Hearing Panel Guidelines

A hearing panel will convene when

a) A member has filed an appeal of an ineffective or developing rating under APPR
b) A member has filed a grievance regarding the selection process to fill an instructional vacancy and the grievance has been denied at steps 1 and 2

Hearing Panel Process

The Hearing Panel will be comprised of four members (two members from the WTA and two administrators), jointly selected by the Assistant Superintendent for Human Resources and the WTA President. Panel members shall be selected from two pools: a WTA pool and an administrative pool each consisting of 6-9 members with each instructional level (elementary, middle, and high school) being represented. All panel members will receive special training on the policies and procedures of the appraisal and/or selection process and the Hearing Panel Guidelines before serving on said panel. The President of the WTA and the Assistant Superintendent for Human Resources or the Assistant Superintendent for Instruction will observe the meeting as non-participants to validate the correctness of the proceedings.

When the hearing panel convenes, both the member and the administrator will have the opportunity to make a brief (no more than five minutes) opening statement. The panel shall then have the opportunity to question both parties. Once the panel has asked its questions, both parties will be given the opportunity to share any pertinent information they feel should be considered by the panel that was not discussed during the question phase of the hearing. For a hearing panel regarding the appraisal process, both parties will be present in the room for opening statements, questions, and closing comments. Because of the confidentiality of parts of the selection process, the opening statements, questions, and closing statements in a selection hearing panel will take place without the other party present.

The panel shall discuss and debate in a closed door session the information presented by both parties as well as all written documentation received.

The panel should consider all mitigating circumstances, including but not limited to class size, student/classes assigned to the teacher, student attendance, teacher leave/personal life issues, new initiatives or requirements placed on the teacher, physical environment in which the teacher works, and the relationship between the teacher and his/her administrator. In a selection hearing panel, the panel should focus on the qualifications listed in the contract: teacher certification status, current tenure area, teaching experience, specialized training, demonstrated ability to work with peers and supervisors, and the demonstrated ability to motivate and instruct students, all judged in relation to the position in question. The panel should also consider any additional qualifications that were provided to the candidates prior to the interview.

Hearing Panel Timelines for Appraisal Hearing Panels

Any member wishing to appeal their final professional performance rating may request a meeting of the hearing panel with the Assistant Superintendent for Human Resources no later than *one calendar week* after the receipt of their final composite score. The request for appeal must include the grounds for appeal.

Upon receiving a hearing panel request, the Assistant Superintendent for Human Resources shall verify the receipt of this request in writing to the appealing member, the appealing member's lead evaluator, and the WTA President. Upon receipt of this verification, the appealing member and the lead evaluator will have *ten calendar days* to submit any pertinent evidence or materials they feel would be helpful to the hearing panel in reaching an impartial decision.

The appealing member will submit their hearing panel materials/evidence to the WTA President who shall then provide copies to the members of the panel. The lead evaluator will submit the materials/evidence to the Assistant Superintendent for Human Resources who shall then provide copies to the members of the panel.

The panel hearing will be held within *fifteen calendar days* after evidence/materials were received by the WTA and Assistant Superintendent. The WTA President and Assistant Superintendent can mutually agree to extend this deadline if they feel additional time is needed to ensure a fair hearing.

At this point, the WTA President and the Assistant Superintendent will verify that the appeal meets the criteria established by the State. If both agree the appeal does not meet the necessary criteria, the appeal will not be heard by the hearing panel.

Hearing Panel Timelines for Selection Hearing Panels

Any member whose grievance regarding the selection process to fill a vacancy is denied at Steps 1 and 2 may request a meeting of the hearing panel with the Assistant Superintendent for Human Resources no later than *fifteen working days* after the receipt of the Step 2 response.

The panel hearing will be held within thirty working days after the request is received by the WTA and Assistant Superintendent. The WTA President and Assistant Superintendent can mutually agree to extend this deadline if they feel additional time is needed to ensure a fair hearing.

No less than 48 hours before the panel is to convene, the member and administrator must submit any pertinent evidence or materials they feel would be helpful to the hearing panel in reaching an impartial decision.

The appealing member will submit their hearing panel materials/evidence to the WTA President who shall then provide copies to the members of the panel. The administrator will submit the materials/evidence to the Assistant Superintendent for Human Resources who shall then provide copies to the members of the panel.

Hearing Panel Decision for Appraisal Hearing Panels

The panel shall strive to reach consensus on all matters before them. However, if a majority decision cannot be reached after one hour of discussion, then the Assistant Superintendent for Human Resources or the Assistant Superintendent for Instruction, whichever was present for the hearing, shall make the final decision. The panel has the authority to sustain, modify, or set aside the evaluation.

The decision of the panel shall be in writing and shall be delivered to the teacher, the WTA President, and the Superintendent not later than *five working days* after the date of the hearing. The decision of the panel shall be final and binding on all parties.

Hearing Panel Decision for Selection Hearing Panels

The panel shall strive to reach consensus on all matters before them. However, if a majority decision cannot be reached after one hour of discussion then the members of the panel shall submit dissenting opinions.

The decision of the panel shall be in writing and shall be delivered to the teacher, the WTA President, and the Superintendent not later than *fifteen working days* after the date of the hearing.

If a majority is not reached, the WTA Executive Board will determine whether to proceed to arbitration or drop the grievance at Step 3.