**A panel member shall not hear an appeal filed by his/her immediate supervisor."** is not specifically required by statute or regulation.   However, in his opinion it is good to keep the phrase in policy because the controlling case law requires due process and an impartial hearing body.  There are several ways to go with this issue. **1.** You could keep the language as is and consider finding some way for  an election or designation of a certified employee who is not supervised by the appealing evaluatee.   **2.** Another option might be keeping the language and having the board waive the requirement when necessary.  **3.** A third option would be to add to the policy language:  "**Except when no other panel members are available to serve, a panel member shall not hear an appeal filed by his/her immediate supervisor." 4.** Finally, if conducting the evaluation process is not feasible because of this policy provision, the provision may be removed. Before going with the final option, your Board attorney should be contacted.