

South Dakota Board of Regents Grievance Hearing Procedure

1. The hearing officer presides over the hearing and has the authority to make the following determinations: the admissibility and relevancy of testimony and evidence (documents/exhibits); the need to recall witnesses; whether information/testimony becomes cumulative or repetitious.
2. The hearing officer is authorized to tape record the hearing. No other taping is authorized. The hearing officer will notify at the beginning that the session will be taped.
3. Both the grievant and the respondent may be present at the grievance hearing. Each party may also elect to have witnesses.
4. The hearing is limited to the grievant, respondent, witnesses who testify, and others that the hearing officer deem appropriate. Spectators are not allowed.
5. Generally each party is allowed 2.0 hours each for presentation of testimony, documents, and witnesses. The hearing officer may modify this time frame as deemed appropriate.
6. The hearing officer will open the hearing and request that each party make an opening statement. Opening statements should summarize what the parties will show through evidence and witness testimony.
7. A list of witnesses should be provided to the hearing officer one week prior to the hearing. The list should include the following: Name, Title, Department, and summary of what they have to offer as a witness by means of the grievance. Each party is responsible for notifying his/her witness as to the date, time and location of the grievance hearing and to assure that witness will be there.
8. Testimony of the witnesses is given by answering specific questions from the parties and or the hearing officer. The grievant and respondent should be prepared to ask questions from his/her respective witness in order to present the case.

Sample Questions:

Would you state your name for the record?

What is your job title?

What is your relationship to the grievant/respondent?

Each party will be allowed to question witnesses from the opposite side. While each party should attempt to prepare as many questions as possible in advance, each party should be prepared to take notes during the testimony so that questions can be asked during cross examination.

9. The hearing officer will make the determination on when or how long a witness or witnesses shall be present in the hearing.
10. Affidavits will not be allowed in this hearing without special permission for such an affidavit. When allowed they should be dated, signed, witnessed, and notarized.
11. All documents that are introduced will be referred to exhibits. Parties should prepare in advance a list of exhibits in the order in which they will be presented. The parties should note that the lists and all exhibits will be exchanged during the hearing itself. However, if requested the hearing officer may request the exhibits and or lists prior to the hearing.

Sample Exhibits

Grievant's Exhibit

- A. Letter Dated June 6, 2002
- B. Job Description

Respondent's Exhibit

- A. Policy Number 123 effective August 2000
- B. Letter Dated June 6, 2002

- 12. The hearing officer may call recesses.
- 13. Closing statements should summarize the case.
- 14. Hearing officer will make a recommendation to the Board of Regents at the next appropriate Board of Regents meeting in executive session.