



## **OUTLINE OF PROCEDURE FOR ARBITRATION HEARING**

**Postponement of hearing:** Postponement may be granted if there are extenuating circumstances. Requests for postponement must be made in writing. Permission can be given by the Chairperson. All parties shall be advised of the date of the rescheduled hearing.

**Recording the hearing:** The Board shall have a court reporter or recorder present or may tape record the proceeding. If the Board utilizes a court reported in lieu of tape recording, the parties may not be prohibited from making their own tape recording.

**Method and objective of procedure:** The Hearing Panel shall not be bound by rules of evidence applicable in courts of law, but shall afford all parties a full opportunity to be heard, present witnesses and offer evidence, subject to its judgment as to relevance.

**Due process procedure:** The hearing procedures will be:

1. Opening statement by Chairperson – cite authority to hear case and explain reason for hearing
2. The arbitration request will be read into the record.
3. The testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while testifying.
4. The parties will be given an opportunity to present evidence and testimony on their behalf and they may call witnesses.
5. The parties and their legal counsel will be afforded an opportunity to examine and cross-examine all witnesses and parties.
6. The panel may ask questions at any time during the proceedings.
7. The Chairperson may exclude any question ruled to be irrelevant or argumentative.
8. Each side may make a closing statement. The complainant will make the first closing statement and the respondent will make the final closing statement.
9. Adjournment of hearing.
10. The Hearing Panel will go into executive session to decide the case.

**Award in arbitration hearing:** The decision of the Hearing Panel in an arbitration proceeding shall be reduced to writing (setting for only the amount of the award by the panel) and signed by the arbitrators or a majority of them, and a copy shall be furnished to each of the parties to the arbitration. A copy also shall be filed with the Secretary of the Board.

**Use of legal counsel:** A party may be represented in any hearing by legal counsel. However, parties may not refuse to directly respond to requests for information or questions addressed to them by members of the panel except on grounds of self-incrimination, or on other grounds deemed by the panel to be appropriate. In this connection, the panel need not accept the statement of counsel as being statements of counsel's client if the panel desires direct testimony. Parties shall be held responsible for the conduct of their counsel. Any effort by counsel to harass, intimidate, coerce or confuse the panel members of any party to the proceedings, or any action by counsel which is viewed by the panel as disruptive of the proceedings, shall be grounds for exclusion of counsel. The decision to exclude counsel for any of the foregoing reasons shall be the result of a majority vote of the members of the panel and shall be non-appealable. In the event counsel is excluded,, the hearing shall be postponed to a date certain not less than fifteen (15) nor more than thirty (30) days from date of adjournment to enable the party to obtain alternate counsel provided, however, that such postponement shall not be authorized if it appears to members of the panel that the action of counsel has been undertaken by counsel to obtain a postponement or delay of the hearing.

Be advised that all matters discussed are strictly confidential.

*(Revised 11/97)*

*Code of Ethics and Arbitration Manual*