

## Agencies have multiple safeguards in place to mitigate the risk of bias.

The table below reports the number of agencies in which **ALL**, **NONE** or a **MIX** of hearings within a single agency have a particular safeguard in place.

### 42

Number of agencies that reported conducting a hearing between fiscal years 2011 and 2015. The percentages reported are of the number of agencies. Not all percentages add to 100 because of rounding.

Safeguard	% of agencies
<p><b>Hearing officer disqualification</b> The ability to disqualify a hearing officer without cause, or prevent any employee of the agency other than the agency head from serving as hearing officer; Subsequently appointed hearing officers may be disqualified with cause</p>	<p><b>100%</b> All agencies and hearings have this safeguard.</p>
<p><b>Judicial review before the courts</b> An appellate review of the agency record and final order by the courts</p>	<p><b>100%</b> All agencies and hearings have this safeguard.</p>
<p><b>Conflict of interest policy</b> A system to verify that hearing officers do not have a conflict of interest before being assigned to a contested case</p>	<p><b>90%</b>      <b>7%</b> All 38      None 3      NA 1</p>
<p><b>Ex parte communications policy</b> Specific rules limiting improper contact with a party or hearing officer</p>	<p><b>74%</b>      <b>19%</b> All 31      None 8      Mix 1      Other 1      NA 1</p>
<p><b>Professional code of ethics</b> A standard specific to hearing officers that describes and regulates professional conduct</p>	<p><b>60%</b>      <b>36%</b> All 25      None 15      Mix 1      NA 1</p>
<p><b>Hearing officer training</b> Training provided by the agency on topics such as hearing officer roles and responsibilities, administrative law, or agency rule</p>	<p><b>17%</b>      <b>76%</b>      <b>5%</b> All 7      None 32      Mix 2      NA 1</p>

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### Safeguard (Continued)

% of agencies

#### Federal review

A review of hearing procedures by a federal agency; typically for actions that are funded through federal dollars



#### Separation of employee hearing officers

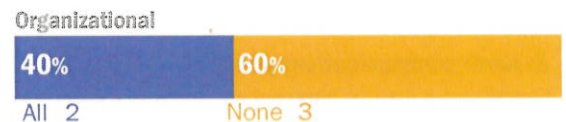
5 agencies were in the employee hearing officer category.

Segregation of employee hearing officers that may be:

Functional (no other primary duties outside of conducting hearings),



Organizational (reporting structure separates hearings from investigations), or



Physical (office in a separate building or on a different floor)



#### De novo review in the courts

A review of the final order by the courts in which new evidence may be accepted and the agency is not presumed to be correct

