

MPM DRAFT 081208

RULES FOR APEALS TO THE AFFIRMATIVE ACTION COMMISSION

1. These Rules are adopted by the Affirmative Action Commission (AAC) to govern appeals to the AAC under secs.32.09(9)(e), (g) and (h), MGO. In addition to these Rules, all such appeals shall follow any requirements of the MGO.
2. The AAC delegates the authority to hear any appeals to an Appeals Subcommittee. The Subcommittee shall be made up of the Chair of the AAC and two other members of the AAC chosen by the Chair at the time an appeal is filed.
3. Person seeking an appeal must file a letter or other document with the Director of the DCR within the time set for appeal, indicating that an appeal is being taken and the grounds for the appeal (the "Notice of Appeal").
4. Upon receipt of the Notice of Appeal, the DCR Director shall communicate with the Chair of the AAC to determine the make-up of the Appeals Subcommittee(AS) and will promptly forward a copy to each member of the AS and shall determine the next available time that the AS could meet to hear the appeal. Such a hearing shall take place within 20 days of the receipt of the Notice of Appeal, and all interested parties will be given at least 10 days notice of the hearing.
5. The DCR Director shall, at the same time, notify the appropriate staff or other persons who may have an interest in the appeal.
6. Once the date for the appeal hearing has been set, the interested parties shall be given the opportunity to make such written submissions to the AS as they deem appropriate. Any such submission shall be made at least five (5) days before the appeal hearing. The submissions may be supplemented with further submissions at the hearing. Submissions shall be made to the members of the AS and the Director of the DCR, with a copy to other parties. If a party requires a witness to be present, the Chair of the AAC may issue a subpoena for the witness's appearance or for the production of documents.
7. At the start of the hearing, the Chair shall inquire whether the hearing shall be informal or formal. An informal hearing allows the parties to present their cases by written or verbal submissions. A formal hearing allows testimony under oath, the presentation and receipt of exhibits and other evidence. Upon request of any party, including the AA Division, the hearing shall be formal.

8. The Chair of the AAC shall conduct the hearing. The AS shall follow the restrictions in sec. 227.45, Wis. Stats., in the receipt of evidence.
9. The AA Division has the burden of proof and shall present its case first. If any witnesses are called, the witnesses shall be placed under oath by the Chair of the AAC.
10. Other parties shall then be allowed to present their case. If any witnesses are called, the witnesses shall be placed under oath by the Chair of the AAC.
11. Parties shall be given a reasonable opportunity to respond to the submissions of other parties.
12. Following receipt of all submissions, the AAC shall meet to render a decision pursuant to secs ____ and ____, MGO. The deliberations may be in closed session, if properly qualifying and noticed for such. In the event the hearing is recessed or any delayed exhibits are to be received, the time of the decision shall run from the end of the hearing or receipt of the final exhibits.
13. The AS may be advised by the City Attorney.
14. The AS shall keep a record of all hearings on appeal.
15. All decisions of the AS shall be reduced to writing and are subject to appeal to the Circuit Court by certiorari within 30 days of the written decision.