a clear and concise statement of the alleged incident or violation, the date or period of time during which the situation took place, the issue involved (including the reasons the complainant believes the alleged incident violates university rules or policies or adversely affects the faculty member's performance or obligation to the university), and the relief sought. The written complaint must be signed and dated.

   b. Step Two: Chancellor's Initial Action. Before taking an initial action, the Chancellor shall provide a written statement of the complaint to the faculty member, and shall provide with faculty member with 10 days to provide a written response. The faculty member may waive the 10 day response period. Upon receipt of the complaint and initial response, if any, the Chancellor may: 1) dismiss the complaint; 2) refer the matter to the appropriate administrator for investigation and/or informal resolution; 3) refer the matter to the Complaints and Grievances Commission (“Commission”) for a formal hearing; or 4) take direct disciplinary action. The Chancellor's initial action
shall take place within ten (10) working days of receipt of the complaint or timely response.

c. Step Three: A Formal Hearing. The Chancellor may refer the matter to the Commissioner for a formal hearing. When the Chancellor’s initial action involves disciplinary action, the faculty member may, within five (5) working days of notification of the Chancellor’s initial action, appeal the decision to the Commission.

The hearing will be scheduled within 20 working days of the initial action, and both the faculty member and the complainant must be given written notice of at least ten (10) working days. Every effort should be made to accommodate the schedules of both the faculty member and the Chancellor’s representative for the hearing. Extensions to this time line may be granted by mutual agreement of the parties.

The hearing is subject to the provisions of the Wisconsin Open Meetings Law. Both parties may present witnesses to support their positions. Both parties may also present written documentation.

Within thirty (30) calendar days of the hearing, the Commission will present its findings, along with recommendations for disposition of the situation in writing to the Chancellor. The Commission may make a recommendation to the Chancellor concerning disciplinary action, recommend to the Chancellor that the complaint be dismissed, or recommend referral of the complaint to the appropriate department or administrator.

d. Step Four: Final Action. After reviewing all the information and supporting documentation, the Chancellor shall issue a written decision on the recommendation of the Commission, or on the complaint in the absence of a Commission recommendation that will be the final determination of the matter, except that the Board of Regents, upon petition of a complainant, the commission, or other faculty body, may grant a review on the record.

Complaint Hearing Procedure

1. Once a formal hearing has been triggered pursuant to Section 3.c., above, the procedures outlined below shall be followed.

2. All hearings shall be held before a five-member panel of the Commission ("hearing panel"), which shall act on behalf of the Commission. The Chancellor of the Chancellor’s representative who presents the complaint is the “complainant.” The faculty member responding to the complaint is the “respondent.”

3. All hearings shall be scheduled within 20 working days of submission of a written referral from the Chancellor, or a written appeal from the faculty member, to the Commission chairperson ("Chair"). This deadline may be extended by consent of the parties or by order of the hearing panel.
4. A party may disqualify any panel member with a conflict of interest as described in Section 7(c) (iii) of the Commission Policy.

5. The complainant shall present the complaint to the hearing panel. The complainant may testify and present witnesses, documents and other materials in support of the complaint. If the complainant plans to present witnesses and documents, the complainant must send a list of witnesses and all documents to the Chair of the hearing panel at least five days before the scheduled hearing. The respondent may testify and present witnesses, documents and other materials in support of his or her position, and may be accompanied by a representative. If the respondent plans to present witnesses and documents, the respondent must send a list of witnesses and all documents to the Chair of the hearing panel at least five days before the scheduled hearing. The respondent may choose to be accompanied by a representative, who may support and advise the respondent. However, the representative may not provide testimony, make statements, or otherwise participate in the hearing. At least three days prior to the hearing, the Chair of the hearing panel shall share the complainant’s and respondent’s witness lists and documents with the opposing party.

6. The following apply to the complaint hearing:

   a. A hearing will be limited to the specific complaint that had been filed with the Commission and no new or additional complaints may be added at the hearing directly or indirectly.

   b. A room in the MPSC or a conference room in one of the halls on Campus will be reserved for the hearing and media services will be contacted to record the hearing as stated in #9 below. The layout of the room in which the hearing is held may have to be improvised on the day of the hearing depending on the furniture available in the room. See last page of this document for two example layouts for hearings. The order in which the various elements of a hearing occur, as well as any hearing procedures, may be finalized by the respective hearing panel for a specific complaint. However, the general sequence of elements of a hearing is outlined in the following sections.

   c. The hearing generally shall be limited to 90 minutes and the hearing shall not extend beyond two hours.

   d. The hearing will begin with opening remarks from the Chair during which time the process and procedures for the hearing will be explained to the parties. At the conclusion of the opening remarks, the Chair will ask the parties if they have any questions regarding the hearing process, and shall provide a brief opportunity for each party to ask clarifying questions, if any.

   e. The complainant will then make opening remarks for 10 to 15 minutes. If any document is provided as evidence, two copies must be handed over to the hearing panel which will pass one of the copies to the respondent.

   f. The respondent with then make opening remarks for 10 to 15 minutes. If any document is provided as evidence, two copies must be handed over to the hearing panel which will pass one of the copies to the complainant.

   g. The hearing panel may give the complainant up to thirty more minutes for additional response. The complainant may use this time to present witnesses. A witness may only provide evidence that is relevant to the specific complaint that had been filed with the Commission. If the complainant provides an additional
response, then the respondent shall be given equal time for additional response and may present witnesses. A witness may only provide evidence that is relevant to the specific complaint that had been filed with the Commission.

h. The hearing panel members may then take the rest of the time to ask questions. The complainant, respondent, and witnesses may be recalled to answer questions from the members of the hearing panel.

i. During the hearing, only hearing panel members may ask questions of the complainant, respondent and any witnesses. The complainant, respondent, and witnesses shall not question each other during the hearing. The panel also may call and question additional witnesses, and ask for additional information from the complainant, the respondent, or the witnesses. The panel may halt the presentation of information it deems irrelevant to the complaint.

j. A witness may be present at the hearing only when he or she is making a statement or being questioned. A respondent’s representative may not also be a witness.

k. The above order of hearing, hearing date, issue(s) for hearing, time limits, and any other procedural determinations, if the hearing panel chooses to set them, must be sent to the complainant and any respondent at least three days prior to the hearing.

7. The hearing panel may hold a complaint hearing in closed session in conformance with the Wisconsin Open Meetings law. The hearing panel should consult with the university’s legal counsel prior to holding a closed meeting.

8. All panel members, witnesses and representatives must respect the confidentiality of the information and records introduced into the hearing.

9. An audio recording will be made of the hearing.

10. The hearing panel’s findings and recommendation must be based solely on information made available to both the complainant and any respondent during the course of the complaint process. If additional information is received by the hearing panel during the course of its investigation, and outside the hearing, that information must be shared with the complainant and respondent, and each must be given a reasonable opportunity to respond at the hearing or in writing.

11. The hearing panel will investigate the complaint and conduct the hearing as expeditiously as possible. Based on the evidence, the hearing panel will reach a determination by majority vote with respect to the issue(s) presented by the complaint, and within 30 days after completion of the hearing, the hearing panel will report in writing its findings and recommendation for resolving the complaint to the Chancellor.

Note:

1. Each year or semester the Commission may revise the above procedures on the basis of its experience.

2. If a complainant has disabilities that were recognized by the Human Resources Department at the time of hiring or at any time during employment, then the Commission and the Hearing Panel may revise the above procedures to accommodate specific disabilities that must be accommodated by the institution.