



**Board of Regents of the University of Wisconsin System**  
**Office of the Secretary**  
1860 Van Hise Hall  
Madison, Wisconsin 53706  
(608)262-2324

August 31, 2005

TO: Each Regent

FROM: Judith A. Temby

A handwritten signature in black ink, appearing to read "J. A. Temby".

**PUBLIC MEETING NOTICE**

RE: Agendas and supporting documents for the meeting of the Board to be held at the Washington County Fair Park, 3000 Hwy PV, West Bend on September 8, 2005, and at the Washington County Cooperative Extension Office, 333 E. Washington St, West Bend, Wisconsin on September 9, 2005.

**Thursday, September 8, 2005**

9:30 a.m. – Tours to view community based education and applied research programs  
Departing from Washington County Cooperative Extension Office

11:30 a.m. – Lunch – Washington County Fair Park, Rooms 118, 119 and 120

12:15 p.m. – Board of Regents Meeting  
Washington County Fair Park, Room 112

1:15 p.m. – Business and Finance Committee  
Washington County Fair Park, Room 112  
**All Regents Invited**

2:30 p.m. – Education Committee  
Washington County Fair Park, Room 112

Business and Finance Committee  
Washington County Fair Park, Room 114

Physical Planning and Funding Committee  
Washington County Fair Park, Room 117

6:00 p.m. – Reception  
Washington County Courthouse Museum  
320 S. Fifth Ave.

**Friday, September 9, 2005**

9:00 a.m. – Board of Regents Meeting

Washington County Cooperative Extension Office, Rooms 1113A and B

*Persons wishing to comment on specific agenda items may request permission to speak at Regent Committee meetings. Requests to speak at the full Board meeting are granted only on a selective basis. Requests to speak should be made in advance of the meeting and should be communicated to the Secretary of the Board at the above address.*

*Persons with disabilities requesting an accommodation to attend are asked to contact Judith Temby in advance of the meeting at (608) 262-2324.*

*Information regarding agenda items can be found on the web at*

*<http://www.uwsa.edu/bor/meetings.htm> or may be obtained from the Office of the Secretary, 1860 Van Hise Hall, Madison, Wisconsin 53706 (608)262-2324.*

*g:\regents\agenda\09\_August\covltr*

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

I. Items for consideration in Regent Committees

1. Education Committee - Thursday, September 8, 2005  
Washington County Fair Park  
Room 112  
West Bend, WI  
2:30 p.m.

9:30 - 11:30 a.m.      Tours to View Community-Based Education and Applied Research Programs

11:30 a.m. - 12:15 p.m.   Roundtable Lunch, Washington County Fair Park

12:15 p.m.              All Regents (Room 112)

- Committee on Retreat Follow-Up: Board of Regents Goals for the Coming Year

1:15 p.m.                Business and Finance Committee – All Regents Invited

- Review of Employment Policies and Practices

2:30 p.m.                Education Committee

- a. Approval of the minutes of the June 9, 2005, meeting of the Education Committee.
- b. Education Committee Planning for 2005-06
- c. Report of the Senior Vice President for Academic Affairs:
  1. University of Wisconsin-Extension Presentation: Baccalaureate Access for Adults and Under-Served Students.
- d. Annual Program Planning and Review Report.
- e. Program Authorizations - First Readings:
  1. Online M.B.A., University of Wisconsin Consortial Degree;
  2. B.S. in Golf Enterprise Management, University of Wisconsin-Stout.
- f. Program Authorizations – Second Readings:
  1. B.A./B.S. in Women’s Studies, UW-Eau Claire;  
[Resolution I.1.f.(1)]
  2. Consortial Doctor of Physical Therapy, UW-La Crosse and UW-Milwaukee.  
[Resolution I 1.f.(2)]

- g. UW-Milwaukee Charter School Contract Extension.  
[Resolution I.1.g.]
- h. Revised Faculty Personnel Rules: Changes in *Faculty and Academic Staff Handbook* regarding Faculty Service Award and Student Opinion Survey, University of Wisconsin-Oshkosh.  
[Resolution I.1.h.]
- i. Authorization to Recruit:
  - 1. Provost/Vice Chancellor, UW-Madison;  
[Resolution I.1.i.(1)]
  - 2. Provost/Vice Chancellor, UW-Stout;  
[Resolution I.1.i.(2)]
  - 3. Provost/Vice Chancellor, UW-Superior.  
[Resolution I.1.i.(3)]
- j. Report on 2004 Undergraduate Drop Rates.  
[Resolution I.1.j.]

Additional items:

- k. Additional items that may be presented to the Education Committee with its approval.

PROGRAM REVIEW AND PROGRAM PLANNING  
IN THE UNIVERSITY OF WISCONSIN SYSTEM

September 2005

**I. Introduction**

The University of Wisconsin System Office of Academic and Student Services (ACSS) prepares an annual report on program planning and review to provide an overview of academic program activity across the UW System. In past years, this report was presented to the Board of Regents at their December meeting. The decision was recently made to present the report to the Board each September. To begin the new academic year with the overview provided by this report serves not only to review the activities that took place during the previous academic year, but also to preview the work ahead for the institutions and the Board in the arena of academic program planning and review.

The authority of the Board of Regents for educational programs is found in Chapter 36 of the Wisconsin State Statutes. Among the Board's responsibilities enumerated in Chapter 36 .09(1)(c) is to "determine the educational programs offered in the system..." Chapter 36 further provides that UW System Administration (UWSA) has the responsibility to recommend educational programs to the Board. Academic Information Series 1 (ACIS-1) sets forth the Board-approved process for various academic program actions. All new academic programs emerge as a result of a collaborative planning process between UWSA and the proposing campus(es). UWSA recommends new programs to the Board, which has final decision-making authority over program approval.

This year's report outlines new program planning and approval over the past five years. It also includes information on institutional activity directed at maintaining high quality academic programs. The Provost/CBO Working Group on Academic Program Planning Efficiencies has been working since February 2005 on proposals to make academic program planning and review more effective and efficient. Recommendations are forthcoming.

This report provides summary information on the following specific academic program activities:

- New program planning and approval;
- Institutional reviews of on-going programs;
- Accreditation reviews in 2004-05; and
- Management and continuous improvement of systemwide program array.

**II. New Program Planning and Approval Process**

With few exceptions, all new academic programs are supported through the reallocation of resources of existing programs in an effort to respond to the changing needs of students and the state. There are four major steps in the collaborative program planning

process: request from the institution for entitlement to plan a new academic program; authorization by UWSA to implement the new program; implementation of the program following Board approval; and a comprehensive review of the academic program five years after its implementation, conducted jointly by UWSA and the institution.

#### **A. Entitlement to Plan**

The first step in the new program planning process is for an institution to request from the UWSA Office of Academic and Student Services (ACSS) an entitlement to plan a new academic program leading to a degree. The request contains a brief statement identifying the program and explaining how the program relates to planning issues, including:

- The need for the program;
- The relation to institutional mission;
- The projected source of resources; and
- The relation to other programs in the UW System and in the region.

ACSS reviews the proposal and, if it appears to have merit, circulates the request to the System's other institutional Provosts for comment. These comments may lead to further consultation with the requesting institution and other institutions to explore how the program fits into systemwide program array and possible collaborative efforts. The request for entitlement to plan is then either granted, deferred for further development, or denied.

Since July 1, 2000, the Office of Academic and Student Services has granted 44 entitlements, returned six to the institution for further development, and denied one. Eleven entitlement requests either expired or were withdrawn. Currently, there are two entitlement requests pending. Of the entitled programs, 21 have been implemented and one is authorized but not yet implemented.

#### **B. Authorization to Implement**

Once an institution has been granted an entitlement to plan, the next step is for it to develop a proposal for authorization to implement. The request for authorization to implement must address the following:

- Context, including history of the program, relationship to existing programs, relationship to campus mission and strategic plan, and campus program array history;
- State, regional and national need, including comparable programs within and outside the state, student and market demand for graduates of the program, and possible collaboration or alternative program delivery possibilities;
- Program description and evaluation, including objectives, curriculum, diversity infusion, relationship to other curricula, method of assessment, and use of information technology/distance education;

- Personnel, including what steps will be taken to recruit and retain students, faculty, and staff from diverse populations and perspectives;
- Academic support services including library and advising;
- Facilities and equipment; and
- Budget and finance.

The program proposal undergoes several levels of review, including: review by external consultants; by appropriate governance bodies; and by a three-person Program Review Committee that consists of a representative of UW System Administration and two representatives of the institution. If the program proposal receives positive reviews from the governance groups and the Program Review Committee, the Committee recommends that the Provost of the institution seek authorization to implement the program. The Provost submits the authorization proposal and related materials to ACSS where a decision is made as to whether the program warrants submission to the Board of Regents. Following a positive decision, the program is presented to the Education Committee and the Board of Regents for approval. During the past five years, 36 programs were authorized by the Board for implementation.

#### **C. Implementation by the Institution**

Once authorized to implement the program, the institution sets an implementation date. Campuses sometimes choose to delay implementation, and on occasion, a campus makes a decision not to go forward with an authorized program because of changed circumstances. Of the 37 programs that were authorized by the Board for implementation during the last five years, 35 have been implemented.

#### **D. Joint Review**

The final step in the approval of new academic programs is a joint review by ACSS and the institution, conducted five years after the program is implemented. The review is designed to determine how well the program has met its goals and objectives, and whether it has achieved these goals with the resources anticipated. Review by external evaluators is required for all joint reviews.

When the joint review is completed, the report is submitted to ACSS for formal action on whether to continue the program. If the program is approved for continuation, it is then placed into the institution's normal program review cycle.

#### **E. Summary**

The following table shows summary data on the number of entitlements to plan granted by ACSS, authorizations to implement approved by the Board of Regents, the number of programs implemented, and the number of joint reviews completed for academic years 2000-2001 through 2004-05. For purposes of this tally, the academic year begins on July 1 and ends on June 30.

	2000-01	2001-02	2002-03	2003-04	2004-05
Entitlements	11	5	10	6	12
Authorizations	5	7	9	7	8
Joint Reviews	4	3	3	4	6

From July 1, 2000, to date, 44 programs received entitlement to plan, including 22 programs at the baccalaureate level, 15 at the master's level and seven at the doctoral level.

Since the Board mandated the joint review process in 1981, a total of 144 joint reviews have been completed. In a number of cases, changes and improvements recommended during the joint review process have been incorporated into the continuing programs. Academic programs may also be discontinued as a result of the five-year joint review. Since 1981, five programs have been discontinued as a result of this review. There are currently 60 new programs that are scheduled to initiate joint review over the next five years, and 22 joint reviews in progress. One program has been recommended to be reviewed again in two years.

### **III. Institutional Program Review**

Each UW institution reviews all of its academic programs on a regular cycle, usually every seven to ten years. These reviews are one of the principal means by which the institutions ensure continued quality of their academic program offerings.

The specific protocols and procedures involved in these reviews vary from institution to institution, reflecting differences in organizational structure and form of faculty governance. However, the process generally involves a thorough self-study by the department or program and a rigorous review by a college or institutional committee. Outside evaluation may also be involved. The results of the review, along with the recommendations, are reported to the appropriate Dean, Provost, and/or designated committee. The institutions also report the results of these reviews to ACSS on an annual basis, along with a brief description of the outcome of each review.

During 2004-05, 104 program reviews were completed, resulting in the discontinuation of three programs, two conditional continuations, one redirect with review in two years, and a discontinuation of enrollment in one program. Of the program reviews that began in or before 2004-2005, 91 are currently in progress.

Among the key specific substantive areas addressed in the campus program reviews undertaken were:

- Student experience
  - Student engagement;
  - Student/faculty research collaboration;
  - Time and credits to degree;
  - Mentoring and advising.



- Resources
  - Facilities;
  - Maintaining quality with fewer resources;
  - Cost per student;
  - Loss of faculty;
  - Collaboration.
- Assessment
  - Assessment of internships;
  - Employee and alumni input;
  - Focus on student learning outcomes;
  - Student surveys.
- Diversity
  - Diversifying faculty, staff, and students;
  - Diversity in course content.

#### **IV. Program Accreditation**

UW System institutions undergo both institutional accreditation and specialized accreditation. Institutional accreditation includes all areas, and focuses on the whole institution as it defines itself. All UW institutions are accredited by the North Central Association Commission on Accreditation and School Improvement (NCA CASI). The Education Committee receives a report from each institution that has gone through institutional accreditation, as part of its report on general education. Specialized accreditation addresses specific programs within an institution. This form of accreditation is discipline-specific, often related to professional programs, and in particular professional programs that require graduates to seek licensure to practice.

Specialized accreditation activity at the UW institutions is consistent with national patterns. Currently, about 234 UW System programs are eligible for accreditation by recognized specialized accrediting organizations, and thirteen UW institutions hold multiple specialized accreditations.

UW institutions annually report accreditation activity to ACSS. In 2004-2005, UW institutions reported the completion of 14 specialized accreditations. In the past three years, 98 accreditation reviews have been completed, including institutional accreditations. There are 49 accreditation reviews scheduled to begin in 2005-2006.

#### **V. Program Array Management and Continuous Improvement**

The process of program planning and review undergoes continuous improvement in response to new needs and experience. During the 2004-2005 academic year, ACSS undertook a variety of initiatives to further improve the process. In February of this year, a joint Provost/Chief Business Officer process was initiated to explore administrative

efficiencies. One of the areas addressed by that process was academic program planning and review. A number of recommendations will be forthcoming from that process later this fall.

#### **A. Consortial Degree Programs**

During the 2004-05 fiscal year, the Board approved the UW System's first consortial programs offered collaboratively by two or more institutions. Such programs are particularly noteworthy as they join the resources of two or more institutions in providing a degree opportunity for students in Wisconsin. In September, 2004, the Board approved the first of these programs, a public/private partnership between UW-Milwaukee and the Medical College of Wisconsin to award a UW-Milwaukee Ph.D. in Medical Informatics. In April, 2005, the Board approved the first consortial degree program between two UW institutions. The Doctor of Audiology is a joint degree offered by UW-Madison and UW-Stevens Point. Finally, in June, 2005 the second joint degree program, a Doctor in Physical Therapy, was presented to the Education Committee for a first reading. Subject to Board approval, this degree program will be offered collaboratively by UW-Milwaukee and UW-La Crosse.

#### **B. Revision of Joint Review Guidelines and Process**

The UW System Program Planning Advisory Committee recently revised the format institutions may use for the Joint Review process. The revisions included increased attention to diversity and collaboration. The revised guidelines are available on the program planning website. In response to requests from several institutions, the process was also revised to be sensitive to the scheduling of institutional program reviews. The new process will allow institutions to adjust the joint review schedule to coincide with their schedule so that faculty members are not asked to complete two separate processes in a short time.

#### **C. Degree Completion Programs**

A number of initiatives in support of degree-completion programs with Wisconsin Technical College System (WTCS) institutions are underway. A recent example is an agreement between Western Wisconsin Technical College computer engineering technology program and the UW-La Crosse computer science program. The UW System policies that guide these agreements are the recently revised ACIS 6.0, *Undergraduate Transfer Policy* and ACIS 6.1, *Guidelines For Transferring Wisconsin Technical College System Applied Associate Degree General Education Courses*.

#### **D. Joint Review Workshop**

On April 28, 2005, 25 faculty and staff from eight institutions met in Madison to discuss the joint review process, to review recent revisions to the process, and to share models of good practice in preparing a self-study. The purpose of the workshop was to assist faculty who will be involved in reviewing a recently implemented program in the next year or two.

## **VI Conclusion**

It is important to note that this report only partially demonstrates the dynamic character of UW System program array. Only a small part of institutional program activity involves the creation of new academic programs. New sub-majors—e.g., minors, concentrations, and certificate programs—are added and deleted to respond to the dynamic needs of students and the state. The academic program array of the UW-System must be continuously aligned with those needs, even in times of diminishing resources. In the current environment, institutions are forced to cut back or eliminate programs to absorb budget cuts. While such decisions are always difficult ones, deliberate and comprehensive academic program planning and review are critical during a period of declining resources, as the System seeks to ensure the continuation of a vibrant array of quality academic programs that meet the needs of students and the state.

Our processes must also be responsive to the dynamic nature of students' higher education needs, while ensuring that the UW System continues to offer students an array of academic programs in the most efficient and effective way possible. A set of recommendations will be forthcoming later this year to ensure that the program planning and review process accomplishes those goals.

**NEW PROGRAM AUTHORIZATION**  
**Master of Business Administration**  
**University of Wisconsin Consortial Degree**  
**UW-Eau Claire, UW-La Crosse, UW-Oshkosh, UW-Parkside and UW-Extension**

**INITIAL REVIEW**

**EXECUTIVE SUMMARY**

**BACKGROUND**

In accordance with the procedures outlined in Academic Planning and Program Review (ACIS-1.0 revised), the new program proposal for a Consortial Master of Business Administration (Consortial M.B.A.) is presented to the Board of Regents for initial review. As stipulated by ACIS-1.0 revised, this program proposal will be on the agenda for the October, 2005, meeting for a second review, at which time the Board of Regents will take final action on this request. If approved, the program will be subject to a regent-mandated review to begin five years after its implementation. The consortium institutions and System Administration will conduct that review jointly, and report the results to the Board.

The proposed program is presented by a consortium representing UW-Eau Claire, UW-La Crosse, UW-Oshkosh, UW-Parkside, and UW-Extension Learning Innovations. The four UW degree-granting institutions each hold the entitlement to offer an M.B.A. degree, and each is accredited by the Association to Advance Collegiate Schools of Business (AACSB International). The Consortial M.B.A. will be offered entirely online.

**REQUESTED ACTION**

No action requested at this time.

**DISCUSSION**

**Program Description**

The curriculum for the proposed Consortial M.B.A. program consists of a required core of four interdisciplinary four-credit modules plus 14 credits of electives. It is designed to meet the needs of working adults. It will be possible for students to complete the program in two years, but it is anticipated that most students will take two-and-one-half to three years to complete the program. The core modules include Strategies for Managing of Ongoing Operations, Developing New Products and Services, Managing Strategically in a Global Environment, and Focusing on the Future. These courses will be team-taught by faculty members from the respective disciplines at the four business programs. Electives such as Organizational Leadership and Change, Project Management, E-Business Fundamentals, Securing Company Information, Marketing Agreements, and Emerging Markets have already been developed and shared among the consortium institutions.

Learning Innovations will handle all aspects of the program relating to technical and instructional design support for course development, maintenance and revision, student access and technical support, and faculty access and technical support. UW-Eau Claire will assume the role of Administrative Coordinator for the Consortium until such time as all or part of that role can be assumed by Learning Innovations. The Consortium Executive Committee will consist of the dean from each of the consortium member business programs, and the Dean of Outreach and E-Learning Extension at UW-Extension. The Consortium Executive Committee approves all policies and procedures of the M.B.A. Consortium and provides general oversight for the program. Academic oversight will be provided by the Consortium Academic Standards and Assessment Committee, comprised of the four M.B.A. Program directors and a faculty member from each of the four business programs.

### **Program Goals and Objectives**

The program is designed to prepare graduates who embrace diversity, communicate with members of the global business environment, engage in teamwork, and have a sense of social and ethical responsibility. Graduates will also be prepared to anticipate the needs of customers, employees, stockholders, and other organizational stakeholders; secure competitive advantage through emphasis on quality, technology, and innovation; and evaluate organizations and predict their future success through interpretation of their financial data.

The curriculum is based on the business growth cycle. Each of the core modules has specific learning objectives. They include:

- Understanding the complexities of managing day-to-day operations of a business;
- Understanding key issues involved in the development of a new product/service, business venture, subsidiary or division;
- Examining telecommunication needs and options in planning for growth;
- Developing tools to analyze and position an organization for competitiveness in a global marketplace; and
- Investigating the dynamics of change and the importance of corporate strategies in leading the organization of the future.

Students will engage in both individual and group work in the online environment to meet these learning objectives. Specific activities will include writing a comprehensive development plan, designing a marketing research study, developing a budget for a new product, examining worldwide competition and globalization issues, and investigating and identifying information technology issues supporting the organization of the future.

### **Relation to Institutional Mission**

The proposed online Consortial M.B.A. is consistent with the institutional mission and strategic plans of all participating institutions. It is also consistent with UW System priorities. On July 12, 2001, the UW Board of Regents approved the Executive Group on Online Learning report and endorsed the vision of a coordinated and collaborative approach to online learning across the UW system. This was intended to educationally serve those Wisconsin residents for whom traditional, campus-based programs were not as readily accessible, and to export

knowledge and import financial resources by extending the UW educational brand beyond the state's borders. The proposed program is consistent with these objectives and represents a coordinated and collaborative approach to online learning.

### **Diversity**

Students in the proposed program will be exposed to diversity in the curriculum and through fellow students and faculty. The proposed Consortial M.B.A. will meet the AACSB International standards. These accreditation standards require that institutions demonstrate diversity in the program. There are specific requirements for the infusion of diversity into the curriculum. In addition to providing a curriculum that fosters flexibility and sensitivity toward cultural differences, there is a commitment to attracting a diverse student body. Students will be asked to provide information on their racial/ethnic heritage on the program application so that the progress can be measured. The program will be marketed to companies with a diverse work force. It will also be marketed internationally so that future cohorts will have a mixture of United States and international students. The faculty will provide diverse points of view. Twenty-four percent of the faculty teaching in the program are women; sixteen percent of the faculty are from countries other than the United States.

### **Need**

In February of 2003 the staff of the UW System Market Research Office conducted a study within the state of Wisconsin. The market research indicated that within the state there is demand for such a program from primarily working adults who are not able to attend classes offered on campus.

The participating institutions are already collaborating to offer online foundation courses preparing students to enter the M.B.A., as well as a range of core and elective M.B.A. courses. The audience served by the online offerings is primarily comprised of working adults, with an estimated 90 percent of students enrolled already employed at businesses primarily throughout Wisconsin. Enrollments have been steadily increasing, with 420 course enrollments during the spring of 2005. Over the past four years, 31 different courses have been offered, with a total enrollment of 2,475 students. The completion rate for students enrolled in these courses is approximately 90 percent. The percentage of students receiving tuition assistance from their employers ranges from 75 percent to 90 percent.

### **Comparable Programs**

UW-Whitewater currently offers an online M.B.A. degree, which differs from the proposed program in the structure of the curriculum, the delivery methodology, and in the number and focus of emphasis areas. These two programs will provide Wisconsin residents and a national audience a choice in an online program. The two programs are currently sharing electives. This expands the choices available to online students and avoids unnecessary duplication of courses. The Deans of the two programs will continue to explore additional opportunities for collaboration.

There are numerous online M.B.A. programs offered by institutions in the United States. There are three other multi-university online M.B.A. programs within the United States provided by institutions in the Penn State, Georgia, and Texas systems. In the two latter cases, the student is required to select a home campus and then takes courses that meet that school's requirements using courses offered by the consortium.

## **Collaboration**

The Consortial M.B.A. is a single program which represents the collaborative efforts of four UW comprehensive institutions and UW-Extension Learning Innovations. Unlike other multi-university online M.B.A. programs, prospective students will apply to a single program. Enrolled students will all take the core modules and choose from electives approved by the Consortium and taught by faculty from the participating comprehensive institutions. They will all pay the same tuition. The program builds on the history of working together to develop and offer online foundation courses that began in 1998.

## **Use of Technology/Distance Education**

This is an entirely online program. Learning Innovations will provide technical support for the Desire2Learn software used to deliver the courses. Learning Innovations will also provide extensive training and technical support for faculty and staff, including introducing them to distance education standards concerning such design issues as types and frequency of interactions, student-to-student and student-to-faculty presentation of course materials, and creation and handling of assignments and discussion.

## **Academic and Career Advising**

Learning Innovations will provide learner support services and will interact with campus student service personnel as necessary to coordinate the delivery of these services. Academic advising via telephone and e-mail will be done by the program director and specific faculty as the need arises. As the target audience for this program is working adults, the need for career advising is expected to be small.

## **Projected Enrollment**

The courses for this program have been offered to a pilot group of students. These are identified as "continuing students" for the implementation year. Estimates of future enrollments, which are reflected in the financial statements, are presented in the following table:

<b>Year</b>	<b>Implementation 2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>
New students admitted	32	35	35
Continuing students	25	35	45
Total enrollment	57	70	80
Graduating students	15	20	25

## **Assessment and Program Evaluation**

The Consortium Academic Standards and Assessment Committee will oversee program assessment and evaluation. The goals of the M.B.A. program are assessed via a variety of direct and indirect methods. Direct assessments include case studies, individual projects, (written) discussions as well as other embedded assessments. Each course has several indirect assessments. Students are surveyed three times – once at the midpoint and again at the end of the course using online instruments, and once a year through a live interview. These materials are reviewed at an annual meeting of selected faculty. Program alterations are then recorded and summarized in annual maintenance reports required by AACSB International.

## **Evaluation from External Reviewers**

The outside reviewers identified the collaboration and the integrated core courses as strengths of this proposed program. Both reviewers are familiar with the standards of the business school accrediting body and provided input on the relationship of the proposed program to those standards. The program proposal was strengthened by incorporating their suggestions and additions.

## **Resource Needs**

Course development for this program was funded by reallocation of funds from the consortial partners. The program will be self-supporting through program revenue generated. Many of the students will be new to the UW System. UW-Eau Claire as Administrative Manager will serve as the fiscal agent. The Executive Committee is responsible for day to day financial and instructional operation of the program.

When fully implemented, it is anticipated that program revenue will exceed the costs as is indicated on the attached budget. The net profit/loss will be shared equally among the five partners. Should there be a loss, representatives of the five consortial partners will investigate the cause and make necessary adjustments in the program. A comprehensive review of the financial status of the program will be included in the regular five-year joint review.

## **RECOMMENDATION**

No action requested at this time.

## **RELATED REGENT POLICIES**

University of Wisconsin System Academic Planning and Program Review  
(November 10, 1995), Academic Informational Series #1 (ACIS-1.0 revised)



[illegible]

**NEW PROGRAM AUTHORIZATION  
B.S. in Golf Enterprise Management  
University of Wisconsin-Stout  
(INITIAL REVIEW)  
EXECUTIVE SUMMARY**

**BACKGROUND**

In accordance with the procedures outlined in Academic Planning and Program Review (ACIS-1.0 revised), the new program proposal for a B.S. in Golf Enterprise Management at the University of Wisconsin-Stout is presented to the Board of Regents for initial review. As stipulated by ACIS-1.0 revised, this program proposal will be on the agenda for the October, 2005, meeting for a second review, at which time the Board of Regents will take final action on this request. If approved, the program will be subject to a regent-mandated review to begin five years after its implementation. UW-Stout and System Administration will conduct that review jointly, and report the results to the Board.

The B.S. in Golf Enterprise Management has been planned in response to golf industry encouragement to address their management needs. UW-Stout's existing programs in hospitality and tourism, food and beverage management, customer service, and general business administration have helped to position UW-Stout for this new and unique program. The B.S. in Golf Enterprise Management is consistent with UW-Stout's mission, reputation, and faculty expertise.

**REQUESTED ACTION**

No action requested at this time.

**DISCUSSION****Program Description**

The B.S. in Golf Enterprise Management is designed to prepare graduates for entry-level management positions, with a primary focus on the management of golf course properties. The program has been planned to address the need in the golf industry for employees with a comprehensive baccalaureate education in business, customer service, food, and beverage and retail management, in addition to golf-specific content in customer development and retention, golf course design, and turf management. The curriculum includes 42 credits in general education, including advanced courses in mathematics and economics; 53 credits in professional studies focused on golf business management, hospitality and tourism, and turf management; and 29 elective credits guided by faculty advisement to meet students' professional goals. The program includes existing curriculum from UW-Stout, three new courses in golf management at UW-Stout, and three new courses in turf management developed in collaboration with UW-River Falls.

**Program Goals and Objectives**

Both general education and professional goals and objectives have been established for the proposed programs. The general education component will address communication, reasoning, analytical, and critical thinking skills. The professional component of the program will provide exposure to all facets of the business of golf industry through an interdisciplinary curriculum. Students will have an opportunity to integrate skills developed in both general education and the professional courses

through participation in cooperative and internship experiences. Students may elect to take a minor or specialization to fulfill the elective credits. For example, selecting an array of business courses to fulfill the elective requirement will enable students to earn a business minor.

### **Relation to Institutional Mission**

The proposed B.S. in Golf Enterprise Management is consistent with the mission and capacities of UW-Stout. UW-Stout serves a unique role in the UW System as a special mission institution which is: “characterized by a distinctive array of programs leading to professional careers focused on the needs of society. These programs are presented through an approach to learning which involves combining theory, practice, and experimentation. Extending this special mission into the future requires that instruction, research, and public service programs be adapted and modified as the needs of society change.

UW-Stout offers undergraduate and graduate programs leading to professional careers in industry, commerce, education, and human services through the study of technology, applied mathematics and science, art, business, industrial management, human behavior, family and consumer sciences, and manufacturing-related engineering and technologies.”

### **Diversity**

Special efforts will be made to recruit women and minorities into the program as they are underrepresented at the management level in the golf industry. UW-Stout recently became a member of the Native American Tourism Association of Wisconsin and will use this as a vehicle for recruiting Native American students. We will contact the Multicultural Golf Association of America, Inc., to promote the program, and work with the Ladies Professional Golf Association to make women aware of the opportunities available in the golf industry.

### **Need**

To assess potential employment opportunities for graduates of the proposed B.S. in Golf Enterprise Management, an electronic survey of 125 golf course owners in Wisconsin and Minnesota was conducted in February, 2005, by a UW-Stout professor. The responses of Wisconsin and Minnesota golf course owners indicated that the proposed program would address the management needs of their facilities. They also indicated that it is likely that there will be employment opportunities for graduates of the program at their facilities in the next few years.

Student interest in the proposed program has been strong. Over 200 prospective students have indicated that they wish to be kept apprised of the program’s status and notified when the program becomes available. The strong student demand, combined with the needs of employers in the golf industry, indicate that this will be a viable program.

### **Comparable Programs**

There are no comparable B.S. programs within the state. Nationally there are sixteen colleges and universities that offer Professional Golf Management (P.G.M.) programs through the Professional Golfers Association. The only program currently available in the Midwest is at Ferris State University in Michigan. The P.G.M. programs have a player aptitude requirement, i.e., an eight or lower handicap, indicative of a highly skilled golfer. Player aptitude is not a required skill for the proposed B.S. in Golf Enterprise Management program, which will allow greater program access to a wider student audience. The proposed program will place strong emphasis on developing business management skills in food and

beverage, retail sales, service management, turf maintenance, human resources, and marketing, including customer development and retention.

### **Collaboration**

The University of Wisconsin-River Falls will provide the turf-related courses not offered at UW-Stout to minimize duplication of curriculum across the UW System. UW-River Falls is also interested in having the Golf Enterprise Management Specialization available as an option for their students. In addition, turf courses from the UW-Madison Turf program and the Southwest Wisconsin Technical College Golf Course Management program will articulate seamlessly into the proposed Golf Enterprise Management program. The program will also develop an articulation agreement with Southwest Technical College and their program in Golf Course Management.

### **Use of Technology/Distance Education**

The new courses for the Golf Enterprise Management program are being developed as online offerings. A specialized template using the Learn@UWStout platform has been designed and will be used for consistency for the six Golf Enterprise Management-designated offerings. Students will also be developing an electronic portfolio which will be an integral component of the program's assessment plan.

### **Academic and Career Advising**

UW-Stout has a comprehensive advisement plan for students in its programs. The Program Director is responsible for the total curriculum of the program and is charged with aiding students in meeting all program requirements.

Freshmen participate in the First Year Advising program to facilitate their transition into college and improve retention. The First Year Advisement program provides students with an orientation to the university and assistance with registration for general education and program-specific courses recommended by the Program Director. During the second semester of the first year, students will be assigned to an academic advisor. The advisor will be a faculty/staff member with expertise in the area of Golf Enterprise Management. The Program Director will conduct training sessions with the advisors on the program's curriculum and career opportunities.

The Co-op and Placement Services Office will assist students with obtaining cooperative education experiences in Golf Enterprise Management. This office also provides workshops on resume development and job interviewing, helping to prepare students for placement into co-ops, internships and permanent employment upon graduation.

### **Projected Enrollment (5 years)**

<b>Year</b>	<b>Implementation Year</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
<b>New students admitted*</b>	<b>30</b>	<b>45</b>	<b>60</b>	<b>75</b>	<b>100</b>
<b>Continuing students**</b>		<b>30</b>	<b>75</b>	<b>135</b>	<b>180</b>
<b>Total enrollment</b>		<b>75</b>	<b>135</b>	<b>210</b>	<b>280</b>
<b>Graduating students</b>				<b>30</b>	<b>45</b>

\*Includes freshmen and transfers from other institutions

\*\*Includes continuing G.E.M. students and internal transfers from other UW-Stout programs

\*\*\*Student attrition in the program should be less than the number of internal student transfers.

## **Assessment and Program Evaluation**

Students in the proposed Golf Enterprise Management will be assessed primarily through traditional exams, projects and grades. In addition, students will develop and submit a portfolio containing evidence and artifacts demonstrating their achievement of the general education and professional skills learning outcomes. The portfolio will include employer and faculty mentor evaluations from the student's two cooperative education or field experiences, as well as a self-evaluation of performance in the position by the student. The cooperative education/ field experience papers written by the student will become part of the portfolio and will be assessed by the faculty mentor on the integration of the knowledge and skills obtained through the practical experiences in the golf industry. Ongoing program evaluation will occur through meetings and discussions with the Program Committee and the Golf Enterprise Management Board of Advisors.

## **Evaluation from External Reviewers**

The proposal was reviewed by two consultants. Both reviewers endorsed the proposal citing a strong industry and student demand for the program. In addition, the reviewers both noted that the curriculum offers an updated approach with a focus on core business, management, hospitality, customer service, and leadership skills compared to the traditional P.G.M. model. The flexibility of the curriculum and the opportunity for online courses were recognized as program strengths.

## **Resource Needs**

The operating budget within the College of Human Development supports the existing specialization in Golf Enterprise Management. These resources will support the proposed program and the additional resources required will be provided through internal reallocation. As enrollment increases, additional reallocations will be made as necessary.

Program planning and development have been supported by funds donated by golf business and industry partners. To date, \$250,000 has been donated with a portion of those funds targeted for student scholarships. Additional funding from industry partners is anticipated and will be used for student scholarships and instructional laboratory support.

## **RECOMMENDATION**

No action requested at this time.

## **RELATED REGENT POLICIES**

University of Wisconsin System Academic Planning and Program Review (November 10, 1995), Academic Informational Series #1 (ACIS-1.0 revised)

# GOLF ENTERPRISE MANAGEMENT BUDGET

## Estimated Total Costs and Income

	First Year		Second Year		Third Year	
<b>COSTS</b>						
<b>CURRENT</b>	<b>#FTE</b>	<b>Dollars</b>	<b>#FTE</b>	<b>Dollars</b>	<b>#FTE</b>	<b>Dollars</b>
<b>Personnel:<sup>1</sup></b>						
<b>Fac/Acad Staff</b>	.833	\$35,000	1.25	\$53,571	1.75	\$76,500
<b>Grad Assistants</b>	.25	\$4,773	.25	\$4,869	.33	\$6,555
<b>Classified Staff</b>	.15	\$4,500	.15	\$4,590	.15	\$4,682
<b>Non-personnel:</b>						
<b>S&amp;E</b>		\$3,775		\$5,665		\$7,931
<b>Capital Equip.</b>		0		0		0
<b>Library</b>		\$1,800		\$1,800		\$1,800
<b>Computing</b>		\$148		\$198		\$268
<b>SUBTOTAL</b>		\$49,996		\$70,693		\$97,736
<b>ADDITIONAL</b>	<b>#FTE</b>	<b>Dollars</b>	<b>#FTE</b>	<b>Dollars</b>	<b>#FTE</b>	<b>Dollars</b>
<b>Personnel:</b>	.25	\$12,500	.50	\$25,500	.75	\$39,015
<b>Non-personnel:</b>						
<b>S&amp;E and Travel</b>		\$2,500		\$4,000		\$6,500
<b>SUBTOTAL</b>		\$15,000		\$29,500		\$45,515
<b>TOTAL COSTS</b>		<b>\$64,996</b>		<b>\$100,193</b>		<b>\$143,251</b>
<b>RESOURCES</b>						
<b>CURRENT</b>						
<b>GPR</b>		\$49,996		\$70,693		\$97,736
<b>Other</b>		0		0		0
<b>SUBTOTAL</b>		\$49,996		\$70,693		\$97,736
<b>ADDITIONAL</b>	<b>#FTE</b>	<b>Dollars</b>	<b>#FTE</b>	<b>Dollars</b>	<b>#FTE</b>	<b>Dollars</b>
<b>Personnel:</b>	.25	\$12,500	.50	\$25,500	.75	\$39,015
<b>Non-personnel:</b>						
<b>S&amp;E and Travel</b>		\$2,500		\$4,000		\$6,500
<b>SUBTOTAL</b>		\$15,000		\$29,500		\$45,515
<b>TOTAL RESOURCES</b>		<b>\$64,996</b>		<b>\$100,193</b>		<b>\$143,251</b>

<sup>1</sup> 2% annual increase in salaries included

Program Authorization (Implementation)  
B.A./B.S. in Women's Studies  
University of Wisconsin-Eau Claire

EDUCATION COMMITTEE

Resolution I.1.f.(1):

That, upon recommendation of the Chancellor of the University of Wisconsin-Eau Claire and the President of the University of Wisconsin System, the Chancellor be authorized to implement the B.A./B.S. in Women's Studies.

**NEW PROGRAM AUTHORIZATION  
B.A./B.S. Women's Studies  
University of Wisconsin-Eau Claire  
(IMPLEMENTATION)**

**EXECUTIVE SUMMARY**

**BACKGROUND**

In accordance with the procedures outlined in Academic Planning and Program Review (ACIS-1.0 revised), the new program proposal for a B.A. and B.S. in Women's Studies at the University of Wisconsin-Eau Claire is presented to the Board of Regents for implementation. If approved, the program will be subject to a regent-mandated review to begin five years after its implementation. UW-Eau Claire and System Administration will conduct that review jointly, and report the results to the Board.

The proposed B.A./B.S. in Women's Studies will be the first offered in the UW System in the western and northern areas of Wisconsin. Women's Studies is a multidisciplinary and interdisciplinary field. The coursework is infused with the diversity of all women, including racial/ethnic and global diversity. The program is designed to prepare graduates with an enhanced ability to think critically and an understanding of differences between, and increased tolerance for others. The program's focus on activism, application of theory to practice, and diversity of experiences and backgrounds will create effective world citizens.

**REQUESTED ACTION**

Approval of Resolution I.1.f.(1), authorizing the implementation of the B.A./B.S. in Women's Studies, UW-Eau Claire.

**DISCUSSION**

**Program Description**

The proposed Women's Studies program builds on the established minor in Women's Studies which has been available at UW-Eau Claire since 1984. It will be housed in the College of Arts and Sciences. Students will complete 36 credits in the major and a total of 120 credits to earn either a Bachelor of Arts or Bachelor of Science degree. The curriculum will be drawn from existing courses in Women's Studies and the courses shared between Women's Studies and fourteen other departments. Required coursework totals 12-15 credits and will culminate in a research capstone course. The remaining 21-24 credits toward the major are composed of core courses, most of which are cross-listed with other disciplines. Students will select courses across General Education categories and must complete three credits related to ethnic or global diversity. In addition to the Women's Studies major, students would complete a minor in another area of study to meet graduation requirements.



## **Program Goals and Objectives**

The goal of the Women's Studies program is to develop students with the knowledge and skills needed to perform a gendered analysis, which focuses on the intersection of human complexities such as ethnicity, social class, sexual identity, ability, religion, and age. Specific objectives include knowledge of and by women across disciplines, the historical context of women's lives, feminist theory, gender roles, gendered relations, Women's Studies scholarship, and feminist process. Objectives related to application include the ability to articulate their knowledge, and performing ethical activism in the community based on that knowledge.

## **Relation to Institutional Mission**

A Women's Studies program will contribute to several UW-Eau Claire institutional objectives and its strategic plan, particularly the university's commitment to liberal arts and science education, community partnerships, student-faculty collaboration, interdisciplinary curricular development, and diversity. A Women's Studies major will complement UW-Eau Claire's baccalaureate goals by offering many General Education courses that are infused with interdisciplinary content, foreign culture, and cultural diversity as a core part of its curriculum.

Women's Studies as a discipline is committed to the integration of theory and activism. In practice, this will translate into the continued development of a variety of service-learning opportunities for students. The critical research requirement will increase the participation of both students and faculty in the student-faculty research collaboration sponsored by UW-Eau Claire.

## **Diversity**

Women's Studies attracts a diverse group of students, faculty, and staff. Fifteen percent of the approximately 80 faculty and staff affiliated with Women's Studies identify as people of color, many of whom teach cross-listed courses through their home departments. Affiliated members include men and women across sexual orientations, ages, and religions.

The diversity of the human experience is the centerpiece of the Women's Studies curriculum. Diversity includes attention to voices of women, people of color, lesbians and gay men, poor people, and people with differing abilities, ages, religions, and global perspectives. The entire program of study is based on the diversity of experiences related to gender and sex. Embedded in course content and texts are materials written in diverse voices. Texts are chosen based on their inclusiveness of diverse perspectives in the areas noted above. In addition, there are specific curricular offerings that focus on diverse populations beyond gender/sex, including but not limited to women of color in the United States and women globally.

## **Need**

The proposed program will be the first Women's Studies major available in the western and northern geographic part of the state. Women's Studies prepares students for a broad range of careers, including business, the arts, not-for-profit community agencies, government and

public policy, social sciences, medicine, law, and communications. The most concentrated jobs for Women's Studies majors are in the health, social and human service areas, as well as education, and law/government arenas. Each of these areas and careers benefit when professionals in them have knowledge of gender-related issues. There currently is a great deal of policy work regarding gender, race and class in government, including Lieutenant Governor Lawton's Wisconsin Women = Prosperity (WW = P) statewide initiative. Often, Women's Studies majors are completed with another major in Arts and Sciences and there are opportunities for collaboration with the education and nursing programs at UW-Eau Claire.

### **Comparable Programs in Wisconsin**

Three baccalaureate programs in Women's Studies are offered in the UW System at UW-Madison, UW-Milwaukee, and UW-Whitewater. UW-Madison has recently added a master's level program. There is also a program at Beloit College. The proposed program at Eau Claire is similar to the existing programs in required curricular offerings.

### **Comparable Programs outside Wisconsin**

Twenty-four Women's Studies degree programs are offered in neighboring states: four in Iowa, eight in Illinois, and twelve in Minnesota. Nine of those programs are offered in public institutions, while the remaining fifteen are affiliated with private institutions.

### **Collaboration**

The faculty at UW-Eau Claire has explored collaboration with other institutions in the area. On-going discussions with UW-La Crosse, UW-Superior, UW-Oshkosh, and UW-River Falls, in particular, have resulted in the delineation of several specialized courses at each institution that could be integrated into the approved curriculum for the UW-Eau Claire Women's Studies major. The UW System Women's Studies Consortium is actively seeking resources to support distance learning formats for these courses.

### **Use of Technology/Distance Education**

Opportunities for critical analysis of information and general knowledge are enhanced when students are able to integrate current web-based information, news, and research with traditional texts. Technology is used in a variety of ways to supplement pedagogical practice for many Women's Studies courses, which rely heavily on interactive discussion. Women's Studies courses often utilize web-based course formats, such as the *Desire2Learn* course management system, to offer another venue for discussion on topics. Faculty members have attended workshops to facilitate the development of Women's Studies courses that integrate a variety of delivery methods, known as hybrid courses, which will result in increasing the integration of technology into instructional design.

## Academic and Career Advising

Women's Studies graduates are prepared to pursue a broad range of careers, as well as graduate or professional studies. Job networking will occur through the internship/research capstone and service-learning experiences, and through contact with the program's Community Liaison Advisory Committee. The Women's Studies program also will work with the campus career advising office to help Women's Studies students with placement and career choices.

## Projected Enrollment

Year	2006	2007	2008	2009	2010
New students admitted	5	10	10	10	12
Continuing students	10	13	17	18	18
Total enrollment	15	23	27	28	30
Graduating students	2	6	9	10	10

## Assessment and Program Evaluation

Ongoing program evaluation will occur at three levels. First, instruction in all courses is evaluated by students regularly, and course content is subject to cyclic review through the updating and revision process at both the program and college levels. Second, a program-wide assessment plan will rely on the Women's Studies capstone course, which will include: (1) the administration of exit interviews to graduating seniors; and (2) a semi-annual public presentation and evaluation of Women's Studies students' scholarship. Through the interviews, the program coordinator will seek information about students' perceptions of the program strengths and weaknesses, development of skills and knowledge, and overall preparedness for entering the workforce. Third, the program will utilize the current UW-Eau Claire portfolio assessment project. The information gathered by these processes will be evaluated by a program committee as feedback for implementation of curricular changes as warranted. The program coordinator will create a summative report for the program membership and university community.

## Evaluation from External Reviewers

Both external consultants noted strong aspects of the proposed program, including curricular breadth and sequencing, consistent recent program growth, increasing student interest, and widespread institutional support. In addition, they noted the benefits of offering a program in this area of the state.

## Resource Needs

A budget is attached. No new resources are required to provide this program. Currently, a .50 FTE position is allocated to Women's Studies on a recurring basis. If this program is approved, that position will become a permanent reallocation. It is anticipated that this position will be combined with partial positions from other departments in the College of Arts and Sciences to create one or two full time tenure-track assistant professor positions that are

interdisciplinary in nature and support this program. Facility and current operating budget resources are adequate for the foreseeable future.

### **RECOMMENDATION**

The University of Wisconsin System recommends approval of Resolution I.1.f.(1), authorizing the implementation of the B.A./B.S. in Women's Studies, UW-Eau Claire.

### **RELATED REGENT POLICIES**

University of Wisconsin System Academic Planning and Program Review  
(November 10, 1995), Academic Informational Series #1 (ACIS-1.0 revised)

**BUDGET FORMAT**  
**Estimated Total Costs and Income**

	<b>FIRST YEAR</b>		<b>SECOND YEAR</b>		<b>THIRD YEAR</b>	
<b>CURRENT COSTS</b>	#FTE	Dollars	#FTE	Dollars	#FTE	Dollars
Personnel						
Faculty/Instructional Staff	1.5	\$92,347	1.5	\$95,120 <sup>1</sup>	1.5	\$97,975 <sup>1</sup>
Graduate Assistants	n/a	n/a	n/a	n/a	n/a	n/a
Non-instructional Academic /Classified Staff	0.5	\$14,636	0.5	\$15,075 <sup>1</sup>	0.5	\$15,530 <sup>1</sup>
Non-personnel						
Supplies & Equipment		\$3,935		\$3,935		\$3,935
Capital Equipment		n/a		n/a		n/a
Library		\$4,422 <sup>2</sup>		\$4,422 <sup>2</sup>		\$4,422 <sup>2</sup>
Computing		\$ 700 <sup>3</sup>		\$ 700 <sup>3</sup>		\$ 700 <sup>3</sup>
Other	Fed Wk Study=\$1,250 Non-Fed Wk Study=\$1,250		Fed Wk Study=\$1,250 Non-Fed Wk Study=\$1,250		Fed Wk Study=\$1,250 Non-Fed Wk Study=\$1,250	
Subtotal		\$118,540		\$121,752		\$125,062
<b>ADDITIONAL COSTS</b>	#FTE	Dollars	#FTE	Dollars	#FTE	Dollars
Personnel		\$0		\$0		\$0
Non-personnel		\$0		\$0		\$0
Subtotal						
<b>TOTAL COSTS</b>		\$118,540		\$121,752		\$125,062
<b>CURRENT RESOURCES</b>						
GPR		\$118,540		\$121,752		\$125,062
Gifts and Grants						
Fees						
Other						
Subtotal		\$118,540		\$121,752		\$125,062
<b>ADDITIONAL RESOURCES</b>		\$0		\$0		\$0
GPR Reallocation						
Gifts and Grants						
Fees						
Other						
Subtotal		\$0		\$0		\$0
<b>TOTAL RESOURCES</b>		\$118,540		\$121,752		\$125,062

<sup>1</sup>Three percent increase per year included.

<sup>2</sup>Library budget funds allocated to Women's Studies.

<sup>3</sup>Network access fee paid by College of Arts & Sciences.

Program Authorization (Implementation)  
Consortial Doctor of Physical Therapy  
University of Wisconsin-La Crosse and  
University of Wisconsin-Milwaukee

EDUCATION COMMITTEE

Resolution I.1.f.(2):

That, upon recommendation of the Chancellor of the University of Wisconsin-La Crosse, the Chancellor of the University of Wisconsin-Milwaukee, and the President of the University of Wisconsin System, the Chancellors be authorized to implement the Consortial Doctor of Physical Therapy.

**NEW PROGRAM AUTHORIZATION  
Consortial Doctor of Physical Therapy Degree  
University of Wisconsin-La Crosse and University of Wisconsin-Milwaukee  
(IMPLEMENTATION)  
EXECUTIVE SUMMARY**

**BACKGROUND**

In accordance with the procedures outlined in Academic Planning and Program Review (ACIS-1.0 revised), the new program proposal for a Doctor of Physical Therapy (D.P.T.) is presented to the Board of Regents for implementation. If approved, the program will be subject to a regent-mandated review to begin five years after its implementation. UW-La Crosse, UW-Milwaukee, and UW System Administration will conduct that review jointly, and report the results to the Board.

The D.P.T. is a clinical doctorate designed to prepare physical therapists for entry into practice after successfully completing a national licensure examination. The proposed program is presented by a consortium representing UW-Milwaukee and UW-La Crosse. It represents a transition from the existing Master of Science in Physical Therapy at UW-La Crosse and the initiation of physical therapy professional education at UW-Milwaukee.

This transition responds to changes in the requirements of the profession. Over the years, the volume of scientific evidence, technological advances, and research literature included in physical therapy educational programs has exceeded that which can be covered in a master's degree program. New professional standards, which make the Doctor of Physical Therapy the preferred degree, will be implemented beginning January, 2006.

**REQUESTED ACTION**

Approval of Resolution I.1.f.(2), authorizing the implementation of the Consortial Doctor of Physical Therapy, UW-La Crosse and UW-Milwaukee.

**DISCUSSION**

**Program Description**

The entry-level D.P.T. curriculum is a 112-credit, 34-month program. It includes six semesters (93 credits) of academic coursework, followed by three semesters (18 credits) of full-time internships and an on-campus debriefing session (1 credit). The coursework is organized around the curricular themes of foundational sciences, clinical sciences, professional issues, research, and clinical education. Nationally, D.P.T. programs require between 90 and 147 credits. The average is 115 credits.

In addition, the consortial program will develop a track for those students who are already licensed physical therapists and wish to obtain a D.P.T. degree. This track will utilize

web-based coursework, distance education and/or night and weekend classes to accommodate the schedules of working adult learners.

### **Program Goals and Learning Objectives**

D.P.T. graduates will demonstrate the ability to:

- practice professionalism as observed through their ethical, moral and legal actions;
- display cultural competence through their words and actions;
- provide clients of all ages with first-contact care through direct access and refer to other health professionals as appropriate;
- examine patients of all ages by obtaining a history, and performing a systems review;
- administer selected tests and measures;
- evaluate data from examinations in order to render clinical judgments and determine a diagnosis that guides patient/client management;
- prepare a patient plan of care that is safe, effective, considers available resources, and is client centered;
- perform physical therapy interventions and monitor patient outcomes;
- generate clinical reasoning to maximize patient outcomes;
- promote prevention, health and wellness at the individual, community, and societal level;
- display the ability to utilize information technology to access scientific literature to support clinical decisions.

### **Relationship to Institutional Mission**

This proposal is a collaboration between UW-La Crosse and UW-Milwaukee. In keeping with the core mission of the UW System, this collaborative, inter-institutional relationship will maximize educational opportunities, promote the use of shared resources for research and scholarly activities, and enhance creative endeavors. The program is aligned with the strategic directions identified for each of the consortial partners. UW-Milwaukee has made a commitment to support health initiatives. In the Milwaukee Idea half of the ten Milwaukee Ideas are related to health. This consortial program is consistent with UW-Milwaukee's mission of enhancing economic development, since the health care industry is the single largest private employer in southeast Wisconsin. Similarly, UW-La Crosse is committed to developing an array of health-related programs that can build on its existing excellence in teaching, utilize the research facilities of the UW-La Crosse Health Science Center, and capitalize on the unique and longstanding alliances with the nationally recognized health providers at the Franciscan Skemp Healthcare/Mayo Health System and the Gundersen Lutheran Medical Center.

### **Diversity**

Physical Therapy practice involves interaction with individuals who are diverse in age, race, ethnicity, socio-economic class, religion, and national origin. The D.P.T. curriculum focuses on the development of cultural competence throughout its didactic and clinical experiences. For example, a focused emphasis on cultural sensitivity related to patient characteristics and professional practice is provided in the "Ethos of Care" course.



The UW-La Crosse Physical Therapy Masters Program has placed an emphasis on minority recruitment during the past five years. Out-of-state tuition waivers, scholarships, and minority graduate assistantships have been used during the recruitment processes to promote diverse student cohorts.

Approximately 12 percent of the faculty in the UW-Milwaukee College of Health Sciences are members of minority groups and the College has made strong efforts to recruit and retain under-represented students through its federally funded Health Careers Opportunities (HCOP) and Bridges Programs. The College is focused on achieving diversity in the health professions and in the academy and has obtained endowed scholarships that will support the education of minorities in the therapy fields.

## **Need**

Nationally, 92 percent of physical therapy programs are educating students at the D.P.T. level or are in the process of making the transition to doctoral-level education. This program will allow the UW System to stay competitive with other programs in the nation and ensure that the state's need for physical therapists is met in the future.

The Wisconsin Department of Workforce Development Data Gap Analysis for Health Care Workforce indicates that the state will need 150 new physical therapists every year for the next ten years. According to Bureau of Labor Statistics Reports, there will be a 35 percent nationwide growth in the need for physical therapists by 2010. In Wisconsin, the shortage is projected to reach 27 percent in the next five years. Graduates from Marquette University, Concordia University, and Carroll College number fewer than 100 annually.

There is also a need for a track within the program, currently under development, that will offer the D.P.T. degree to professionals already in the field. At present, according to the state of Wisconsin statistics, 3,270 physical therapists practice in Wisconsin. A recent survey conducted by the UW-La Crosse, UW-Milwaukee, and UW-Madison campuses demonstrated that over 600 of those practicing physical therapists are interested in returning to an institution of higher education to obtain the D.P.T. through a transitional program.

## **Comparable Programs in Wisconsin and Surrounding States**

There are five accredited physical therapy programs in Wisconsin: UW-La Crosse and UW-Madison offer Masters programs; as of fall 2005, Marquette University, Concordia University, and Carroll College will offer D.P.T. programs.

Minnesota and Iowa each have four accredited physical therapy programs, all of which offer the D.P.T. degree. Illinois currently has seven physical therapy programs, four of which already offer the D.P.T. degree. The remaining three programs are in various stages of planning their transition to the D.P.T.

## **Collaboration**

The Consortial D.P.T. program will provide a national model for collaborative physical therapy education. This collaboration will allow UW System institutions to be competitive with private programs while providing high quality education to meet the needs of the state. The institutions will collaborate on admissions criteria, a common application process with students indicating campus preference, clinical resources, faculty resources, research facilities, equipment, expertise, and common curricular content. Collaboration between the two campuses will be coordinated by a joint Curriculum Review Committee whose members will include UW-Milwaukee Physical Therapy/Human Movement Sciences faculty/staff, UW-La Crosse Physical Therapy/Health Professions faculty/staff, and clinical educators and students. This committee will have responsibility for all curricular reviews at the program level, coordinate reviews at the department, college, campus, system, and accreditation agency levels, and review decisions regarding course offerings.

## **Use of Technology/Distance Education**

Appropriate technology is integrated throughout the curriculum, including information retrieval, communication, and instructional technology. Students will also have extensive experience with research laboratory instrumentation, data processing technology, and clinical evaluation/treatment instrumentation. Portions of the curriculum will take advantage of the technology available at both UW-La Crosse and UW-Milwaukee for the generation and reception of distance learning. The use of interactive classrooms at both campuses is one of the means by which the D.P.T. program will maximize faculty expertise.

## **Academic and Career Advising**

The D.P.T. program faculty will work to attract and inform interested pre-physical therapy undergraduate students about appropriate course selection and sequencing that will result in expeditious application and acceptance into the D.P.T. program. Additionally, undergraduate pre-P.T. Student Associations (Clubs) provide opportunities for peer and faculty mentoring.

In compliance with national accreditation standards, each student in the D.P.T. program will be assigned a physical therapy faculty advisor. Student-generated professional goals will be revised into fieldwork goals and reviewed throughout the fieldwork placements by the student and their assigned academic clinical education coordinator. Students will have access to the UW-La Crosse Career Services Office and the UW-Milwaukee Career Development Center for advising related to employment.

## **Projected Enrollment (5 years)**

The projected enrollment in the D.P.T. program is outlined in the following table which builds in the projected attrition in the entry-level program of approximately one in twenty students, most likely to occur during the first year in the program.

Table 1 – Projected Enrollment

	1 <sup>st</sup> year <b>2005-06</b>	2 <sup>nd</sup> year <b>2006-07</b>	3 <sup>rd</sup> year <b>2007-08</b>	4 <sup>th</sup> year <b>2008-09</b>	5 <sup>th</sup> year <b>2009-10</b>
Newly admitted entry-level students	44	44	68	68	68
Continuing entry-level students	0	42	84	107	130
Entry-level students Total enrollment	44	86	152	175	198
Graduating entry-level students	0	0	42	42	65

### Assessment and Program Evaluation

All physical therapy programs are required to develop, conduct and implement comprehensive assessment plans by the national accrediting body (the Commission on Accreditation for Physical Therapy Education or CAPTE). Programmatic assessment will use multiple quantitative and qualitative data sources in order to be in compliance with the 2004 version of CAPTE's *Evaluative Criteria for the Accreditation of Education Programs for the Preparation of Physical Therapists*. Assessment tools have been developed to measure achievement in the program's academic learning objectives, licensure examination pass rates, and to monitor graduation and employment rates. They are:

- Clinical performance instrument scores;
- Capstone projects;
- National physical therapy examination board scores;
- Student surveys completed just prior to graduation;
- Graduate surveys completed 6-8 months after graduation;
- Surveys of employers; and
- Surveys of alumni.

### Evaluation from External Reviewers

Two experienced physical therapy educators who have served on the CAPTE national board reviewed the Consortial D.P.T. program proposal. The reviewers agreed that:

- The proposed curriculum meets the content considered essential for physical therapy;
- The D.P.T. curriculum proposed expands upon the current master's degree curriculum in the areas of clinical education, critical reasoning skills, and evidence-based practice;
- The length, breadth, depth, and credit hours of the proposed curriculum are necessary and appropriate for a clinical doctoral degree;
- Resources are adequate to offer the degree, noting excellence of the faculty and the facilities; and

- The collaborative nature of the degree offers benefits to the students and the UW System.

Based upon useful comments from the reviewers a number of programmatic and curricular changes were made. These included adjustments to the structure of clinical experiences to assure adequate faculty resources for supervision and an expansion in course content relative to dementia, Alzheimer's disease and oncology.

### **Resource Needs**

The resources at each campus currently used in support of Physical Therapy education will be redirected to the D.P.T. Program. Graduate assistantship funding will be derived from multiple sources that include G.P.R. for instructional support, indirect costs from extramural funding, and specialized training grant opportunities. It is presumed that as the D.P.T. program becomes fully implemented and new faculty are hired, each of these sources will contribute to supporting graduate assistantships. During the initial year of the program, there will be \$415,000 available to the program to provide initial furnishings and equipment to the D.P.T. program offices and laboratories. These funds come as part of the new Klotsche construction and capital project at UW-Milwaukee. Gifts and grant dollars are anticipated through UW-Milwaukee's capital campaign and ongoing development activities with alumni, friends and corporations. Approximately \$5,000 is available in the initial year and expected to increase to \$10,000 per year. With the anticipated admission of the entry-level student cohort to the UW-Milwaukee campus in year three, tuition revenues (\$280,000) will substantially support the program's continued costs.

### **RECOMMENDATION**

The University of Wisconsin System recommends approval of Resolution I.1.f.(2), authorizing the implementation of the Consortial Doctor of Physical Therapy, UW-La Crosse and UW-Milwaukee.

### **RELATED REGENT POLICIES**

University of Wisconsin System Academic Planning and Program Review (November 10, 1995), Academic Informational Series #1 (ACIS-1.0 revised)

### Total Costs and Revenue

	1st Year, 2005-06		2nd Year, 2006-07		3rd Year, 2007-08	
CURRENT COSTS	#FTE	Dollars	#FTE	Dollars	#FTE	Dollars
<b>Personnel</b>						
Faculty/Instructional Staff	11.25	\$1,093,755	12.25	\$1,207,098	13.25	\$1,338,130
Graduate Assistants	1.16	\$22,294	1.16	\$22,538	2.16	\$42,945
Non-instructional Academic /Classified Staff	0.5	\$31,255	1.5	\$73,277	1.5	\$73,277
<b>Non-personnel</b>						
Supplies & Equipment		\$93,290		\$95,290		\$97,290
Capital Equipment		\$15,000		\$20,000		\$23,000
Computing		\$4,000		\$4,000		\$4,000
<b>Subtotal</b>		\$1,259,594		\$1,422,203		\$1,578,642
ADDITIONAL COSTS						
<b>Personnel</b>						
Faculty/Instructional Staff	1	\$81,550	1	\$93,100	2	\$197,667
Graduate Assistants			1	\$20,158	1	\$19,254
Non-instructional Academic /Classified Staff	1	\$40,460	1	\$60,241	1.55	\$95,394
<b>Non-personnel</b>						
Supplies & Equipment		\$10,000		\$19,000		\$58,000
Capital Equipment		\$415,000		\$25,000		\$50,000
Computing		\$5,000		\$8,000		\$11,000
Other (Provisional)				\$20,000		\$35,000
<b>Subtotal</b>		\$552,010		\$245,499		\$466,315
<b>TOTAL COSTS</b>		<b>\$1,811,604</b>		<b>\$1,667,702</b>		<b>\$2,044,957</b>
CURRENT RESOURCES						
Current GPR		\$1,366,604		\$1,512,461		\$1,577,347
Gifts and Grants		\$25,000		\$25,000		\$25,000
Capital Equipment, KCPE Addition		\$415,000		\$0		\$0
Subtotal		\$1,806,604		\$1,537,461		\$1,602,347
ADDITIONAL RESOURCES						
Additional Tuition revenue				\$120,241		\$426,610
Gifts and Grants		\$5,000		\$10,000		\$10,000
Fees						\$6,000
Subtotal		\$5,000		\$130,241		\$442,610
<b>TOTAL RESOURCES</b>		<b>\$1,811,604</b>		<b>\$1,667,702</b>		<b>\$2,044,957</b>

The University of Wisconsin-Milwaukee  
Office of Charter Schools Contract Extension  
with the School for Early Development and Achievement

EDUCATION COMMITTEE

Resolution I.1.g.:

That, upon recommendation of the Chancellor of the University of Wisconsin-Milwaukee and the President of the University of Wisconsin System, the Board of Regents approves the four-year extension of the charter school contract with the School for Early Development and Achievement, Inc.

**UNIVERSITY OF WISCONSIN-MILWAUKEE  
OFFICE OF CHARTER SCHOOLS  
CONTRACT AMENDMENT WITH  
SCHOOL FOR EARLY DEVELOPMENT AND ACHIEVEMENT, INC.**

**EXECUTIVE SUMMARY**

**INTRODUCTION**

Charter schools are intended to offer quality education services to children through the creation of alternative public schools that are not subject to as many of the rules and regulations imposed on school districts. The charter school movement is one of the strategies used to expand the idea of public school choice in Wisconsin and the rest of the nation.

In 1997, Wisconsin law was modified to allow the University of Wisconsin-Milwaukee to charter public schools in the city of Milwaukee. Since then, the Board of Regents and the Chancellor of UW-Milwaukee have approved several charter schools, involving a variety of public and private partnerships working to improve educational opportunity and achievement for Milwaukee school children.

The School for Early Development and Achievement (SEDA) was the third charter school authorized by the University of Wisconsin-Milwaukee (UWM) and has completed its fourth year of operation. The initial SEDA charter was approved by the Board of Regents in February of 2001. The Office of Charter Schools at UW-Milwaukee and Chancellor Santiago recommend that the School for Early Development and Achievement, Inc., be granted a four-year extension to its charter to operate a public school known as the School for Early Development and Achievement.

**REQUESTED ACTION**

Approval of Resolution I.1.g., approving the Charter School contract amendment with the School for Early Development and Achievement, Inc., to operate a public school known as the School for Early Development and Achievement (SEDA).

**BACKGROUND**

The University of Wisconsin-Milwaukee is authorized by Wis. Stat. 118.40 to charter K-12 schools within the city of Milwaukee. The University is committed to chartering only those schools that have the potential to make a significant difference in the educational lives of urban students. To this end, the Office of Charter Schools has developed rigorous requirements that schools must meet in order to obtain and maintain a charter. An initial charter is granted for a five-year period during which the school must demonstrate progress toward stated goals. The decision to renew or non-renew a charter occurs at the end of the third year of operation (first

semester of the fourth year) and is based on cumulative results. Renewal of a charter is based on evidence of meaningful progress on key measures of performance.

The evaluation (accountability) process is based on continuous school improvement efforts. The focus is on results, not on procedures or organizational structure. The Educational Criteria for Performance Excellence of the Baldrige National Quality Program provides a framework for school improvement efforts and for performance evaluation. The Criteria are non-prescriptive and are organized around seven areas as follows: (1) leadership; (2) strategic planning; (3) student, stakeholder, and market focus; (4) information and analysis; (5) faculty and staff focus; (6) process management; and (7) organizational performance results. Performance results include: academic achievement; faithfulness to the charter; the focus on the mission and vision; student, parent, and employee satisfaction; fiscal stability; legal compliance; and organizational viability. Improvement actions are communicated through an Annual School Accountability Plan that sets forth improvement goals, key measures of success, approach (methodology), deployment (activities), and data collection requirements. The results of improvement efforts are communicated through an Annual School Accountability Progress Report.

Evaluation of charter schools occurs through monthly reviews, annual measurements, and summative evaluations. Monthly reviews focus on the general school climate, the leader's focus on improvement, progress on improvement goals, a review of key processes, data collection, and contract requirements. Annual evaluation measures include the school's accountability plan and report, the contract compliance record, ESEA Title I ("No Child Left Behind") results, student test results, and satisfaction surveys. The summative evaluation is conducted at the end of the third year of operation (first semester of the fourth year) and evaluates organizational result trends from all three years of operation. The monthly and annual evaluation efforts are conducted by the staff of the Office of Charter Schools. The summative evaluation is conducted by an Evaluation Committee composed of six members, appointed by the Charter School Advisory Committee.

The decision to renew or not to renew a charter at the end of the third year is made at that time to allow for the possibility of school closure and the requisite parental notice accompanying such action. Charters may be renewed for up to five years. A school may also be placed on probation and have the charter extended on a year-to-year basis. A charter may be allowed to lapse at the end of the approved period or in rare cases, where safety or critical educational concerns exist, terminated.

## **PROGRAM EVALUATION SUMMARY**

The School for Early Development and Achievement (SEDA) was the third charter school authorized by the University of Wisconsin-Milwaukee (UWM) and has completed its fourth year of operation. The school began operating from a church building located on Wisconsin Avenue on the fringe of the Marquette University campus in September of 2001. SEDA is a unique, laboratory-like school utilizing early intervention strategies to serve a three-year-old kindergarten through grade two school population of seventy children made up of approximately two-thirds regular education and one-third special education students. The



mission of SEDA is to “increase the developmental competencies and educational achievement of children birth through age eight as a solid foundation for success throughout life.”

SEDA is sponsored by the Milwaukee Center for Independence (MCFI), whose executive director, Dr. Howard Garber, is the principal architect of the SEDA vision. Under his leadership MCFI has played a very important supporting role in the development and continued growth of the school. In preparation for the 2005-06 school year, MCFI has remodeled a portion of their newly constructed service center to house SEDA. The vision of SEDA is to create an optimal learning environment, which will maximize the developmental competency and educational achievement of children. The school is based on the belief that focused attention on developmental and learning needs, at the earliest age possible, will benefit children and support families and school personnel in meeting the needs of children, resulting in more successful academic, social and emotional development.

Similar to the Milwaukee Academy of Science and the Milwaukee Urban League Academy of Business and Economics (two schools chartered prior to SEDA) SEDA survived two initial, very difficult years in which school leadership changed each year. This situation was resolved in the third year of operation when a highly competent, dedicated administrator was hired and who has significantly moved the school toward its mission and vision. For the 2005-06 school year, SEDA will enroll a full complement of students and extend early childhood programming to two-year-olds.

The Office of Charter Schools initiated the summative evaluation of SEDA in September, 2004. While the Evaluation Committee found many portions of the SEDA program commendable, several major concerns were noted. These concerns were as follows: (1) inadequate information regarding student achievement was obtained from the measures in place; (2) certified teachers were not in direct supervisory relationships with classroom aides and too much direct responsibility for classroom activities had been delegated to the aides; (3) not enough emphasis was being placed on the activities and curriculum for regular education students; and (4) the church building housing the school was not a conducive educational environment for very young children. SEDA was given time to remedy the deficiencies and their efforts were monitored on a monthly basis.

The Evaluation Committee reconvened in May of 2005. At that time, the Committee observed that SEDA had fully responded to the expressed concerns. The response to the concerns was as follows: (1) several new measures including the FirstSTEP Early Childhood Screening Test, Peabody Picture Vocabulary Test, and Omnibus Developmental Guidelines were added to the repertoire of evaluation instruments; (2) job descriptions were rewritten to require certified teachers to directly supervise classroom aides and to have responsibility for all lesson planning; (3) benchmarks, aligned with the Omnibus Program were developed to clearly state expectations for regular education students in three-year-old kindergarten through grade two; and (4) MCFI had agreed to remodel a portion of its service center to house SEDA for the 2005-06 school year.

On the basis of the evaluation and SEDA's response to initial concerns, the Evaluation Committee recommends that the SEDA charter be extended for four additional years. (The

maximum extension is five years.) A fifth year of extension was not granted because, as with the science and business academies, the first two years of operation had been problematic and closer monitoring with a full evaluation in three years is warranted. The recommendation of the Committee was approved by the Charter School Advisory Committee in May of 2005.

UW-Milwaukee Legal Affairs negotiated a contract amendment with the SEDA School Board. The amendment to the initial charter contract between the Board and UW-Milwaukee has been completed and approved by UW-Milwaukee Legal Affairs. The attached contract amendment meets all requirements of the UW-Milwaukee model charter school agreement. SEDA is prepared to operate in accordance with all applicable state and federal requirements for charter schools.

The Office of Charter Schools believes that the SEDA program has the potential to make a positive difference in the educational lives of Milwaukee's children and is worthy of the charter extension.

## **ELEMENTS OF THE CONTRACT**

The contract amendment negotiated with School for Early Development and Achievement, Inc., meets all requirements of the UW-Milwaukee model charter school contract. SEDA is prepared to operate in accordance with all applicable state and federal requirements for charter schools. The framework of the contract and substantive modifications made by the amendment to the contract are as follows:

1. Article One – Definitions - Key terms of the contract.  
*(No substantive changes.)*
2. Article Two - Parties, Authority and Responsibilities.  
*(No substantive changes.)*
3. Article Three – Obligations of the Grantee. This section is important in that it recites the requirements of the law and how the grantee will meet those requirements. This includes such topics as: (a) school governance; (b) measuring student progress; (c) methods to attain educational goals; (d) licensure of professional personnel; (e) health and safety; (f) admissions; (g) discipline; (h) insurance standards and other topics.  
*(Section 3.1 (11) establishes specific requirements for financial reporting to the Office. Section 3.1(14) sets new requirements for insurance coverage and provides for the grantee to apply for coverage waivers for certain small business contractors.)*
4. Article Four – Additional Obligations. This section adds additional considerations that help define the school, its practices, UW-Milwaukee administrative fees, and financial reporting.  
*(No substantive changes.)*
5. Article Five – Joint Responsibilities. This section details the review of the management contracts and methods of financial payments.

*(Section 5.3 modifies and clarifies performance evaluation criteria and establishes requirements for accountability reporting.)*

6. Article Six – Notices, Reports and Inspections. This section facilitates certain aspects of UW-Milwaukee’s oversight responsibilities.  
*(No substantive changes.)*
7. Article Seven – Miscellaneous Provisions. Significant in this section are the Code of Ethics provisions (7.2).  
*(Section 7.6 clarifies requirements for open meetings.)*
8. Article Eight – Provision Facilitating UW-Milwaukee Research. This section sets forth the guidelines that UW-Milwaukee will use to conduct research into the concept of charter schools and their impact upon educational practice.  
*(No substantive changes.)*
9. Article Nine – Revocation of Agreement by UW-Milwaukee. This section establishes how the contract might be defaulted by the grantee and reasons for revocation by UW-Milwaukee. This section is critical to the idea that a charter school can be closed for not complying with the law, contract conditions, or failure to meet its educational purpose(s).  
*(Section 9.1(1) grants the University the right to terminate the charter contract if the school fails to make adequate yearly progress for three consecutive years under the federal No Child Left Behind requirements of ESEA Title I).*
10. Article Ten – Termination by the Grantee. This is the reverse of Article 9 describing how the grantee may, under specified circumstances, terminate the contract.  
*(No substantive changes.)*
11. Article Eleven – Technical Provisions. This section details standard contract language for mutual protection of the parties.  
*(No Substantive changes.)*

## **RELATED REGENT POLICIES**

Regent Resolution 7905 (May 7, 1999).

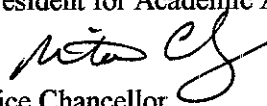


Academic Affairs  
Provost and Vice Chancellor

Chapman 215  
PO Box 413  
Milwaukee, WI  
53201-0413  
414 229-4501 *phone*  
414 229-4929 *fax*  
[www.uwm.edu/Dept/Acad\\_Aff/](http://www.uwm.edu/Dept/Acad_Aff/)

August 16, 2005

To: Cora B. Marrett  
Senior Vice President for Academic Affairs, University of Wisconsin-System

From: Rita Cheng   
Provost and Vice Chancellor

Re: Recommendation that School for Early Development and Achievement, Inc. be granted an extension to its charter in order to continue to operate a public school known as the School for Early Development and Achievement.

The Office of Charter Schools (Office) has recommended to Chancellor Santiago and me that the School for Early Development and Achievement, Inc. be granted a charter extension to continue to operate a public school known as the School for Early Development and Achievement.

The School for Early Development and Achievement (SEDA) was the third charter school authorized by the University of Wisconsin-Milwaukee (UWM) and has completed its fourth year of operation. SEDA is a unique, laboratory school utilizing early intervention strategies to serve a three year old kindergarteen through grade two school population of seventy-five children made up of approximately two-thirds regular education and one-third special education students. The mission of SEDA is to "increase the developmental competencies and educational achievement of children birth through age eight as a solid foundation for success throughout life."

SEDA is sponsored by the Milwaukee Center for Independence (MCFI), whose executive director, Dr. Howard Garber, is the principle architect of the SEDA vision. Under his leadership MCFI has played a very important supporting role in the development and continued growth of the school. In preparation for the 2005-06 school year, MCFI has remodeled a portion of their newly constructed service center to house SEDA.

Similar to the Milwaukee Academy of Science and the Milwaukee Urban League Academy of Business and Economics (two schools chartered prior to SEDA) SEDA survived two initial, very difficult years in which school leadership changed each year before hiring a highly competent, dedicated administrator who has significantly moved the school toward its mission and

vision. For the 2005-06 school year, SEDA will enroll a full complement of students and extend early childhood programming to two year olds.

The Office of Charter Schools initiated the summative evaluation of SEDA in September, 2004. While the Evaluation Committee found many portions of the SEDA program commendable several major concerns were noted. These concerns were as follows: (1) inadequate information regarding student achievement was obtained from the measures in place, (2) certified teachers were not in direct supervisory relationships with classroom aides and too much direct responsibility for classroom activities had been delegated to the aides, (3) not enough emphasis was being placed on the activities and curriculum for regular education students, and (4) the church building housing the school was not a conducive educational environment for very young children. SEDA was given time to remedy the deficiencies and their efforts were monitored on a monthly basis.

The Evaluation Committee reconvened in May of 2005. At that time, the Committee observed that SEDA had fully responded to the expressed concerns. The response to the concerns was as follows: (1) Several new measures including the FirstSTEP Early Childhood Screening Test, Peabody Picture Vocabulary Test, and Omnibus Developmental Guidelines were added to the repertoire of evaluation instruments. (2) job descriptions were rewritten to require certified teachers to directly supervise classroom aides and to have responsibility for all lesson planning, (3) benchmarks, aligned with the Omnibus Program were developed to clearly state expectations for regular education students in 3K through grade two, and (4) MCFI had agreed to remodel a portion of its service center to house SEDA for the 2005-06 school year.

On the basis of the evaluation and SEDA's response to initial concerns, the Evaluation Committee recommends that the SEDA charter be extended for four additional years. (Five years is the maximum extension.) A fifth year of extension was not granted because, as with the science and business academies, the first two years of operation had been problematic and closer monitoring with a full evaluation in three years is warranted. The recommendation of the Committee was approved by the Charter School Advisory Committee in May of 2005. UWM Legal Affairs negotiated a contract amendment with the SEDA School Board (Board). The amendment to the initial charter contract between the Board and UWM had been completed and approved by UWM Legal Affairs. The attached contract amendment meets all requirements of the UWM model charter school agreement. SEDA is prepared to operate in accordance with all applicable state and federal requirements for charter schools.

The Office of Charter Schools believes that the SEDA program has the potential to make a positive difference in the educational lives of Milwaukee's children and is worthy of the charter extension. The complete evaluation is attached.

**I am requesting that this be placed on the agenda for the Board of Regents Education Committee meeting in September 2005.**

A copy of the contract amendment is attached and is also being transmitted electronically to Janice Sheppard of UW System Academic and Students Services and to Pat Brady of UW System Office of the General Counsel.

If you have questions, please feel free to contact my office at 414-229-4501 or Professor Robert Kattman, Director, Office of Charter Schools at 414-229-4682

cc: Carlos Santiago, Chancellor  
Robin Van Harpen, Senior University Legal Counsel  
Robert Kattman, Director, Office of Charter Schools

# **SCHOOL FOR EARLY DEVELOPMENT AND ACHIEVEMENT EVALUATION REPORT**

## **Executive Summary**

### **Evaluation Responsibility**

The University of Wisconsin-Milwaukee is authorized by Wis. Stat. 118.40 to charter K-12 schools within the city of Milwaukee. The University is committed to chartering only those schools that have the potential to make a significant difference in the educational lives of urban students. To this end, the Office of Charter Schools has developed rigorous requirements that schools must meet in order to obtain and maintain a charter.

An initial charter is granted for a five year period during which the school must demonstrate progress toward stated goals. The decision to renew or non-renew a charter occurs in the fourth year of operation but is based on cumulative results. The Charter School Evaluation Committee has been established to assist the Office of Charter Schools in the determination of charter renewal.

Renewal of a charter is based on evidence of meaningful progress on key measures of performance stated as follows:

- The academic success (improvement) of students,
- The school's faithfulness to its charter as defined by the contract and strategic plan,
- The ability of leaders to communicate and transmit the mission and vision of the school,
- The extent of parent and student satisfaction,
- The extent of staff satisfaction with individual professional and organizational growth,
- The organizational viability of the charter school,
- The fiscal stability of the charter school, and
- The school's record of legal compliance.

The evaluation and renewal process includes the following:

- Review of records by the Charter Evaluation Committee,
- On-site inspection/verification by the Charter Renewal Evaluation Committee,
- Recommendation by the Charter Evaluation Committee,
- Review of the recommendation by the Charter School Advisory Board,
- Approval of the Dean of the School of Education,
- Approval of the Chancellor, and
- Approval of the University of Wisconsin Board of Regents.

## School Background

The School for Early Development and Achievement (SEDA) was the third charter school authorized by the University of Wisconsin-Milwaukee (UWM) and has completed its fourth year of operation. The initial SEDA charter was approved by the Board of Regents in February of 2001. The school began operating from a church building located on Wisconsin Avenue on the fringe of the Marquette University campus in September of 2001. SEDA is a unique, laboratory like school utilizing early intervention strategies to serve a three year old kindergarten through grade two school population of seventy children made up of approximately two-thirds regular education and one-third special education students. The mission of SEDA is to "increase the developmental competencies and educational achievement of children birth through age eight as a solid foundation for success throughout life."

SEDA is sponsored by the Milwaukee Center for Independence (MCFI), whose executive director, Dr. Howard Garber, is the principal architect of the SEDA vision. Under his leadership MCFI has played a very important supporting role in the development and continued growth of the school. In preparation for the 2005-06 school year, MCFI has remodeled a portion of their newly constructed service center to house SEDA. The vision of SEDA is to "create an optimal learning environment, which will maximize the developmental competency and educational achievement of children." The school is based on the belief that "focused attention on developmental and learning needs, at the earliest age possible, will benefit children and support families and school personnel in meeting the needs of children, resulting in more successful academic, social and emotional development."

Similar to the Milwaukee Academy of Science and the Milwaukee Urban League Academy of Business and Economics (two schools chartered prior to SEDA) SEDA survived two initial, very difficult years in which school leadership changed each year. This situation was resolved in the third year of operation when a highly competent principal was hired and who has significantly moved the school toward its mission and vision. For the 2005-06 school year, SEDA will enroll a full complement of students and extend early childhood programming to two year olds.

The Office of Charter Schools initiated the summative evaluation of SEDA in September, 2004. While the Evaluation Committee found many portions of the SEDA program commendable several major concerns were noted. These concerns were as follows: (1) inadequate information regarding student achievement was obtained from the measures in place, (2) certified teachers were not in direct supervisory relationships with classroom aides and too much direct responsibility for classroom activities had been delegated to the aides, (3) not enough emphasis was being placed on the activities and curriculum for regular education students, and (4) the church building housing the school was not a conducive educational environment for very young children. SEDA was given time to remedy the deficiencies and their efforts were monitored on a monthly basis.



The Evaluation Committee reconvened in May of 2005. At that time, the Committee observed that SEDA had fully responded to the expressed concerns. The response to the concerns was as follows: (1) Several new measures including the FirstSTEP Early Childhood Screening Test, Peabody Picture Vocabulary Test, and Omnibus Developmental Guidelines were added to the repertoire of evaluation instruments. (2) job descriptions were rewritten to require certified teachers to directly supervise classroom aides and to have responsibility for all lesson planning, (3) benchmarks, aligned with the Omnibus Program were developed to clearly state expectations for regular education students in 3K through grade two, and (4) MCFI had agreed to remodel a portion of its service center to house SEDA for the 2005-06 school year.

### Organizational Performance Practices

SEDA has an effective strategic planning process which involves all elements of the school community. Annual accountability planning, focused on data driven school improvement goals, is emerging. Effort should be placed on clearly identifying, collecting, and analyzing data used in improvement efforts. Presently, stated results are often anecdotal and lack the rigor that improved data collection can bring to the process. Future goals should be developed directly from the analysis of data.

A systematic process for monitoring student academic progress is now in place. Teachers have been trained in the process and began monitoring during the 2004-05 school year. Teacher training must be continued and a monitoring process created to ensure that teachers apply the monitoring program in a systematic way. A process should be developed to involve first and second grade students in the monitoring of their own progress. This will require that students understand what they are to learn and be able to do and their present achievement level.

### Student, Parental, and Faculty Satisfaction

It is difficult, if not impossible to judge the satisfaction of children ages three through six with their school. Thus, one must rely on parental satisfaction. In the case of SEDA, parental satisfaction is very high. Parents like and approve of the school and feel that the staff cares about their children and is working toward their success.

The faculty and staff survey conducted after the initial site visit by the Evaluation Committee shows mixed results. These results were confounded by the fact that both faculty and staff completed the same survey and results were not separated. Being required to make specific changes by an outside agency had an impact on morale. Certainly the changes impacted to a greater extent on classroom aides who lost autonomy and some level of responsibility. At the same time, the survey showed that student learning and behavior were positively impacted and individuals more clearly understood the requirement of their position.

Relationship and communication within instructional teams were rated highly whereas, communication with the principal and the Board were viewed less favorably. How much of the negative response is related to how these relationships were impacted by the requirement to make changes prior to the end of the school year is difficult to determine.

The results of the faculty and staff surveys should be analyzed in detail and follow up work done to determine where difficulties lie. This work will be of great importance to SEDA during the next school year.

### Student Achievement Results

Two screening instruments were used to measure baseline student characteristics. Using the Stanford-Binet Intelligence Scales, it was reported that the average aptitude of SEDA students was substantially lower than the population mean. Based upon the distribution of scores for the FirstSTEP screening tool it was found that at the beginning of the academic year nearly half of the students were considered at-risk for developmental delays. Follow-up testing in the spring indicated that only about one-third of students were still considered at-risk for developmental delays. Pre and Post test comparisons also showed statistically significant improvement in language acquisition.

The three instruments used to measure gains in academic and social behaviors included the BDI, PLS-4, and SCPC. Gains measured using the BDI were not statistically significant, perhaps due to the small sample observed. The PLS-4 indicated that statistically significant language gains were achieved by K3 students, however, similar gains were not experienced by students in K4 or K5. The SCPC indicated improvements (increases in all positive behaviors and decreases in all challenging behaviors) among the K4 students and gains in all positive behaviors and a decrease in aggression among the K3 students. Although similar improvements were not identified among K5 students, it was suggested that results were confounded by a mid-year teacher change.

Finally, the Peabody Picture Vocabulary Test given as a pretest in the fall and a post test in the spring showed significant increases in vocabulary for SEDA students as a whole.

### Recommendation

On the basis of the evaluation and SEDA's response to initial concerns, the Evaluation Committee recommends that the SEDA charter be extended for four additional years. (Five years is the maximum extension.) A fifth year of extension was not granted because, as with the science and business academies, the first two year of operation had been problematic and closer monitoring with a full evaluation in three years is warranted. The recommendation of the Committee was approved by the Charter School Advisory Committee in May of 2005. UWM Legal Affairs negotiated a contract amendment with the SEDA School Board (Board). The amendment to the initial charter contract between the Board and UWM had been completed and approved by UWM Legal Affairs. The attached contract amendment meets all requirements of the UWM model charter school

agreement. SEDA is prepared to operate in accordance with all applicable state and federal requirements for charter schools.

The Office of Charter Schools believes that the SEDA program has the potential to make a positive difference in the educational lives of Milwaukee's children and is worthy of the charter extension. The complete evaluation is attached.

### Charter School Evaluation Team Members

Dr. Rita Cheng, UWM School of Business; Dr. Elizabeth Drame, National Teachers & Educators College; Dr. William Kritek, UWM School of Education; Dr. Gail Schneider, UWM School of Education; Dr. Leticia Smith, Educational Consultant; Ms. Jean Tyler, Community Leader.

### Office of Charter Schools Staff Members

Dr. Robert Kattman, Director; Dr. Cindy M. Walker, Consultant; Ms. Susan Poole, Graduate Research Assistant; Ms. Diana Borders, Administrative Specialist.

Amendments to  
Faculty Personnel Rules  
University of Wisconsin-Oshkosh

EDUCATION COMMITTEE

Resolution I.1.h:

That, upon recommendation of the Chancellor of the University of Wisconsin-Oshkosh and the President of the University of Wisconsin System, the Board of Regents approves the amendments to the UW-Oshkosh Faculty Personnel Rules.

## **FACULTY PERSONNEL RULES UNIVERSITY OF WISCONSIN-OSHKOSH**

### **EXECUTIVE SUMMARY**

#### **BACKGROUND**

Section UWS 2.02, Wisconsin Administrative Code ("Faculty Rules: Coverage and Delegation") requires that rules, policies, and procedures developed by each institution in the System pursuant to Chapters UWS 3, 4, 5, 6 and 8 must be approved by the Board of Regents before they take effect.

The proposed amendments to the UW-Oshkosh Faculty Personnel Rules have been debated and approved by the appropriate faculty governance bodies, and are recommended by Chancellor Richard Wells. These revisions have also been reviewed by the UW System Office of the General Counsel and the Office of Academic Affairs.

UW-Oshkosh has been in the process of updating current personnel policies contained within its *Faculty and Academic Staff Handbook* to ensure that the policies reflect current practices and are clearly defined. The revised personnel policies concern approval of a new Faculty Service Award and a change to the Student Opinion Survey Policy.

#### **REQUESTED ACTION**

Approval of Resolution I.1.h., approving the amendments to the UW-Oshkosh Faculty Personnel Rules.

#### **DISCUSSION AND RECOMMENDATIONS**

UW System Administration recommends approval of these revisions.



June 17, 2005

TO: Kevin P. Reilly, President  
UW System

FROM: Richard H. Wells  
Chancellor

RE: Modifications to the Personnel Rules

The attached modifications to the UW Oshkosh Personnel Rules are enclosed for the review and approval of the Board of Regents at their July 2005 meeting.

Please contact me with any questions or concerns. I appreciate your consideration of this matter.

Enc. Emeritus Status Policy  
Faculty Service Award  
Student Opinion survey

Cc: Lane Earns, Provost and Vice Chancellor  
Barbara Rau, Associate Vice Chancellor  
Lee McCann, President, Faculty Senate



February 12, 2004

TO: Lee McCann  
President Faculty Senate

FROM: Richard H. Wells  
Chancellor

RE: Barbara A. Sniffen Faculty Governance Service Award

I am pleased to endorse the Faculty Senate's decision to name the new UW Oshkosh Faculty Governance Service Award after History Professor Emeritus Barbara Sniffen. I understand the naming of the award after Dr. Sniffen will be finalized after consultation with her family members.

Cc: Chancellor's Staff

## Faculty Distinguished Service Award – Old Handbook Text

### **Purpose**

The purpose of the Faculty Governance Service Award is to emphasize the critical role of faculty service activities in the functioning of the university, and to recognize individuals who have compiled truly EXCEPTIONAL service records over the course of their careers at the University of Wisconsin Oshkosh.

### **Eligibility**

To be eligible for this award, faculty must have been a member of the UW Oshkosh faculty for at least 12 years and have the rank of Associate Professor or Professor at the time of nomination.

### **Selection Criteria**

The selection criteria for this award include the number of service activities over a faculty member's career at UW Oshkosh and the significance of those activities. Teaching and Scholarship are not included in the selection criteria. Holding the rank of Associate Professor or Professor provides sufficient evidence that adequate teaching and scholarly performance have been demonstrated.

### **Documentation**

Nominees for this award will submit a complete list of their service activities while members of the UW Oshkosh faculty. This list may include service to one's department and college, UW Oshkosh, and the UW System. Information on teaching performance, scholarly activities, or professional or community service may not be included.

### **Nomination**

In October, the Faculty Senate Office will solicit nominations for the Faculty Governance Service Award. Self-nominations are allowed.

### **Selection Procedure**

A three-person selection committee will be appointed by the Executive Committee of the Faculty Senate. Committee members must be previous winners of this award with the rank of Professor or Professor Emeritus (former Presidents of the Faculty Senate may serve on the committee if previous winners are not available). The committee's charge will be to review and consider the service records of those nominated and select one individual to receive the award. Should the committee conclude that none of the nominees have sufficiently outstanding service records to merit receiving the award, no award will be made.



## Barbara G. Sniffen Faculty Governance Service Award – New Handbook Text

### **Purpose**

The purpose of the Barbara G. Sniffen Faculty Governance Service Award is to emphasize the critical role of faculty service activities in the functioning of the university, and to recognize individuals who have compiled truly EXCEPTIONAL service records over the course of their careers at the University of Wisconsin Oshkosh.

### **Eligibility**

To be eligible for this award, faculty must have been a member of the UW Oshkosh faculty for at least 12 years and have the rank of Associate Professor or Professor at the time of nomination.

### **Selection Criteria**

The selection criteria for this award include the number of service activities over a faculty member's career at UW Oshkosh and the significance of those activities. Teaching and Scholarship are not included in the selection criteria. Holding the rank of Associate Professor or Professor provides sufficient evidence that adequate teaching and scholarly performance have been demonstrated.

### **Documentation**

Nominees for this award will submit a complete list of their service activities while members of the UW Oshkosh faculty. This list may include service to one's department and college, UW Oshkosh, and the UW System. Information on teaching performance, scholarly activities, or professional or community service may not be included.

### **Nomination**

In October, the Faculty Senate Office will solicit nominations for the Faculty Governance Service Award. Self-nominations are allowed.

### **Selection Procedure**

A three-person selection committee will be appointed by the Executive Committee of the Faculty Senate. Committee members must be previous winners of this award with the rank of Professor or Professor Emeritus (former Presidents of the Faculty Senate may serve on the committee if previous winners are not available). The committee's charge will be to review and consider the service records of those nominated and select one individual to receive the award. Should the committee conclude that none of the nominees have sufficiently outstanding service records to merit receiving the award, no award will be made.



TO: Richard Wells, Chancellor

FROM: Lee I. McCann, President of Faculty Senate

DATE: June 16, 2005

A handwritten signature in cursive script, appearing to read "Lee I. McCann".

RE: Handbook Change

The Faculty Senate passed the following resolution related to Student Opinion Surveys (SOS).

**\*\*FS0304-8** "The Faculty Senate approves a change in the wording of the SOS Policy [Handbook page 267, lines 45-46]: 'Written comments from students will not be collected or recorded from any university student opinion survey form'." [passed on September 23, 2003]

**\*\*Note:** The Senate interprets this language to refer to the new University form and to <sup>any</sup> other University forms, but not department/unit forms.

*Approved  
Richard Wells,  
6-17-05  
Chancellor*

**UW-Oshkosh Faculty and Staff Handbook**  
**Original Language on Student Opinion Surveys in Bold**

Student Opinion Statistics and Their Interpretation.

The following conditions apply:

1. Most levels of review will receive summaries of student opinion surveys. It is particularly important that all reviewers appreciate the limitations of purely statistical information and are sensitive to factors which can affect individual scores.
2. Testing and Research Services shall be responsible for the calculation of statistics for all survey forms that it provides for campus wide use. Colleges shall have the same responsibility for any forms provided by a college and used by more than one department within that college. Academic units that choose to develop their own student opinion survey forms are responsible for summarizing the statistics and providing the interpretations needed to make reasoned and appropriate judgments regarding teaching effectiveness. Academic units have the responsibility and right to collect any student opinion data necessary to build a data base for interpretation of that data.
3. In light of the widely acknowledged limitations of student opinion surveys, interpretations of raw data become particularly important. Unit policy will provide for those interpretations.
4. Empirical research has shown that scores on student opinion surveys may be affected by a variety of factors, such as class size, course level, program (graduate/undergraduate), course type (required/elective), department, gender, age, experience with prior teaching of the course, years of teaching experience, expected or actual grades earned by students, etc. Data interpretations should note how such factors are likely to have favorably or unfavorably affected the data gathered.
5. Quantitative student opinion survey data should include medians, means, and standard deviations and frequency distribution of responses for each of the items in the survey for each context of analysis. Since the distribution of opinion scores for individual items is typically negatively skewed, the median is the preferred measure of central tendency. (e.g., reactions, instructors, course, etc.)
6. Because of the inherent multi-dimensionality of student opinion surveys, statistics that result from averaging or summing the responses to all of the items in a survey are inappropriate. Ideally, appropriate statistical analysis will be performed to determine meaningful item clusters with summary statistics specific to these clusters. The summary statistic for a cluster will normally be a mean of the median responses to the individual items in the cluster. Percentile, decile, or quartile distributions may then be based upon this summary statistic, allowing faculty members within a unit to be compared in terms of performance in each cluster. No attempt should be made to combine cluster summary statistics.
7. Comparisons of teaching evaluation scores between faculty members in different academic units may not be used in promotion, tenure, renewal, and merit considerations. As an alternative to this procedure, medians and distributions may be presented for individual items. Since the statistics and analyses listed above may not be available for years preceding implementation of this policy, decision-makers must exercise extreme caution in the interpreting student opinion data that does not consider factors unrelated to teaching effectiveness or beyond the control of the instructor.
8. **While the new procedure described above are being implemented, existing procedure may be used with due caution.**

Authorization to Recruit:  
Provost and Vice Chancellor  
University of Wisconsin-Madison

**EDUCATION COMMITTEE:**

Resolution I.1.i.(1):

That, the President of the University of Wisconsin System be authorized to recruit for a Provost and Vice Chancellor of the University of Wisconsin-Madison, at a salary within the Board of Regents salary range for university senior executive salary group six.

## Request for Authorization to Recruit

**Institution:** University of Wisconsin-Madison

**Type of Request:** Provost and Vice Chancellor Search

**Official University Title:** Vice Chancellor

### Description of Duties:

The Provost and Vice Chancellor serves as the University's chief academic officer, reports to the Chancellor and serves as the Chancellor's deputy. The Provost and Vice Chancellor provides leadership for all aspects of the University's educational vision, values, mission and goals. Primary responsibilities include: (1) overseeing all academic programs and curricular issues; (2) recommending appointment, reappointment, tenure, promotion, and salary; (3) recommending allocation of personnel, funds, and other resources of programs and instructional support units; (4) providing direction for budget development; (5) developing and coordinating programs and services involving all University divisions – academic affairs, student affairs, administrative services, and development; (6) providing direction and overseeing the implementation of the University's diversity plan; and (7) representing and advancing the University's interests to the University of Wisconsin System.

**Recommended Salary Range:** University Senior Executive Group 6

**Source of Funds:** 102

**Replacement Position for:** Peter Spear

**Salary of Previous Incumbent:** \$227,075

### Proposed Salary above 75% of the Salary of the UW System President:

The range maximum is \$242,181. Currently 75% of UW System President's Salary is \$240,000, but will move to \$244,800 upon JCOER release of the 2% pay increase for those in Senior Executive Salary Groups 1-9. However, the Board has yet to act on 2005-06 Executive Salary ranges. (See proposed 2005-06 range under Regent Policy 94-4 on executive salary range policy.)

### Justification for the Salary Range:

The 2005-06 proposed Regent executive salary range 1 noted below is built on the 2004-05 actual peer median salary of \$270,000 for doctoral institution Vice Chancellors and Provosts, factored by 3.3% for 2005-06. The midpoint of the range is 95% of the 2005-06 predicted peer median of \$278,910, with the minimum 90% and the maximum 110% of those midpoints. Effective September 1, 2001, the statutes were amended by the 2001-03 biennial budget act (2001 Wisconsin Act 16) to give the Board of Regents authority to establish the salary ranges for the provost and vice chancellor at UW-Madison.

Vice Chancellors and Provosts Senior Executive Group 1

	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>
Effective Until Modified 2004-05 BOR Range	\$198,148	\$220,165	\$242,181 (2004-05)
Proposed Board of Regents Executive Salary Policy Range	\$238,468	\$264,965	\$291,461 (2005-06)

**Approved by:**

---

Kevin P. Reilly, President  
September 9, 2005

**Authorization to Recruit (Approved)(Denied)**

**By the Board of Regents Executive Committee on** \_\_\_\_\_.

## **UW-Madison Vice Chancellor Competitive Salary Information**

### **2005-06 Proposed Board of Regents Senior Executive Salary Range:**

2004-05 peer group median salary:	\$270,000
CUPA-HR projects 3.3% increase in 2005-06	x 1.033
2005-06 projected peer group median:	\$278,910
Executive salary policy cost-of living adjustment	.95
Regents Salary Range Midpoint:	\$264,965
Regents Salary Range Minimum (90%):	\$238,468
Regents Salary Range Maximum (110%):	\$291,461

### **Competitive Salary Information**

#### **Peer Group Salaries 2004-05 Including UW Madison:**

Purdue University	\$299,500
University of Michigan	\$292,031
Ohio State	\$287,184
University of Minnesota.	\$285,000
University of Texas-Austin	\$273,000
University of Illinois-Urbana	\$270,000
University of California-Los Angeles	\$263,900
University of California-Berkeley	\$260,000
University of Washington	\$220,464
University of Wisconsin-Madison	\$227,075
Michigan State	\$185,000
Indiana University	\$170,000
Peer Group Mean	\$255,095
Peer Group Median	\$270,000

Authorization to Recruit:  
Provost and Vice Chancellor  
University of Wisconsin-Stout

**EDUCATION COMMITTEE:**

Resolution I.1.i.(2):

That, the President of the University of Wisconsin System be authorized to recruit for a Provost and Vice Chancellor of the University of Wisconsin-Stout, at a salary within the Board of Regents salary range for university senior executive salary group one.

## Request for Authorization to Recruit

**Institution:** University of Wisconsin-Stout

**Type of Request:** Provost and Vice Chancellor Search

**Official University Title:** Vice Chancellor

### Description of Duties:

The Provost and Vice Chancellor serves as the University's chief academic officer, reports to the Chancellor and serves as the Chancellor's deputy. The Provost and Vice Chancellor provides leadership for all aspects of the University's educational vision, values, mission and goals. Primary responsibilities include: (1) overseeing all academic programs and curricular issues; (2) recommending appointment, reappointment, tenure, promotion, and salary; (3) recommending allocation of personnel, funds, and other resources of programs and instructional support units; (4) providing direction for budget development; (5) developing and coordinating programs and services involving all University divisions – academic affairs, student affairs, administrative services, and development; (6) providing direction and overseeing the implementation of the University's diversity plan; and (7) representing and advancing the University's interests to the University of Wisconsin System.

**Recommended Salary Range:** University Senior Executive Group 1

**Source of Funds:** 102

**Replacement Position for:** Robert Sedlak

**Salary of Previous Incumbent:** \$130,499

### Justification for the Salary Range:

The 2005-06 proposed Regent executive salary range 1 noted below is built on the 2004-05 actual peer median salary of \$150,000 for non-doctoral institution Vice Chancellors and Provosts, factored by 3.3% for 2005-06. The midpoint of the range is 95% of the 2005-06 predicted peer median of \$154,950, with the minimum 90% and the maximum 110% of those midpoints. The official salary range was determined by the OSER Director with JCOER approval, on July 19, 2005, for 2005-06. For administrative purposes, the "effective salary range" is the highest Minimum and lowest Maximum to ensure that a salary is within the parameters of either salary range

Vice Chancellors and Provosts Senior Executive Group 1

	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>
JCOER Approved Range	\$116,808	\$129,787	\$142,765 (2005-06)
Proposed Board of Regents Executive Salary Policy Range	\$132,482	\$147,203	\$161,923 (2005-06)

**Approved by:**

---

Kevin P. Reilly, President  
September 9, 2005

**Authorization to Recruit (Approved)(Denied)**

**By the Board of Regents Executive Committee on \_\_\_\_\_.**



## UW-Stout Vice Chancellor Competitive Salary Information

### 2005-06 Proposed Board of Regents Senior Executive Salary Range:

2004-05 peer group median salary:	\$150,000
CUPA-HR projects 3.3% increase in 2005-06	<u>x 1.033</u>
2005-06 projected peer group median:	\$154,950
Executive salary policy cost-of living adjustment	<u>.95</u>
Regents Salary Range Midpoint:	\$147,203
Regents Salary Range Minimum (90%):	\$132,482
Regents Salary Range Maximum (110%):	\$161,923

### 2004-05 Peer Group Salaries:

University of Akron	\$195,750
University of Northern Iowa	\$186,400
Western Michigan University	\$185,400
Oakland University	\$177,300
University of Michigan-Dearborn	\$175,473
Purdue University-Calumet	\$169,950
Central Michigan University	\$166,860
Grand Valley State University	\$164,827
Wright State University	\$164,116
Eastern Michigan University	\$160,000
Western Illinois University	\$155,256
Saginaw Valley State University	\$154,163
Northern Michigan	\$153,000
Youngstown State University	\$152,982
Ferris State University	\$152,440
Eastern Illinois University	\$150,312
Chicago State University	\$150,000
Southern Illinois University-Edwardsville	\$148,224
Minnesota State University-Mankato	\$148,000
Indiana-Purdue University-Ft. Wayne	\$143,300
University of Minnesota-Duluth	\$140,736
Northeastern Illinois University	\$140,628
St. Cloud State University	\$139,822
Minnesota State University-Moorhead	\$139,660
Indiana University-Southbend	\$138,424
University of Michigan-Flint	\$136,629
Michigan Technological University	\$135,000
Bemidji State University	\$133,204
University of Illinois-Springfield	\$131,292
Winona State University	\$130,000
University of Southern Indiana	\$126,700
Indiana University-Northwest	\$126,000
Indiana University-South East	\$114,915

Mean	\$151,114
Median	\$150,000

### UW System Non-Doctoral Institution Vice Chancellor Salaries:

UW-Oshkosh	\$138,000
UW-Green Bay	\$135,549
UW-Stevens Point	\$133,024
UW-Parkside	\$131,509
UW-La Crosse	\$131,509
UW-Whitewater	\$129,489
UW-Platteville	\$129,085
UW-River Falls	\$126,055
UW-Extension (interim)	\$126,000
UW-Superior (interim)	\$126,000
UW-Eau Claire (interim)	\$126,000
UW Colleges (interim)	\$126,000

Mean	\$129,852
Median	\$127,543

Authorization to Recruit:  
Provost and Vice Chancellor  
University of Wisconsin-Superior

**EDUCATION COMMITTEE:**

Resolution I.1.i.(3):

That, the President of the University of Wisconsin System be authorized to recruit for a Provost and Vice Chancellor of the University of Wisconsin-Superior, at a salary within the Board of Regents salary range for university senior executive salary group one.

## Request for Authorization to Recruit

**Institution:** University of Wisconsin-Superior

**Type of Request:** Provost and Vice Chancellor Search

**Official University Title:** Vice Chancellor

### Description of Duties:

The Provost and Vice Chancellor serves as the University's chief academic officer, reports to the Chancellor and serves as the Chancellor's deputy. The Provost and Vice Chancellor provides leadership for all aspects of the University's educational vision, values, mission and goals. Primary responsibilities include: (1) overseeing all academic programs and curricular issues; (2) recommending appointment, reappointment, tenure, promotion, and salary; (3) recommending allocation of personnel, funds, and other resources of programs and instructional support units; (4) providing direction for budget development; (5) developing and coordinating programs and services involving all University divisions – academic affairs, student affairs, administrative services, and development; (6) providing direction and overseeing the implementation of the University's diversity plan; and (7) representing and advancing the University's interests to the University of Wisconsin System.

**Recommended Salary Range:** University Senior Executive Group 1

**Source of Funds:** 102

**Replacement Position for:** David J. Prior

**Salary of Previous Incumbent:** \$133,024

### Justification for the Salary Range:

The 2005-06 proposed Regent executive salary range 1 noted below is built on the 2004-05 actual peer median salary of \$150,000 for non-doctoral institution Vice Chancellors and Provosts, factored by 3.3% for 2005-06. The midpoint of the range is 95% of the 2005-06 predicted peer median of \$154,950, with the minimum 90% and the maximum 110% of those midpoints. The official salary range was determined by the OSER Director with JCOER approval, on July 19, 2005, for 2005-06. For administrative purposes, the "effective salary range" is the highest Minimum and lowest Maximum to ensure that a salary is within the parameters of either salary range

Vice Chancellors and Provosts Senior Executive Group 1

	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>
JCOER Approved Range	\$116,808	\$129,787	\$142,765 (2005-06)
Proposed Board of Regents Executive Salary Policy Range	\$132,482	\$147,203	\$161,923 (2005-06)

**Approved by:**

---

Kevin P. Reilly, President  
September 9, 2005

**Authorization to Recruit (Approved)(Denied)**

**By the Board of Regents Executive Committee on \_\_\_\_\_.**

## UW-Superior Vice Chancellor Competitive Salary Information

### 2005-06 Proposed Board of Regents Senior Executive Salary Range:

2004-05 peer group median salary:	\$150,000
CUPA-HR projects 3.3% increase in 2005-06	<u>x 1.033</u>
2005-06 projected peer group median:	\$154,950
Executive salary policy cost-of living adjustment	<u>.95</u>
Regents Salary Range Midpoint:	\$147,203
Regents Salary Range Minimum (90%):	\$132,482
Regents Salary Range Maximum (110%):	\$161,923

### 2004-05 Peer Group Salaries:

University of Akron	\$195,750
University of Northern Iowa	\$186,400
Western Michigan University	\$185,400
Oakland University	\$177,300
University of Michigan-Dearborn	\$175,473
Purdue University-Calumet	\$169,950
Central Michigan University	\$166,860
Grand Valley State University	\$164,827
Wright State University	\$164,116
Eastern Michigan University	\$160,000
Western Illinois University	\$155,256
Saginaw Valley State University	\$154,163
Northern Michigan	\$153,000
Youngstown State University	\$152,982
Ferris State University	\$152,440
Eastern Illinois University	\$150,312
Chicago State University	\$150,000
Southern Illinois University-Edwardsville	\$148,224
Minnesota State University-Mankato	\$148,000
Indiana-Purdue University-Ft. Wayne	\$143,300
University of Minnesota-Duluth	\$140,736
Northeastern Illinois University	\$140,628
St. Cloud State University	\$139,822
Minnesota State University-Moorhead	\$139,660
Indiana University-Southbend	\$138,424
University of Michigan-Flint	\$136,629
Michigan Technological University	\$135,000
Bemidji State University	\$133,204
University of Illinois-Springfield	\$131,292
Winona State University	\$130,000
University of Southern Indiana	\$126,700
Indiana University-Northwest	\$126,000
Indiana University-South East	\$114,915

Mean	\$151,114
Median	\$150,000

### UW System Non-Doctoral Institution Vice Chancellor Salaries:

UW-Oshkosh	\$138,000
UW-Green Bay	\$135,549
UW-Stevens Point	\$133,024
UW-Parkside	\$131,509
UW-La Crosse	\$131,509
UW-Whitewater	\$129,489
UW-Platteville	\$129,085
UW-River Falls	\$126,055
UW-Extension (interim)	\$126,000
UW-Stout (interim)	\$126,000
UW-Eau Claire (interim)	\$126,000
UW Colleges (interim)	\$126,000

Mean	\$129,852
Median	\$127,543

Annual Report on Calendar 2004  
Undergraduate Drop Rates

EDUCATION COMMITTEE

Resolution I.1.j:

That, upon recommendation of the President of the University of Wisconsin System, the Board of Regents accepts the Annual Report on 2004 Undergraduate Drop Rates for submission to the Joint Committee on Finance.

## REPORT ON 2004 UNDERGRADUATE DROP RATES

### BACKGROUND

In September 1988, the University of Wisconsin Board of Regents passed Resolution 5045 in response to 1987-88 Wisconsin Act 27. Resolution 5045 “directs the UW System Administration to:

1. Monitor course drop rates at all UW System institutions.
2. Require all UW System institutions to reduce or maintain course drop rates during any academic year at no more than five percent of the credit hours registered at the close of the tenth day of classes at the beginning of the fall and spring terms.
3. Directs all UW System institutions whose drop rates exceed five percent, effective in the fall of 1989, to develop and implement plans to reduce the drop rate to five percent. Such plans will be subject to the review and approval of System Administration.
4. Report to the Board of Regents whenever the combined rate of dropped credits across the UW System exceeds five percent in any academic year, beginning in the fall of 1990, and make recommendations for further action by the Board of Regents on UW System add/drop policies.”

The Legislature’s Joint Committee on Finance passed a motion at its September 1988 Hearing, S13.10, that directed the UW System to report to the committee annually, beginning in 1990, on:

1. Campuses where the undergraduate drop rate exceeded five percent in any semester during that year.
2. The steps being taken to achieve a maximum five percent drop rate at these campuses.

The reporting requirements to the UW Board of Regents and to the Legislature’s Joint Committee on Finance differ. UW System Administration is required to report to the Board of Regents whenever the *Systemwide* rate of dropped credits exceeds five percent; however, the Legislature’s Joint Committee on Finance requires UW System Administration to report annually on *campuses* where undergraduate drop rates exceed five percent in any given semester. The objectives of both the Board of Regents and the Legislative Joint Committee to reduce course drop rates below five percent have been consistently achieved over successive years since the 1990’s. In September 1999 and September 2004, the Board of Regents requested that the Joint Committee on Finance eliminate the UW System Report on Undergraduate Drop Rates. However, the Joint Committee on Finance denied both requests and the report remains a legislative requirement.

## **REQUESTED ACTION**

Approval of Resolution I.1.j., accepting the Report on 2004 Undergraduate Drop Rates for submission to the Joint Committee on Finance.

## **DISCUSSION**

In this report, the drop rate refers to completed credits as a proportion of enrolled credits. For the purposes of Resolution 5045, the UW System 2004 drop rate was below the five-percent threshold. The UW System has achieved the intent of Resolution 5045 by reducing the number of Systemwide dropped credits. In the late 1980s, the Systemwide drop rate was 5.5 percent. This had fallen to 3.1 percent in the spring of 2004 (the spring term of the 2003-04 academic year) and to 3.3 percent in the fall of 2004 (the fall term of the 2004-05 academic year). On an annual basis, the drop rate is 3.2 percent in calendar year 2004 (see table 1). Over the years, the Drop Reports have demonstrated a reduction in annual course drop rates to a level that has remained well below the mandated five-percent threshold. This trend indicates that course drop rates within the UW System have reached a stable level which is within the guidelines established by both the Regents and the Legislature.

A report containing the following information will be sent to the Joint Committee on Finance.

Drop rates among UW institutions have all been below the five percent threshold except for UW Colleges. UW Colleges exceeded the five-percent threshold, with a drop rate of 6.8 percent in the spring of 2003-04 and a drop rate of 6.3 percent in the fall of 2004-05. The UW Colleges' annual drop rate for 2004 stands at 6.5 percent, compared to 8.0 percent five years earlier. Actions that UW Colleges have taken to reduce the drop rate include:

1. assessing student preparedness to succeed in college,
2. advising under-prepared students into more developmental math and English courses,
3. scheduling more freshmen orientation sessions dealing with adjusting to college courses and developing more study skills,
4. implementing a comprehensive curricular and co-curricular initiative to assist new traditional and non-traditional first-year students with their transition into the college experience,
5. providing more linked courses and learning community formats to facilitate peer support and a more integrated learning experience, and
6. engaging in discussion and pilots to address the needs of non-traditional students.

UW Colleges will continue to attempt to reduce the drop rate. However, given the mission of UW Colleges and the students they serve, a five percent or lower drop rate may not be attainable.

## **RELATED REGENTS POLICIES**

Resolution 5045 (October 1988); Resolution 6153 (July 1992).

Table 1

**Percent of Dropped Credits for Undergraduates by Institution**  
(Calendar Year)

	<b>1989</b>		<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
UW-Madison	Below		Below	Below	Below	Below	Below	Below
UW-Milwaukee	6.8%		Below	Below	Below	Below	Below	Below
UW-Eau Claire	Below		Below	Below	Below	Below	Below	Below
UW-Green Bay	Below		Below	Below	Below	Below	Below	Below
UW-La Crosse	5.3%		Below	Below	Below	Below	Below	Below
UW-Oshkosh	Below		Below	Below	Below	Below	Below	Below
UW-Parkside	8.8%		Below	Below	Below	Below	Below	Below
UW-Platteville	7.3%		Below	Below	Below	Below	Below	Below
UW-River Falls	Below		Below	Below	Below	Below	Below	Below
UW-Stevens Point	5.5%		Below	Below	Below	Below	Below	Below
UW-Stout	Below		Below	Below	Below	Below	Below	Below
UW-Superior	6.0%		Below	Below	Below	Below	Below	Below
UW-Whitewater	7.2%		Below	Below	Below	Below	Below	Below
UW Colleges*	6.2%		8.0%	7.9%	7.1%	6.7%	6.6%	6.5%

\* The 1989 drop rate for UW Colleges is probably underreported.

	<b>1989</b>		<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
UW System	5.3%		3.6%	3.0%	3.0%	3.2%	3.1%	3.2%



I.2. Business and Finance Committee

Thursday, September 8, 2005  
UW-Extension  
Washington County Fair Park  
3000 Hwy PV  
West Bend, Wisconsin

9:30 a.m. – 11:30 a.m. Tours to view community based education and applied research programs

11:30 a.m. - 12:15 p.m. Roundtable Lunch, Washington County Fair Park

12:15 p.m. All Regents, Room 112

- Committee on Retreat Follow-Up: Board of Regents Goals for the Coming Year

1:15 p.m. Business and Finance Committee (All Regents Invited)

- a. Review of Employment Policies and Practices

2:30 p.m. Room 114

- b. Approval of the minutes of the June 9, 2005 meeting of the Business and Finance Committee

- c. Review of Employment Policies and Practices – Continued

- d. UW-Extension Presentation: The Wisconsin Entrepreneurs' Network

- e. Committee Goals and Plan for 2005-06

- f. Midwest Higher Education Compact Student Exchange Program  
[Resolution I.2.f.]

- g. Business of the Committee

- (1) UWHC Authority on Lease and Affiliation Agreements

- [Resolution I.2.g.(1)]

- (2) Auxiliary Reserve Report to Joint Finance

- [Resolution I.2.g.(2)]

- (3) Base Salary Adjustment to Recognize Competitive Factors

- [Resolution I.2.g.(3)]

- (4) Quarterly Gifts, Grants and Contract Report

- h. Report of the Vice President

- i. Additional items, which may be presented to the Committee with its approval

## Review of Employment Policies and Practices

### BUSINESS AND FINANCE COMMITTEE

#### Resolution I.2.c.

The Board of Regents recognizes the need to review and reform the employment policies and procedures within the University of Wisconsin System. Given that recognition, no new concurrent or “back-up” appointments will be granted until the Regents are satisfied that processes are in place to ensure two principles are being followed: 1) No one will be paid for not working; and 2) People will be paid at a rate commensurate with their current job, not any prior one.

Therefore, upon the recommendation of the President of the UW System and the Business and Finance Committee,

- (1) The Board of Regents supports the President’s suspension of the practice of granting administrative back-up appointments for new employees and the granting of further indefinite academic staff back-up appointments unless approved by the UW System President. This suspension will remain in effect until lifted by the Board of Regents. With input from appropriate governance groups, position titles designated as limited appointments shall be reviewed, and the practice of negotiating fixed-term contracts for administrators in lieu of limited term appointments shall be considered. A report on that assessment will be presented to the Board of Regents no later than its November, 2005 meeting;
- (2) Because the Board of Regents shares the deep concerns of citizens of the state and legislators over the criminal activity of any of our employees, the Board of Regents directs and requires that the UW System Administration determine and establish policies and procedures to assure to the public and the Legislature that any employee charged with a felony will be immediately investigated and disciplinary action, if any, will be determined in a timely manner. In the event such policies and procedures are precluded by applicable law, the Board of Regents and the UW System President will work with the Legislature to enact appropriate changes to the law to effectuate the intent of this resolution. Nothing herein shall preclude institutions from otherwise following normal disciplinary procedures;
- (3) All UW institutions shall be required to seek approval from the UW System President for any settlement involving the termination of a limited appointee. Such settlements shall be reported to the Board of Regents;
- (4) UW System Administration shall revise its policy such that when administrators return to their faculty position, they will be compensated at a salary rate consistent with other faculty members of the same rank in the department (when considering years of service, previous salary as a faculty member, length of time served as an administrator and other factors normally considered when setting faculty salaries). The UW System

Office of Human Resources shall approve all such salaries along with appropriate justification prior to implementation;

(5) All UW institutions shall require that employees who are returning to the faculty from an administrative position, and are being offered transition time to prepare to teach, shall provide the equivalent of a sabbatical proposal and subsequent report of work accomplished during the transition. The transition period should be no longer than one academic semester unless the person has served in a limited position for five or more years, whereby two academic semesters may be allowed;

(6) UW System Administration, in consultation with UW institutions, shall develop a revised sick leave policy by October 1, 2005 that specifies the time period after which a health professional's certification for use of sick leave will be required;

(7) The Board of Regents shall review and approve as appropriate the total compensation package for the President and each Chancellor; and

(8) In light of Sarbanes-Oxley regulations, the President shall review and prepare for the Board a recommendation on whether the internal audit function is sufficient and whether the System Auditor shall report directly to the President and the Board.

August 31, 2005

To: Regents

From: Patricia Brady  
General Counsel

Re: UW System Personnel Policies and Practices

In connection with your review of various appointment and job security issues, President Reilly has asked that I provide you with background information on UW System personnel policies and practices.

1. History and Structure of Personnel System

The UW System operates under a very complex personnel structure. All university employees are also state employees, and all are considered to be part of the Wisconsin state civil service. The state civil service system is itself divided into two categories:

- The *unclassified* service consists of specifically designated positions, such as elected officers, gubernatorial appointees, and state agency division administrators. The unclassified service also includes UW System faculty, academic staff, and administrators, s. 230.08(2)(cm) and (d), Wis. Stats.
- The *classified* service consists of "all positions not included in the unclassified service," s. 230.08(3)(a), Wis. Stats.

The terms and conditions of employment for members of the *classified* staff are governed by union contracts, statutes and rules that are interpreted and implemented by the Office of State Employment Relations (OSER) in the Department of Administration. The classified system is similar to civil service systems found in many governmental agencies, at both federal and state levels. An essential feature of such systems is that employees have the opportunity to attain "permanent status in class" following successful

completion of a probationary period.<sup>1</sup> Employees having permanent status may be removed, suspended without pay or discharged *only for just cause*. They also retain certain rights to be restored to the classified service following separation, or to be reinstated following service in an unclassified position. (See, generally, s. 230.28, et seq., Wis. Stats.)

While the personnel system for UW System *unclassified* staff contains some elements that parallel those of the classified system, it is based on policies and practices specific to academia that have been incorporated in the statutes, administrative rules and institutional policies applicable to the university. Because the Board of Regents has primary responsibility for implementing the statutes and setting the rules and policies governing unclassified employment, this memorandum focuses on the *unclassified* staff personnel structure within the UW System.

*a. Academic personnel model: AAUP policies and merger legislation*

The UW System's unclassified staff personnel structure is established by state law under ch. 36, Wis. Stats., and is further elaborated upon in administrative rules adopted by the Board (Chapters UWS 1-22, Wis. Adm. Code), and in Board-approved campus personnel policies.<sup>2</sup> There are, in addition, Regent Policy Documents (RPDs) and administrative Unclassified Personnel Guidelines (UPGs) that deal with many other details of personnel administration. This interrelated group of statutes, rules and policies follows a personnel model specific to academia that developed in response to events in the late nineteenth and twentieth centuries.

Historically, at the turn of the nineteenth century, employment protections for university staff around the country were minimal, and most individuals served at the pleasure of university boards of trustees. A series of incidents in which university professors were subjected to attempted discipline or dismissal for speaking out about controversial topics--including the famous trial of Richard Ely<sup>3</sup> here at the University of Wisconsin--eventually led to the creation of the American Association of University Professors (AAUP) in 1915. A primary concern of the AAUP, from the beginning, was to safeguard the academic freedom of university teachers by means of a system of tenured employment.<sup>4</sup> In its 1940 *Statement of Principles on Academic Freedom and*

---

<sup>1</sup> The usual probationary period is six months for Wisconsin classified civil service appointees, s. 230.28(1), Wis. Stats.

<sup>2</sup> The Board's administrative rules were first adopted in 1975, pursuant to ch. 227, Wis. Stats. Under the Board's rules, UW institutions were delegated additional authority to adopt institution-specific personnel policies in identified areas. These must be approved by the Board of Regents.

<sup>3</sup> In exonerating Professor Ely of the charges against him, the Board of Regents affirmed its commitment to academic freedom, stating, "Whatever may be the limitations which trammel inquiry elsewhere, we believe that the great state university of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found." See, Curti & Carstensen, *The University of Wisconsin, A History*, Vol. 1 (University of Wisconsin Press, Madison, Wisconsin 1949), pp. 508-527.

<sup>4</sup> For an interesting description of the events leading to the development of the AAUP, see Menand, *The Metaphysical Club* (Farrar, Straus and Giroux, New York, New York 2001), pp. 409-433.

*Tenure* ("1940 Statement"), the AAUP articulated a set of principles defining academic freedom, and establishing tenure as the primary mechanism for its protection.

The 1940 Statement, together with subsequent interpretative comments and recommended institutional regulations, sets forth the essential elements of an academic personnel system. The key components include:

- Provision for a probationary period not exceeding seven years, leading to the grant of tenure.
- Termination of a tenured appointment, or of a probationary term appointment before the end of the specified term, only upon a showing of just cause and with due process.
- Suspension from duties during the dismissal process only if immediate harm is threatened; any suspension from duties during dismissal proceedings to be with pay.
- Protections for "academic staff" other than faculty (a group to be defined by the institution), ensuring that dismissal before the end of a fixed term of employment must be accompanied by an explanation of the reasons for the action and an opportunity to be heard before a duly constituted committee.

These principles, while different from employment practices in the private sector and in governmental civil service systems, including the Wisconsin classified system, are widely followed in higher education.<sup>5</sup> The basic elements of the AAUP principles were incorporated in the statutes and administrative code at the time of the 1971 UW System merger and have been continued since then. Attached, for reference and comparison purposes, are copies of the 1940 Statement, the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure*,<sup>6</sup> ss. 36.05, 36.13, 36.15 and 36.17, Wis. Stats., and chs. UWS 3, 4, 10, 11 and 15, Wisconsin Administrative Code. (Attachments 1-8.) As can be seen from the documents, the UW System provisions directly parallel the AAUP recommended procedures. Except as applied to members of the academic staff (discussed below), the UW's unclassified personnel structure, as reflected in these provisions, has not been substantively altered since merger.

*b. Types of unclassified appointments in the UW System, and related employee rights and protections*

The three principal types of unclassified staff appointments, and the legal rights associated with each under applicable statutes and rules, are as follows:

---

<sup>5</sup> Nearly all public research, doctoral and comprehensive institutions of higher education have in place tenure systems, U.S. Department of Education, National Center Education Statistics Survey of Postsecondary Faculty (1999).

<sup>6</sup> AAUP Policy Documents and Reports (9<sup>th</sup> Edition, 2001).

- *Faculty.* Section 36.05, Wis. Stats., defines "faculty" to include those who hold the rank of professor, associate professor, assistant professor or instructor in an academic department. Faculty appointments are either tenure or probationary appointments. A "probationary appointment" is an appointment held by a faculty member during the period which may precede the grant of tenure. A "tenure appointment" is "an appointment for an unlimited period granted to a ranked faculty member." See, s. 36.13(1), Wis. Stats.

Any person having tenure may be dismissed only for just cause, and only after notice and hearing, s. 36.13(5), Wis. Stats. The hearing process is prescribed in detail in ch. UWS 4, Wis. Adm. Code.

Probationary faculty members are employed on a series of term contracts, during the probationary period. They may be dismissed *prior to the end of any contract term* only for just cause and after hearing, under the same procedures applicable to tenured faculty. If their term contracts are not renewed at the conclusion of the specified term, they have appeal rights as specified in ch. UWS 3, Wis. Adm. Code. A nonrenewal is not considered a dismissal, and just cause for nonrenewal is not required. UWS 4.01, Wis. Adm. Code.

While dismissal proceedings are pending, a faculty member is not normally suspended or relieved of duties, unless after consultation with the faculty, the chancellor determines that substantial harm to the institution may result if the faculty member is continued. In such a case the faculty member may be suspended, but his or her salary must be continued until the Board decides on termination. See, generally, UWS 4, Wis. Adm. Code, and UWS 4.09, Wis. Adm. Code.

- *Academic Staff.* UW System "academic staff" are defined as "professional and administrative personnel with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration," s. 36.05(1), Wis. Stats. Academic staff members hold a wide array of positions, some of which are administrative or managerial in nature (noninstructional academic staff), and others which are in instructional and research disciplines with responsibilities that include aspects of the work of faculty members (instructional academic staff).

An academic staff appointment may be "fixed term," "probationary," or "indefinite," as provided under s. 36.15, Wis. Stats.

- A "fixed term" appointment is for a specified contract term, renewable solely at the option of the employing institution and carrying no expectation of reemployment beyond the stated term, UWS 10.03(1), Wis. Adm. Code.

- A "probationary" appointment is one that precedes review and a decision as to whether an "indefinite" appointment should be granted.
- An "indefinite" academic staff appointment confers a status similar to that of a tenured faculty member.
- Fixed term and probationary academic staff members are entitled to notice that their contracts will not be renewed, UWS 10.05, Wis. Adm. Code. Nonrenewal does not constitute dismissal, and does not require a showing of just cause. Dismissal of fixed term or probationary staff *prior to the end of the appointment term*, however, must be only for just cause, and only after notice and hearing, s. 36.15(3), Wis. Stats. The dismissal is effective upon a determination of just cause by the dean or director. If the appeal process is not concluded before the end of the contract term, the staff member may elect to have the proceedings concluded, but is not paid beyond the expiration of the appointment term. UWS 11.11, Wis. Adm. Code.
- Indefinite appointees may be dismissed only for just cause and only after notice and hearing, s. 36.15(3), Wis. Stats. During the pendency of a dismissal action, indefinite academic staff--like faculty--are to be continued in pay status, even if relieved of duties, UWS 11.08, Wis. Adm. Code.
- *Limited appointments.* A limited appointment is, in essence, an "at will" employment in which the employee serves "at the pleasure of" the appointing official, s. 36.17(1), Wis. Stats., and may be removed at any time.<sup>7</sup> Under s. 36.17(2), Wis. Stats., certain enumerated positions, including the UW System president, chancellors, provosts, and other top administrators *must* be limited appointments.

Also under the statute, a person "holding a tenured or academic staff appointment under ss. 36.12 or 36.15 [Wis. Stats.] *shall not lose that appointment* by accepting a limited appointment." Thus, individuals who already hold tenured or academic staff appointments within the UW System when they accept a limited appointment, cannot lose that existing tenured or academic staff appointment by accepting the limited appointment.

Employees joining the UW System for the first time as limited appointees may negotiate for faculty or academic staff appointments to which they might be assigned upon the termination of their limited positions. In addition, there are many instances in which it is a requirement of a particular position, codified in

---

<sup>7</sup> Although the statute refers to the fact the these appointments are at the pleasure of the Board, the Board's administrative rule, UWS 15.01, refers to service at the pleasure of the "authorized official" who made the appointment, reflecting the fact that the Board has delegated many personnel decisions to other university officials.



institutional faculty personnel rules approved by the Board, that the appointee be tenurable as a faculty member at the institution. Most common are situations in which the limited appointment is to a high-level academic administrative post such as a dean, provost or chancellor. In such cases, tenured faculty status is granted by the Board, typically in consultation with the institution, at the time the limited appointment is made. Alternatively, the System President may approve a conditional tenure appointment until the Board officially grants tenure as part of the budget cycle. See, UPG 5.03(7).

## 2. Employment Security for UW System Unclassified Staff

As the above discussion indicates, the UW's unclassified personnel system affords faculty and academic staff of the UW System employment protections that parallel the academic model endorsed by the AAUP. While the faculty tenure protections as applied within the UW System are quite straightforward, some additional discussion is necessary to an understanding of the evolution of protections for academic staff and limited appointees.

### *a. Academic staff employment security*

At the time of merger, many concerns were raised about job security for members of the academic staff. In part, these concerns were related to the fact that the academic staff were not granted the right to participate in institutional governance. As originally provided under the merger statutes, governance involved the chancellors, faculty and students, but not academic staff members. In addition, there were concerns about equity of treatment as between academic staff, particularly those serving under fixed term, no-intent-to-renew contracts, and classified staff members having permanent status in class.

The drafters of the merger legislation apparently believed that the chancellors and faculty could, in their discretion, allow participation in governance by the academic staff and that this, together with the statutory provisions under s. 36.15, Wis. Stats., constituted "full provision[s] . . . for insuring job security of academic staff." (Comments of Regent Frank Pelisek, Minutes of the March 9, 1973 Regular Meeting of the Board of Regents.) Concerns about the status of academic staff continued to be raised, however, and in 1984 the legislature amended s. 36.09, Wis. Stats., by adding subsection (4m), which specifically provides academic staff a role in the institutional governance process.

During that same period of time, 1983-84, the Board of Regents undertook a broader review of the academic staff category and concerns of the academic staff. As a result of that review, the Board directed, in relevant part, that institutions should:

. . .

7. Review noninstructional academic staff appointments to identify positions in which need, funding source and quality of performance of the employee

support the grant of additional job security through such mechanisms as multiple year, rolling-term, or indefinite appointments.

8. Review the criteria for probationary and indefinite appointments to make certain that these appointments are used as programmatic need and budgetary resources permit. (Minutes of the April 4, 1984 Regular Meeting of the Board of Regents, Resolution #3022.)

Subsequently, in 1989, then-UW System President Kenneth Shaw issued specific guidelines, now codified in UPG 3.05 (Attachment 9), to assure academic staff job security. Among other items, President Shaw's directives required that institutions provide extended notice periods prior to termination of the fixed-term contracts for long-serving academic staff members, increase due process protections for academic staff having more than seven years of service, and regularly review long-serving staff to determine whether indefinite status or multiple year appointments would be more appropriate.

Responding to these directives, institutions developed policies and practices that expanded job protections for academic staff members, granting longer fixed-term appointments and liberalizing use of indefinite status. As a consequence of the more common use of indefinite academic staff appointments, many academic staff members attained protections similar to those granted tenured faculty and permanent status classified staff.

*b. Security for limited appointees: "concurrent" and "back-up" appointments for limited appointees*

As noted above, Wisconsin statutes do provide express job protection for those UW System faculty and academic staff employees who accept limited appointments. Under s. 36.17(1), Wis. Stats., those individuals *"shall not lose"* their existing appointments when they accept a limited appointment. As a result, while limited appointees serve in their limited positions at the pleasure of the appointing authority, they retain their pre-existing UW System rights in the status they held when they accepted the limited appointments. The underlying tenured faculty or academic staff rights granted under the statute are sometimes referred to as "concurrent" appointments, since the employees continue to hold the rights while serving in a limited position. More loosely--and at times more confusingly--these rights are also sometimes referred to as "back-up" appointments. Though the descriptive terminology is not as precise as it might be, it is clear that those employees who have gained faculty tenure status or hold an academic staff position in the UW System have a *statutory right* to retain those positions during the limited appointment.

More complicated is what occurs when an employee from outside the UW System accepts a limited appointment at a UW institution. In some cases, job security may be negotiated by a candidate; in others, notably the key academic leadership positions discussed above, institutional personnel policies may require that the successful candidate

be tenurable. These arrangements, whether resulting from negotiation or as a result of specific job requirements, are typically labeled "back-up" appointments, since they only come into play if the limited appointment is terminated. Employees in such arrangements, whatever called, have a *contractual right* to be placed in the specified appointment described in the contract, in the event of termination from the limited position.

The specific types of concurrent or back-up positions held are, of course, specific to each person and his or her individual circumstances. Those having the *statutory* right to retain a current position under s. 36.17(2), Wis. Stats., hold, in essence the same kinds of positions they were in prior to accepting the limited appointment. So, for example, a tenured faculty member continues to hold tenure at the same rank in his or her tenure home department; a fixed-term academic staff member continues to hold an appointment for the same contract term as was in effect at the beginning of the limited appointment; and an indefinite academic staff appointee continues to hold indefinite status.<sup>8</sup>

Those limited appointees having a *contractual* right to another position upon the conclusion of a limited appointment would return to the position for which they negotiated, or which was required. A dean or chancellor, for example, who was recruited under a policy requiring that he or she be tenurable, would hold a tenured position in an appropriate department. A non-academic administrator might have the right to invoke a one-year fixed-term contract in an academic staff appointment with duties, title and salary range assigned at the time the limited appointment ends.

The salary for administrators who leave a limited appointment to return to the faculty is determined in accordance with UPG 4.04(5), which establishes a salary range bounded by the average salary of faculty at the same rank in the tenure home department and 82% of the final salary in the limited appointment. Negotiated salaries outside that range require the advance approval of the UW System President. Salaries for academic staff members who leave limited appointments are set within the ranges to which their academic staff positions are assigned, UPG 4.04(6). (See, Attachment 10.)

Providing this sort of employment protection for administrators is not unusual in higher education. As reflected in Attachment 11, a number of institutions allow for the negotiation of some sort of protection for administrators. The terminology is somewhat variable, including such terms as "retreat" rights or restoration rights. The idea, however, is the same: to provide some protection for individuals who serve in "at will" positions.

### 3. Application of UW System unclassified personnel rules upon conclusion of a limited appointment, discipline or dismissal

The application of the UW System's personnel rules is never more complex or sensitive than in those instances where there is a change in employment status, voluntary

---

<sup>8</sup> Some academic staff members are guaranteed a return to a specific job title and salary range, while others may receive a general academic staff appointment in which the duties, job title and salary range are determined at the time the limited appointment is terminated.

or not; or where it becomes necessary to initiate the disciplinary process, including dismissal, against a member of the unclassified staff. While the underlying personnel structure and principles remain the same, the individual circumstances are always unique. Thus, each situation--from a simple voluntary transition to the faculty by an administrator, to termination of a tenured faculty member for cause--must be addressed and resolved based on the particular facts involved.<sup>9</sup>

Recent media accounts of settlement arrangements and disciplinary matters have highlighted some of the problems inherent in responding to individual cases while meeting institutional needs, and proceeding in compliance with the statutes, rules and policies that comprise the university's personnel structure. Not surprisingly, some of the most difficult issues arise in connection with concluding limited appointments, and in initiating the disciplinary process leading to dismissal.

As reflected in recently publicized cases, the *conclusion of a limited appointment* and the return to a back-up appointment of some type is frequently achieved through a formally negotiated agreement under which the terms and conditions of the individual's new position are set forth. There are a number of elements commonly included in such arrangements:

- The individual holds a "back-up" appointment as a tenured faculty member, either by application of the statutory rights under s. 36.17(1), Wis. Stats., or as a contractual right negotiated at the time of hire, and so has the opportunity to return to the faculty at the conclusion of the limited appointment.
- The resolution includes an agreement under the terms of which the administrative position is relinquished, and the individual returns to the "back-up" position at an agreed-upon salary, as allowed pursuant to UPG 4.04(5).
- Some released time from teaching duties may be granted in order to allow the individual to prepare for his or her return to the classroom. It is important to note that this sort of "leave" from teaching duties does not mean leave from other faculty duties, such as research and public service.
- In a number of instances, the conclusion of such appointments will also involve the individual's release of any alleged legal claims against the university, thus relieving the university of liability for any possible damages arising in connection with the individual's limited appointment position.
- In some situations, the individual may agree to give up the tenured back-up position at a date certain.

---

<sup>9</sup> Although beyond the scope of this memorandum, university personnel matters frequently involve questions of constitutional law, and application of state and federal statutes prohibiting employment discrimination on the basis of legally protected status. These issues, too, must be considered when ending a limited appointment or invoking the disciplinary process.

The initiation of the *disciplinary process* against a staff member is similarly complex, particularly where it involves a tenured faculty member. In such cases, it is necessary to follow the procedures prescribed by the statutes, administrative code and institutional policies. This means, in essence, that the individual may not be terminated except for cause, and only after an investigation of charges and an opportunity for a hearing, with the final decision on termination to be made by the Board of Regents. See, s. 36.13, Wis. Stats.; ch. UWS 4, Wis. Adm. Code. In addition, the individual will, in most instances, remain in pay status pending the outcome of the institutional proceedings.

Where criminal misconduct is involved in a discipline or dismissal situation, there are special problems with proceeding under the UW System rules. In some instances, for example, the evidence needed for the internal investigation is in the possession of law enforcement, and cannot be made available to the university. In other circumstances, proceeding with an internal investigation prior to resolution of the criminal matter might interfere with a successful criminal prosecution. In still other instances, the individual might invoke the right not to incriminate himself or herself. Again, these situations must be handled with care. Although we might find the alleged criminal conduct repugnant, both the due process rights to which the individuals are entitled and state law prohibiting discrimination on the basis of arrest or conviction record require that we observe the mandated procedures.

#### 4. Conclusion

In sum, the UW System's personnel structure, founded on the academic model established by the AAUP and codified in Wisconsin law, is one which affords significant protections to its employees. Likewise, it is consistent with UW System peers throughout higher education, which in turn allows the UW System to be competitive in order to attract top-level faculty, staff and administrators. It also allows for equity between UW unclassified staff and the Wisconsin classified staff who enjoy the protections of having permanent status in the civil service system. It is a time-tested system that has been confirmed by legislation, administrative rules and thoughtful processes. As with any system, however, flaws may be revealed by unusual cases and inconsistent application of principles. When such flaws become apparent, appropriate changes should be made to ensure that the system remains fundamentally sound and that best personnel practices are followed.

I hope this information will be of assistance to you. Please feel free to contact me should you require further information.

Attachments

cc: President Reilly  
Cabinet

# 1940 Statement of Principles on Academic Freedom and Tenure With 1970 Interpretive Comments

*In 1940, following a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American Colleges agreed upon a restatement of principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure. This restatement is known to the profession as the 1940 Statement of Principles on Academic Freedom and Tenure.*

*The 1940 Statement is printed below, followed by Interpretive Comments as developed by representatives of the American Association of University Professors and the Association of American Colleges during 1969. The governing bodies of the associations, meeting respectively in November 1989 and January 1990, adopted several changes in language in order to remove gender-specific references from the original text.*

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher (The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties) or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights. **[1]** (Bold-faced numbers in brackets refer to Interpretive Comments which follow.)

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

## ACADEMIC FREEDOM

- a. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- b. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their

subject.<sup>[2]</sup> Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.<sup>[3]</sup>

- c. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.<sup>[4]</sup>

## ACADEMIC TENURE

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
2. Beginning with appointment to the rank of full-time instructor or a higher rank, <sup>[5]</sup> the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that the new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. <sup>[6]</sup> Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.<sup>[7]</sup>
3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.<sup>[8]</sup>
4. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from the teacher's own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not

involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.<sup>[9]</sup>

5. Termination of a continuous appointment because of financial exigency should be demonstrably *bona fide*.

## 1940 INTERPRETATIONS

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 *Statement of Principles on Academic Freedom and Tenure* were agreed upon:

1. That its operation should not be retroactive.
2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 *Conference Statement on Academic Freedom and Tenure*.
3. If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher's fitness for his or her position, it may proceed to file charges under paragraph (a)(4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

## 1970 INTERPRETIVE COMMENTS

*Following extensive discussions on the 1940 Statement of Principles on Academic Freedom and Tenure with leading educational associations and with individual faculty members and administrators, a joint committee of the AAUP and the Association of American Colleges met during 1969 to reevaluate this key policy statement. On the basis of the comments received, and the discussions that ensued, the joint committee felt the preferable approach was to formulate interpretations of the Statement in terms of the experience gained in implementing and applying the Statement for over thirty years and of adapting it to current needs.*

*The committee submitted to the two associations for their consideration the following "Interpretive Comments." These interpretations were adopted by the Council of the American Association of University Professors in April 1970 and endorsed by the Fifty-sixth Annual Meeting as Association policy.*

In the thirty years since their promulgation, the principles of the 1940 *Statement of Principles on Academic Freedom and Tenure* have undergone a substantial amount of refinement. This has evolved through a variety of processes, including customary acceptance, understandings mutually arrived at



between institutions and professors or their representatives, investigations and reports by the American Association of University Professors, and formulations of statements by that association either alone or in conjunction with the Association of American Colleges. These comments represent the attempt of the two associations, as the original sponsors of the 1940 *Statement*, to formulate the most important of these refinements. Their incorporation here as Interpretive Comments is based upon the premise that the 1940 *Statement* is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.

Also, there have been relevant developments in the law itself reflecting a growing insistence by the courts on due process within the academic community which parallels the essential concepts of the 1940 *Statement*; particularly relevant is the identification by the Supreme Court of academic freedom as a right protected by the First Amendment. As the Supreme Court said in *Keyishian v. Board of Regents* 385 U.S. 589 (1967), "Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

The numbers refer to the designated portion of the 1940 *Statement* on which interpretive comment is made.

**1.** The Association of American Colleges and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to professors in their utterances as citizens, in the exercise of their responsibilities to the institution and to students, and in their conduct when resigning from their institution or when undertaking government-sponsored research. Of particular relevance is the *Statement on Professional Ethics*, adopted in 1966 as Association policy. (A revision, adopted in 1987, was published in *Academe: Bulletin of the AAUP* 73 [July-August 1987]: 49.) [Back to Text](#)

**2.** The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject. [Back to Text](#)

**3.** Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 *Statement*, and we do not now endorse such a departure. [Back to Text](#)

**4.** This paragraph is the subject of an interpretation adopted by the sponsors of the 1940 *Statement* immediately following its endorsement which reads as follows:

If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph (c) of the section on Academic Freedom and believes that the

extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher's fitness for his or her position, it may proceed to file charges under paragraph (a)(4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

Paragraph (c) of the 1940 *Statement* should also be interpreted in keeping with the 1964 "Committee A Statement on Extramural Utterances" (*AAUP Bulletin* 51 [1965]: 29), which states *inter alia*: "The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Extramural utterances rarely bear upon the faculty member's fitness for the position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar."

Paragraph V of the *Statement on Professional Ethics* also deals with the nature of the "special obligations" of the teacher. The paragraph reads as follows:

As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of other obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Both the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary as well as to the tenured teacher, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities.[Back to Text](#)

**5.** The concept of "rank of full-time instructor or a higher rank" is intended to include any person who teaches a full-time load regardless of the teacher's specific title. (For a discussion of this question, see the "Report of the Special Committee on Academic Personnel Ineligible for Tenure," *AAUP Bulletin* 52 [1966]: 280-82.) [Back to Text](#)

**6.** In calling for an agreement "in writing" on the amount of credit for a faculty member's prior service at other institutions, the *Statement* furthers the general policy of full understanding by the professor of the terms and conditions of the appointment. It does not necessarily follow that a professor's tenure rights have been violated because of the absence of a written agreement on this matter. Nonetheless, especially because of the variation in permissible institutional practices, a written understanding concerning these matters at the time of appointment is particularly appropriate and advantageous to both the individual

and the institution. (For a more detailed statement on this question, see "On Crediting Prior Service Elsewhere as Part of the Probationary Period," *AAUP Bulletin* 64 [1978]: 274-75.) [Back to Text](#)

**7.** The effect of this subparagraph is that a decision on tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one. If the decision is affirmative, the provisions in the 1940 *Statement* with respect to the termination of services of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.

The general principle of notice contained in this paragraph is developed with greater specificity in the *Standards for Notice of Nonreappointment*, endorsed by the Fiftieth Annual Meeting of the American Association of University Professors (1964). These standards are:

Notice of nonreappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

1. *Not later than March 1 of the first academic year of service*, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
2. *Not later than December 15 of the second academic year of service*, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
3. At least twelve months before the expiration of an appointment after two or more years in the institution.

Other obligations, both of institutions and of individuals, are described in the *Statement on Recruitment and Resignation of Faculty Members*, as endorsed by the Association of American Colleges and the American Association of University Professors in 1961. [Back to Text](#)

**8.** The freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher's academic performance during probationary status. Provision should be made for regularized procedures for the consideration of complaints by probationary teachers that their academic freedom has been violated. One suggested procedure to serve these purposes is contained in the *Recommended Institutional Regulations on Academic Freedom and Tenure*, prepared by the American Association of University Professors. [Back to Text](#)

**9.** A further specification of the academic due process to which the teacher is entitled under this paragraph is contained in the *Statement on Procedural Standards in Faculty Dismissal Proceedings*, jointly approved by the American Association of University Professors and the Association of American Colleges in 1958. This interpretive document deals with the issue of suspension, about which the 1940 *Statement* is silent.

The 1958 *Statement* provides: "Suspension of the faculty member during the proceedings is justified only if immediate harm to the faculty member or others is threatened by the faculty member's continuance. Unless legal considerations forbid, any such suspension should be with pay." A suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

The concept of "moral turpitude" identifies the exceptional case in which the professor may be denied a year's teaching or pay in whole or in part. The statement applies to that kind of behavior which goes beyond simply warranting discharge and is so utterly blameworthy as to make it inappropriate to require the offering of a year's teaching or pay. The standard is not that the moral sensibilities of persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally. [Back to Text](#)

**For more information:**

American Association of University Professors  
1012 Fourteenth Street, NW, Suite #500  
Washington, DC 20005  
1-800-424-2973  
<http://www.aaup.org>

 **Return to the [History and Archive](#) web page**

 **Return to the [Higher-Ed.Org](#) home page**

## American Association of University Professors

# Recommended Institutional Regulations on Academic Freedom and Tenure

*The Recommended Institutional Regulations on Academic Freedom and Tenure set forth, in language suitable for use by an institution of higher education, rules which derive from the chief provisions and interpretations of the [1940 Statement of Principles on Academic Freedom and Tenure](#) and of the [1958 Statement on Procedural Standards in Faculty Dismissal Proceedings](#). The Recommended Institutional Regulations were first formulated by the Committee on Academic Freedom and Tenure (Committee A) in 1957. A revised and expanded text, approved by Committee A in 1968, reflected the development of Association standards and procedures. Texts with further revisions were approved by Committee A in 1972, in 1976, in 1982, in 1990, and in 1999.*

*The current text is based upon the Association's continuing experience in evaluating regulations actually in force at particular institutions. It is also based upon further definition of the standards and procedures of the Association over the years. The Association will be glad to assist in interpretation of the regulations or to consult about their incorporation in, or adaptation to, the rules of a particular college or university.*

## FOREWORD

These regulations are designed to enable the [named institution] to protect academic freedom and tenure and to ensure academic due process. The principles implicit in these regulations are for the benefit of all who are involved with or are affected by the policies and programs of the institution. A college or university is a marketplace of ideas, and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. In the words of the United States Supreme Court, "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."

## 1. STATEMENT OF TERMS OF APPOINTMENT

(a) The terms and conditions of every appointment to the faculty will be stated or confirmed in writing, and a copy of the appointment document will be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.

(b) With the exception of special appointments clearly limited to a brief association with the institution, and reappointments of retired faculty members on special conditions, all full-time faculty appointments are of two kinds: (1) probationary appointments; (2) appointments with continuous tenure.

(c) Except for faculty members who have tenure status, every person with a teaching or research appointment of any kind will be informed each year in writing of the renewal of the appointment and of all matters relative to eligibility for the acquisition of tenure.

## 2. PROBATIONARY APPOINTMENTS

(a) Probationary appointments may be for one year, or for other stated periods, subject to renewal. The total period of full-time service prior to the acquisition of continuous tenure will not exceed \_\_\_\_ years,<sup>1</sup> including all previous full-time service with the rank of instructor or higher in other institutions of higher learning [*except* that the probationary period may extend to as much as four years, even if the total full-time service in the profession thereby exceeds seven years; the terms of such extension will be stated in writing at the time of initial appointment].<sup>2</sup> Scholarly leave of absence for one year or less will count as part of the probationary period as if it were prior service at another institution, unless the individual and the institution agree in writing to an exception to this provision at the time the leave is granted.

(b) The faculty member will be advised, at the time of initial appointment, of the substantive standards and procedures generally employed in decisions affecting renewal and tenure. Any special standards adopted by the faculty member's department or school will also be transmitted. The faculty member will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be given the opportunity to submit material believed to be helpful to an adequate consideration of the faculty member's circumstances.

(c) Regardless of the stated term or other provisions of any appointments, written notice that a probationary appointment is not to be renewed will be given to the faculty member in advance of the expiration of the appointment, as follows: (1) not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; (2) not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination; (3) at least twelve months before the expiration of an appointment after two or more years of service at the institution. The institution will normally notify faculty members of the terms and conditions of their renewals by March 15, but in no case will such information be given later than \_\_\_\_.<sup>[3]</sup>

(d) When a faculty recommendation or a decision not to renew an appointment has first been reached, the faculty member involved will be informed of that recommendation or decision in



writing by the body or individual making the initial recommendation or decision; the faculty member will be advised upon request of the reasons which contributed to that decision. The faculty member may request a reconsideration by the recommending or deciding body.

(e) If the faculty member so requests, the reasons given in explanation of the nonrenewal will be confirmed in writing.

(f) Insofar as the faculty member alleges that the decision against renewal by the appropriate faculty body was based on inadequate consideration, the committee<sup>4</sup> which reviews the faculty member's allegation will determine whether the decision was the result of adequate consideration in terms of the relevant standards of the institution. The review committee will not substitute its judgment on the merits for that of the faculty body. If this committee, which can be the grievance committee noted in Regulation 15, is to be an elected faculty body. Similarly, the members of the committees noted in Regulations 4(c)(2), 4(d)(3), and 10 are to be elected. A committee of faculty members appointed by an appropriate elected faculty body can substitute for a committee that is elected directly. If the review committee believes that adequate consideration was not given to the faculty member's qualifications, it will request reconsideration by the faculty body, indicating the respects in which it believes the consideration may have been inadequate. It will provide copies of its findings to the faculty member, the faculty body, and the president or other appropriate administrative officer.

### 3. TERMINATION OF APPOINTMENT BY FACULTY MEMBERS

Faculty members may terminate their appointments effective at the end of an academic year, provided that they give notice in writing at the earliest possible opportunity, but not later than May 15, or thirty days after receiving notification of the terms of appointment for the coming year, whichever date occurs later. Faculty members may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

### 4. TERMINATION OF APPOINTMENTS BY THE INSTITUTION

(a) Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may be effected by the institution only for adequate cause.

(b) If termination takes the form of a dismissal for cause, it will be pursuant to the procedures specified in Regulation 5.

### **Financial Exigency**

(c) (1) Termination of an appointment with continuous tenure, or of a probationary or special

appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means.

[NOTE: Each institution in adopting regulations on financial exigency will need to decide how to share and allocate the hard judgments and decisions that are necessary in such a crisis.

As a first step, there should be a faculty body which participates in the decision that a condition of financial exigency exists or is imminent,<sup>5</sup> and that all feasible alternatives to termination of appointments have been pursued.

Judgments determining where within the overall academic program termination of appointments may occur involve considerations of educational policy, including affirmative action, as well as of faculty status, and should therefore be the primary responsibility of the faculty or of an appropriate faculty body.<sup>6</sup> The faculty or an appropriate faculty body should also exercise primary responsibility in determining the criteria for identifying the individuals whose appointments are to be terminated. These criteria may appropriately include considerations of length of service.

The responsibility for identifying individuals whose appointments are to be terminated should be committed to a person or group designated or approved by the faculty. The allocation of this responsibility may vary according to the size and character of the institution, the extent of the terminations to be made, or other considerations of fairness in judgment. The case of a faculty member given notice of proposed termination of appointment will be governed by the following procedure.]

(2) If the administration issues notice to a particular faculty member of an intention to terminate the appointment because of financial exigency, the faculty member will have the right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Regulation 5, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in this hearing may include:

- (i) The existence and extent of the condition of financial exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.
- (ii) The validity of the educational judgments and the criteria for identification for termination; but the recommendations of a faculty body on these matters will be considered presumptively valid.



(iii) Whether the criteria are being properly applied in the individual case.

(3) If the institution, because of financial exigency, terminates appointments, it will not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result.

(4) Before terminating an appointment because of financial exigency, the institution, with faculty participation, will make every effort to place the faculty member concerned in another suitable position within the institution.

(5) In all cases of termination of appointment because of financial exigency, the faculty member concerned will be given notice or severance salary not less than as prescribed in Regulation 8.

(6) In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

### **Discontinuance of Program or Department Not Mandated by Financial Exigency<sup>7</sup>**

(d) Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures will apply.

(1) The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof.

[NOTE: "Educational considerations" do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.]

(2) Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position. If placement in another position

would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. If no position is available within the institution, with or without retraining, the faculty member's appointment then may be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past and potential service.

[NOTE: When an institution proposes to discontinue a program or department of instruction, it should plan to bear the costs of relocating, training, or otherwise compensating faculty members adversely affected.]

(3) A faculty member may appeal a proposed relocation or termination resulting from a discontinuance and has a right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Regulation 5, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in such a hearing may include the institution's failure to satisfy any of the conditions specified in Regulation 4(d). In such a hearing a faculty determination that a program or department is to be discontinued will be considered presumptively valid, but the burden of proof on other issues will rest on the administration.

### **Termination Because of Physical or Mental Disability**

(e) Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, because of physical or mental disability, will be based upon clear and convincing medical evidence that the faculty member, even with reasonable accommodation, is no longer able to perform the essential duties of the position. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Faculty Committee on Academic Freedom and Tenure [or whatever title it may have] before a final decision is made by the governing board on the recommendation of the administration. The faculty member will be given severance salary not less than as prescribed in Regulation 8.

### **Review**

(f) In cases of termination of appointment, the governing board will be available for ultimate review.

## **5. DISMISSAL PROCEDURES**

(a) Adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

(b) Dismissal of a faculty member with continuous tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by: (1) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement; (2) informal inquiry by the duly elected faculty committee [insert name of committee] which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the president; (3) a statement of charges, framed with reasonable particularity by the president or the president's delegate.

(c) A dismissal, as defined in Regulation 5(a), will be preceded by a statement of reasons, and the individual concerned will have the right to be heard initially by the elected faculty hearing committee [insert name of committee].<sup>[8]</sup> Members deeming themselves disqualified for bias or interest will remove themselves from the case, either at the request of a party or on their own initiative. Each party will have a maximum of two challenges without stated cause.<sup>[9]</sup>

(1) Pending a final decision by the hearing committee, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through the institution's hearing procedures, the administration will consult with the Faculty Committee on Academic Freedom and Tenure [or whatever other title it may have] concerning the propriety, the length, and the other conditions of the suspension. A suspension which is intended to be final is a dismissal, and will be treated as such. Salary will continue during the period of the suspension.

(2) The hearing committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (i) simplify the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious.

(3) Service of notice of hearing with specific charges in writing will be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not

support a finding of adequate cause, the hearing tribunal will evaluate all available evidence and rest its recommendation upon the evidence in the record.

(4) The committee, in consultation with the president and the faculty member, will exercise its judgment as to whether the hearing should be public or private.

(5) During the proceedings the faculty member will be permitted to have an academic advisor and counsel of the faculty member's choice.

(6) At the request of either party or the hearing committee, a representative of a responsible educational association will be permitted to attend the proceedings as an observer.

(7) A verbatim record of the hearing or hearings will be taken and a typewritten copy will be made available to the faculty member without cost, at the faculty member's request.

(8) The burden of proof that adequate cause exists rests with the institution and will be satisfied only by clear and convincing evidence in the record considered as a whole.

(9) The hearing committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

(10) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the hearing committee in securing witnesses and making available documentary and other evidence.

(11) The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories.

(12) In the hearing of charges of incompetence, the testimony will include that of qualified faculty members from this or other institutions of higher education.

(13) The hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

(14) The findings of fact and the decision will be based solely on the hearing record.

(15) Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The president and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.

(16) If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the president. If the president rejects the report, the president will state the reasons for doing so, in writing, to the hearing committee and to the faculty member, and provide an opportunity for response before transmitting the case to the governing board. If the hearing committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

## 6. ACTION BY THE GOVERNING BOARD

If dismissal or other severe sanction is recommended, the president will, on request of the faculty member, transmit to the governing board the record of the case. The governing board's review will be based on the record of the committee hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearings or by their representatives. The decision of the hearing committee will either be sustained or the proceeding returned to the committee with specific objections. The committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The governing board will make a final decision only after study of the committee's reconsideration.

## 7. PROCEDURES FOR IMPOSITION OF SANCTIONS OTHER THAN DISMISSAL

(a) If the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose such a severe sanction; the procedures outlined in Regulation 5 will govern such a proceeding.

(b) If the administration believes that the conduct of a faculty member justifies imposition

of a minor sanction, such as a reprimand, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may, pursuant to Regulation 15, petition the faculty grievance committee for such action as may be appropriate.

## 8. TERMINAL SALARY OR NOTICE

If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months, if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the faculty hearing committee or the president, the governing board, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

## 9. ACADEMIC FREEDOM AND PROTECTION AGAINST DISCRIMINATION

(a) All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, formulated by the Association of American Colleges and the American Association of University Professors.

(b) All members of the faculty, whether tenured or not, are entitled to protection against illegal or unconstitutional discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member's professional performance, including but not limited to race, sex, religion, national origin, age, disability, marital status, or sexual orientation.

## 10. COMPLAINTS OF VIOLATION OF ACADEMIC FREEDOM OR OF DISCRIMINATION IN NONREAPPOINTMENT

If a faculty member on probationary or other nontenured appointment alleges that a decision against reappointment was based significantly on considerations violative of (a) academic freedom or (b) governing policies on making appointments without prejudice with respect to race, sex, religion, national origin, age, disability, marital status, or sexual orientation, the allegation will be given preliminary consideration by the [insert name of committee], which will seek to settle the matter by informal methods. The allegation will be accompanied by a statement that the faculty member agrees to the presentation, for the consideration of the faculty

committees, of such reasons and evidence as the institution may allege in support of its decision. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Regulations 5 and 6, except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations are based, and the burden of proof will rest upon the faculty member. If the faculty member succeeds in establishing a prima facie case, it is incumbent upon those who made the decision against reappointment to come forward with evidence in support of their decision. Statistical evidence of improper discrimination may be used in establishing a prima facie case.

## 11. ADMINISTRATIVE PERSONNEL

The foregoing regulations apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Administrators who allege that a consideration violative of academic freedom, or of governing policies against improper discrimination as stated in Regulation 10, significantly contributed to a decision to terminate their appointment to an administrative post, or not to reappoint them, are entitled to the procedures set forth in Regulation 10.

## 12. POLITICAL ACTIVITIES OF FACULTY MEMBERS

Faculty members, as citizens, are free to engage in political activities. Where necessary, leaves of absence may be given for the duration of an election campaign or a term of office, on timely application, and for a reasonable period of time. The terms of such leave of absence will be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to.<sup>[10](#)</sup>

[NOTE: Regulations 13, 14, and 15 are suggested in tentative form, and will require adaptation to the specific structure and operations of the institution; the provisions as recommended here are intended only to indicate the nature of the provisions to be included, and not to offer specific detail.]

## 13. GRADUATE STUDENT ACADEMIC STAFF

(a) The terms and conditions of every appointment to a graduate or teaching assistantship will be stated in writing, and a copy of the appointment document will be supplied to the graduate or teaching assistant.

(b) In no case will a graduate or teaching assistant be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)

(c) A graduate or teaching assistant who establishes a prima facie case to the satisfaction of a duly constituted committee that a decision against reappointment was based significantly on considerations violative of academic freedom, or of governing policies against improper discrimination as stated in Regulation 10, will be given a statement of reasons by those responsible for the nonreappointment and an opportunity to be heard by the committee.

(d) Graduate or teaching assistants will have access to the faculty grievance committee, as provided in Regulation 15.

## 14. OTHER ACADEMIC STAFF

(a) In no case will a member of the academic staff<sup>11</sup> who is not otherwise protected by the preceding regulations which relate to dismissal proceedings be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)

(b) With respect to the nonreappointment of a member of such academic staff who establishes a prima facie case to the satisfaction of a duly constituted committee that a consideration violative of academic freedom, or of governing policies against improper discrimination as stated in Regulation 10, significantly contributed to the nonreappointment, the academic staff member will be given a statement of reasons by those responsible for the nonreappointment and an opportunity to be heard by the committee.

## 15. GRIEVANCE PROCEDURE

If any faculty member alleges cause for grievance in any matter not covered by the procedures described in the foregoing regulations, the faculty member may petition the elected faculty grievance committee [here name the committee] for redress. The petition will set forth in detail the nature of the grievance and will state against whom the grievance is directed. It will contain any factual or other data which the petitioner deems pertinent to the case. Statistical evidence of improper discrimination, including discrimination in salary, may be used in establishing a prima facie case. The committee will decide whether or not the facts merit a detailed investigation; if the faculty member succeeds in establishing a prima facie case, it is incumbent upon those who made the decision to come forward with evidence in support of their decision. Submission of a petition will not automatically entail investigation or detailed consideration thereof. The committee may seek to bring about a settlement of the issue(s) satisfactory to the parties. If in the opinion of the committee such a settlement is not possible or is not appropriate, the committee will report its findings and recommendations to the petitioner and to the appropriate administrative officer and faculty body, and the petitioner will, upon request, be provided an opportunity to present the grievance to them. The grievance committee will consist of three [or some other number] elected members of the faculty. No officer of administration will serve on the committee.



## NOTE ON IMPLEMENTATION

The *Recommended Institutional Regulations* here presented will require for their implementation a number of structural arrangements and agencies. For example, the *Regulations* will need support by:

- (a) channels of communication among all the involved components of the institution, and between them and a concerned faculty member;
- (b) definitions of corporate and individual faculty status within the college or university government, and of the role of the faculty in decisions relating to academic freedom and tenure; and
- (c) appropriate procedures for the creation and operation of faculty committees, with particular regard to the principles of faculty authority and responsibility.

The forms which these supporting elements assume will of course vary from one institution to another. Consequently, no detailed description of the elements is attempted in these *Recommended Institutional Regulations*. With respect to the principles involved, guidance will be found in the Association's [\*1966 Statement on Government of Colleges and Universities\*](#).

### Endnotes:

- 1 Under the "1940 Statement of Principles on Academic Freedom and Tenure," this period may not exceed seven years.[Back to Text](#)
2. The exception here noted applies only to an institution whose maximum probationary period exceeds four years.[Back to Text](#)
3. April 15 is the recommended date.[Back to Text](#)
4. This committee, which can be the grievance committee noted in Regulation 15, is to be an elected faculty body. Similarly, the members of the committees noted in Regulations 4(c)(2), 4(d)(3), and 10 are to be elected. A committee of faculty members appointed by an appropriate elected faculty body can substitute for a committee that is elected directly. [Back to Text](#)
5. See "The Role of the Faculty in Budgetary and Salary Matters" (AAUP, *Policy Documents and Reports*, 9th ed. [Washington, D.C., 2001], 232–35), especially the following passages:

The faculty should participate both in the preparation of the total institutional budget and (within the framework of the total budget) in decisions relevant to the further apportioning of its specific fiscal divisions (salaries, academic programs, tuition, physical plant and grounds, etc.). The soundness of resulting decisions should be enhanced if an elected representative committee of the faculty participates in deciding on the overall allocation of institutional resources and the proportion to be devoted directly to the academic program. This committee should be given access to all information that it requires to perform its task effectively, and it should have the opportunity to confer periodically with representatives of the administration and governing board. . . .

Circumstances of financial exigency obviously pose special problems. At institutions experiencing major threats to their continued financial support, the faculty should be informed as early and specifically as possible of significant impending financial difficulties. The faculty—with substantial representation from its nontenured as well as its tenured members, since it is the former who are likely to bear the brunt of the reduction—should participate at the department, college or professional school, and institution-wide levels in key decisions as to the future of the institution and of specific academic programs within the institution. The faculty, employing accepted standards of due process, should assume primary responsibility for determining the status of individual faculty members.[Back to Text](#)

**6.** See "Statement on Government of Colleges and Universities" (*Policy Documents and Reports*, 217–23), especially the following passage:

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy.[Back to Text](#)

**7.** When discontinuance of a program or department is mandated by financial exigency of the institution, the standards of Regulation 4(c) above will apply.[Back to Text](#)

**8.** This committee should not be the same as the committee referred to in Regulation 5(b)(2).[Back to Text](#)

**9.** Regulations of the institution should provide for alternates, or for some other method of filling vacancies on the hearing committee resulting from disqualification, challenge without stated cause, illness, resignation, or other reason.[Back to Text](#)

**10.** See "Statement on Professors and Political Activity," *Policy Documents and Reports*, 33–34.[Back to Text](#)

**11.** Each institution should define with particularity who are members of the academic staff.[Back to Text](#)

---

American Association of University Professors, 1012 Fourteenth Street, NW, Suite #500; Washington,  
DC 20005

202-737-5900 Fax: 202-737-5526

[AAUP Home Page](#) | [Contact Us](#) | [Join AAUP](#)

## Attachment 3

## CHAPTER 36

## UNIVERSITY OF WISCONSIN SYSTEM

36.01	Statement of purpose and mission.	36.32	Student identification numbers.
36.03	System.	36.33	Sale and relocation of agricultural lands.
36.05	Definitions.	36.34	Minority student programs.
36.07	Corporate title, officers, meetings, records.	36.35	Misconduct; campus security.
36.09	Responsibilities.	36.36	Grants for study abroad.
36.11	Powers and duties of the board of regents.	36.37	Downer Woods and buildings preservation.
36.12	Student discrimination prohibited.	36.39	Complimentary and reduced price tickets prohibited.
36.13	Faculty tenure and probationary appointments.	36.395	Fees for use of facilities.
36.14	Wisconsin distinguished professorships.	36.40	Use of animals for research purposes.
36.15	Academic staff appointments.	36.43	Accommodation of religious beliefs.
36.17	Limited appointments.	36.44	License plate scholarship programs.
36.19	Other appointments.	36.45	Research funding.
36.21	Lapse of appointments.	36.46	Auxiliary reserves.
36.23	Conflict of interest.	36.48	Alcohol and other drug abuse prevention and intervention programs.
36.25	Special programs.	36.51	Nutritional improvement for elderly.
36.27	Tuition.	36.52	Reimbursement of pay supplements.
36.28	Medical school enrollment.	36.54	Environmental education board and grants.
36.29	Gifts; golf course.	36.55	Reporting employment harassment and discrimination claims.
36.30	Sick leave.	36.56	Grants for forestry cooperatives.
36.31	Coordination with other educational agencies.	36.58	Veterinary diagnostic laboratory.

Cross Reference: See also UWS, Wis. adm. code.

**36.01 Statement of purpose and mission.** (1) The legislature finds it in the public interest to provide a system of higher education which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources.

(2) The mission of the system is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.

History: 1973 c. 335.

**36.03 System.** There is created in this state a system of institutions of learning to be known as the University of Wisconsin System. The principal office and one university of the system shall be located at or near the seat of state government.

History: 1973 c. 335.

**36.05 Definitions.** In this chapter:

(1) "Academic staff" means professional and administrative personnel with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration, but does not include faculty and staff provided under s. 16.57.

(2) "Board of regents" or "board" means the board of regents of the University of Wisconsin System.

(3) "Campus" means the publicly owned or leased buildings and grounds which comprise all or part of an institution or the extension.

(5) "Chancellor" means the chief executive of an institution.

(6) "Classified staff" means all employees of the system other than faculty, academic staff, persons whose employment is a necessary part of their training, student assistants and student hourly help.

(6m) "College campus" means any one of the 2-year collegiate campuses of the system.

(7) "Extension" means the community outreach, public service and extension services of the system.

(8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution, persons described under s. 36.13 (4) (c) and such academic staff as may be designated by the chancellor and faculty of the institution.

(9) "Institution" means any university or an organizational equivalent designated by the board and the University of Wisconsin colleges.

(9m) "Instructional academic staff" means academic staff members with teaching responsibilities.

(9s) "Mainframe" means a large scale, central computer maintained by the board for multipurpose functions.

(10) "President" means the chief executive of the system.

(11) "Student" means any person who is registered for study in any institution for the current academic period. For the purpose of administering particular programs or functions involving students, the board shall promulgate rules defining continuation or termination of student status during periods between academic periods.

(12) "System" means the University of Wisconsin System.

(13) "University" means any baccalaureate or graduate degree granting institution.

(14) "University of Wisconsin Colleges" means the college campuses as a whole.

History: 1973 c. 335; 1985 a. 332 s. 251 (3); 1989 a. 31, 67; 1991 a. 39; 1995 a. 27; 1997 a. 237.

**36.07 Corporate title, officers, meetings, records.**

(1) **CORPORATE STATUS AND TITLE.** The board and their successors in office shall constitute a body corporate by the name of "Board of Regents of the University of Wisconsin System".

(2) **SECRETARY.** The board shall appoint a secretary of the board who shall keep a faithful record of all its transactions.

**36.12 Student discrimination prohibited.** (1) No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

(2) (a) The board shall direct each institution to establish policies and procedures to protect students from discrimination under sub. (1). The policies and procedures shall do all of the following:

1. Provide criteria for determining whether sub. (1) has been violated.

2. Provide remedies and sanctions for violations of sub. (1).

3. Require a complainant to file a complaint with the institution within 300 days of the alleged violation of sub. (1).

4. Provide periods within which the complainant and the institution must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the chancellor of the institution.

(b) The board shall establish policies and procedures for the appeal of the chancellor's or dean's decision to the board.

(3) By September 1, 1991, 1992, 1993, and 1994, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall specify all of the following for the previous academic year:

(a) The number of complaints received at each institution alleging a violation of sub. (1) and the disposition of each such complaint.

(b) The number of requests for review received by the board and the disposition of each such request.

*History:* 1989 a. 186; 1997 a. 237.

Student body diversity is a compelling state interest that can justify the use of race in university admissions. A race-conscious admissions program cannot use a quota system, but may consider race or ethnicity as a plus factor for an applicant, without insulating the individual from comparison with all other candidates for the available seats. An admissions program must be flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight. Race-conscious admissions policies must be limited in time. *Grutter v. Bollinger*, 539 U.S. 306, 156 L. Ed. 2d 304, 123 S. Ct. 2325 (2003). See also *Gratz v. Bollinger*, 539 U.S. 257, 156 L. Ed. 2d 257, 123 S. Ct. 2411 (2003).

### 36.13 Faculty tenure and probationary appointments.

(1) **DEFINITIONS.** In this section:

(a) "Probationary appointment" means an appointment by the board held by a faculty member during the period which may precede a decision on a tenure appointment.

(b) "Tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the board.

(2) **APPOINTMENTS.** (a) Except as provided under par. (b), the board may grant a tenure appointment only upon the affirmative recommendation of the appropriate chancellor and the appropriate academic department or its functional equivalent. Neither the chancellor nor the academic department or its functional equivalent may base a tenure recommendation upon impermissible factors, as defined by the board by rule.

(b) The board may grant a tenure appointment without the affirmative recommendation of the appropriate academic department or its functional equivalent if all of the following apply:

1. The board has the affirmative recommendation of the appropriate chancellor.

2. A faculty committee authorized by the board by rule to review the negative recommendation of the academic department or its functional equivalent finds that the decision of the academic department or its functional equivalent was based upon impermissible factors, as defined by the board by rule.

3. The board has the affirmative recommendation of a committee appointed according to the policies and procedures of the appropriate institution to review the individual's record with reference to criteria for tenure published by the institution under pro-

cedures established by the board by rule. No person may be appointed to the committee under this subdivision unless the person is knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. No member of the committee appointed under this subdivision may be a member of the academic department, or its functional equivalent, that made the negative recommendation. The committee appointed under this subdivision may not base its tenure recommendation upon impermissible factors, as defined by the board by rule.

(c) A tenure appointment may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. The proportion of time provided for in the appointment may not be diminished nor increased without the mutual consent of the faculty member and the institution subject only to sub. (5) and s. 36.21.

(d) A probationary appointment shall not exceed 7 consecutive academic years in a full-time position in an institution. A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period. The board may promulgate rules specifying additional circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period.

(3) **RULES.** The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the nonretention and dismissal of faculty members. Such rules shall be promulgated under ch. 227.

(4) **CONTINUATION OF APPOINTMENT.** (a) Any person who holds a tenure appointment under ch. 36, 1971 stats. and ch. 37, 1971 stats., and related rules on July 9, 1974 shall continue to hold tenure as defined under those chapters and related rules.

(b) Any person who holds the equivalent of a probationary appointment under ch. 36, 1971 stats., and ch. 37, 1971 stats., and related rules on July 9, 1974 shall continue to enjoy the contractual rights and guarantees as defined under those chapters and related rules, and may elect to be considered for tenure according to the procedures existing under that appointment or under sub. (2).

(c) Any person who is not a ranked faculty member on August 15, 1991, and who is also described under subd. 1. or 2. shall be treated as a faculty member with the rank of associate professor for all purposes:

1. Any person who held an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment under ch. 37, 1971 stats., prior to July 10, 1974.

2. Any person who held an unranked probationary appointment under ch. 37, 1971 stats., prior to July 10, 1974, and who subsequently received an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment.

(5) **PROCEDURAL GUARANTEES.** Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final, subject to judicial review under ch. 227. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227.

(6) **LIMITATION.** Tenure and probationary appointments are in a particular institution. A tenure appointment is limited to the institution in which the appointment is held.

*History:* 1973 c. 335; 1983 a. 189; 1985 a. 332 s. 251 (1); 1987 a. 403 s. 256; 1989 a. 31; 1991 a. 39, 118.

*Cross Reference:* See also chs. UWS 3, 4, 5, 6, and 19, Wis. adm. code.

The due process rights of a tenured professor who was alleged to have resigned were not protected by a hearing to determine eligibility for unemployment compensation. *Pamerson v. University Board of Regents*, 119 Wis. 2d 570, 350 N.W.2d 612 (1984).

The Board did not have authority to grant tenure without the affirmative recommendation of the appropriate academic department. *Trojan v. Board of Regents*, 128 Wis. 2d 270, 382 N.W.2d 75 (Ct. App. 1985).

Under s. 37.31, Stats. 1971, the faculty acquires tenure in the system as distinct from tenure at one particular institution within the system. 60 Arty. Gen. 116.

A nontenured teacher who is not rehired has no constitutional right to a statement of the reason for not renewing his or her contract nor to a hearing on the matter. Board of Regents v. Roth, 408 U.S. 564.

### 36.14 Wisconsin distinguished professorships.

(1) The board may establish distinguished professorships under this section.

(2) The board may pay under this section the salary and fringe benefit costs of the professor holding the distinguished professorship and of any graduate assistant assigned to the professor, and the equipment, supplies and travel costs of the professor and the graduate assistants assigned to the professor.

(3) The board may pay the costs specified under sub. (2) only from the appropriations under s. 20.285 (1) (a), (am) and (jm). The board may pay any of the costs specified under sub. (2) from the appropriation under s. 20.285 (1) (jm). The board may pay from the appropriation under s. 20.285 (1) (am) only the salary and fringe benefit costs of the professor but may not pay more than 50% of those costs from that appropriation. Annually the board shall report to the department of administration all expenditures from the appropriation under s. 20.285 (1) (a) made for the purposes of this section.

(4) The board shall ensure that at least 3 of the professors awarded distinguished professorships under this section after August 9, 1989, are not employed by the board when they are awarded the professorships.

History: 1987 a. 27; 1989 a. 31.

### 36.15 Academic staff appointments. (1) DEFINITIONS. In this section:

(a) "Administrative appointment" means an academic staff appointment for a fixed or indefinite term granted to a system, campus, college, school or other divisional officer involved in policy development or execution and to persons involved in directing, organizing or supervising higher education related activities.

(b) "Professional appointment" means an academic staff appointment for a fixed or indefinite term granted to a professional employee who is involved in the guidance or counseling of students, assisting the faculty in research, public service or in the instruction of students or who is involved in other professional duties which are primarily associated with institutions of higher education; including, but not limited to, such employment titles as visiting faculty, clinical staff, lecturer, scientist, specialist and such other equivalent titles as the board approves.

(2) APPOINTMENTS. Appointments under this section shall be made by the board, or by an appropriate official authorized by the board, under policies and procedures established by the board and subject to s. 36.09 (1) (i). The policies for indefinite appointments shall provide for a probationary period, permanent status and such other conditions of appointment as the board establishes.

(2m) LIBRARIAN APPOINTMENTS. If in any institution all professional librarians with appropriate graduate degrees as determined in accordance with that institution's policies, have formerly been ranked faculty, all present and future appointments of professional librarians with appropriate graduate degrees in such institution shall be as ranked faculty, except in those institutions where the chancellor and faculty designate that such appointments shall be as academic staff.

(3) PROCEDURAL GUARANTEES. A person having an academic staff appointment for a term may be dismissed prior to the end of the appointment term only for just cause and only after due notice and hearing. A person having an academic staff appointment for an indefinite term who has attained permanent status may be dismissed only for just cause and only after due notice and hearing. In such matters the action and decision of the board, or the appropriate official authorized by the board, shall be final, subject to judicial review under ch. 227. The board shall develop procedures

for notice and hearing which shall be promulgated as rules under ch. 227.

History: 1973 c. 335 and Supp.; 1985 a. 332; 1989 a. 31.

Cross Reference: See also ch. UWS 3, 9, 10, 11, 12, and 19, Wis. adm. code.

36.17 Limited appointments. (1) An appointment to a position listed in sub. (2) shall be a limited appointment and the appointment shall be at the pleasure of the board. A person holding a tenured or academic staff appointment under ss. 36.13 and 36.15 shall not lose that appointment by accepting a limited appointment.

(2) Limited appointments apply to the following positions: president, provost, vice president, associate vice president, assistant vice president, chancellor, vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor, assistant vice chancellor, college campus dean, secretary of the board, associate secretary of the board, assistant secretary of the board, trust officer and assistant trust officer and such other administrative positions as the board determines at the time of the appointment.

History: 1973 c. 335; 1997 a. 237.

Cross Reference: See also chs. UWS 15 and 19, Wis. adm. code.

36.19 Other appointments. The board may make or authorize fixed term appointments for student assistants and employees in training, such as residents, interns, post-doctoral fellows or trainees or associates. Appointments made under this section shall not be subject to ss. 36.13 and 36.15.

History: 1973 c. 335.

Cross Reference: See also ch. UWS 16, Wis. adm. code.

36.21 Lapse of appointments. Notwithstanding ss. 36.13 (4) and 36.15, the board may, with appropriate notice, terminate any faculty or academic staff appointment when a financial emergency exists. No person may be employed at the institution within 2 years to perform reasonably comparable duties to those of the person whose appointment was terminated without first offering such person a reappointment. The board, after consultation with the faculty and chancellor of each institution, shall adopt procedures to be followed in the event of termination under this section.

History: 1973 c. 335.

36.23 Conflict of interest. No regent or officer or other person appointed or employed in any position in the system may at any time act as agent for any person or organization where such act would create a conflict of interest with the terms of the person's service in the system. The board shall define conflicts of interest and promulgate rules related thereto.

History: 1973 c. 335; 1985 a. 332 s. 251 (1).

Cross Reference: See also ch. UWS 8, Wis. adm. code.

A regent of the University of Wisconsin is not precluded by law from attending the university as a student or from receiving a degree from the university, but he must guard against and refrain from any possible conflict of interest. 58 Arty. Gen. 158.

36.25 Special programs. (2) WISCONSIN RESIDENTS PREFERENCE IN HOUSING. Preference as to rooming, boarding and apartment facilities in the use of living units operated by any university shall, for the following school year, be given to students who are residents of this state and who apply before March 15, unless a later date is set by the board. Such preference shall be granted in accordance with categories of priority established by the board. Leases or other agreements for occupancy of such living units shall not exceed a term of one calendar year. The board may promulgate rules for the execution of this subsection.

(3) AGRICULTURAL DEMONSTRATION STATIONS, EXPERIMENTS, DEMONSTRATIONS. (a) The board may establish through the College of Agricultural and Life Sciences of the University of Wisconsin-Madison demonstration stations for the purpose of aiding in agricultural development. The location of the stations shall be determined by the board which shall consider the opportunities for agricultural development in various regions of the state.

(b) The board may authorize experimental work in agriculture at points within the state and carry on demonstrations and such other extension work as it deems advisable for the improvement



## Attachment 4

## Chapter UWS 3

## FACULTY APPOINTMENTS

UWS 3.01	Types of appointments
UWS 3.02	Recruiting
UWS 3.03	Appointments—general
UWS 3.04	Probationary appointments
UWS 3.05	Periodic review
UWS 3.06	Renewal of appointments and granting of tenure

UWS 3.07	Nonrenewal of probationary appointments
UWS 3.08	Appeal of a nonrenewal decision
UWS 3.09	Notice periods
UWS 3.10	Absence of proper notification
UWS 3.11	Limitation

**UWS 3.01 Types of appointments.** (1) Appointments to the faculty are either tenure or probationary appointments. Faculty appointments carry the following titles: professor, associate professor, assistant professor, and instructor.

(a) "Tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the board upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor of an institution via the president of the system.

(b) "Probationary appointment" means an appointment by the board upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor of an institution and held by a faculty member during the period which may precede a decision on a tenure appointment.

(c) In accordance with s. 36.05 (8), Stats., academic staff appointments may be converted to faculty appointments by the action of the board upon the recommendation of the appropriate faculty body and the chancellor of an institution. Such faculty appointees shall enjoy all the rights and privileges of faculty.

(d) In accordance with s. UWS 1.05 members of the academic staff may be given faculty status. Members of the academic staff who have been given faculty status have employment rights under the rules and policies concerning academic staff.

(e) A person holding a faculty appointment under ss. 36.13 and 36.15, Stats., shall not lose that appointment by accepting a limited appointment for a designated administrative position.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 3.02 Recruiting.** The faculty of each institution, after consultation with appropriate students and with the approval of the chancellor, shall develop procedures relating to recruitment of members of the faculty. The procedure shall be consistent with board policy and state and federal laws with respect to nondiscriminatory and affirmative action recruitment. The procedures shall allow maximum flexibility at the departmental, school and college levels to meet particular needs. In all instances the procedures shall provide for departmental peer review and judgment as the operative step in the recruiting process.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 3.03 Appointments—general.** The faculty of each institution, after consultation with appropriate students and with the approval of the chancellor, shall develop rules relating to faculty appointments. Each person to whom an appointment is offered must receive an appointment letter in which an authorized official of the institution details the terms and conditions of the appointment, including but not limited to, duration of the appointment, salary, starting date, ending date, general position responsibilities, probation, tenure status, and crediting of prior service. Accompanying this letter shall be an attachment detailing institutional and system rules and procedures relating to faculty appointments. If the appointment is subject to the advance approval of the board, a statement to this effect must be included in the letter.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 3.04 Probationary appointments.** (1) Each institution's rules for faculty appointments shall provide for a maximum 7-year probationary period in a full-time position, and may provide for a longer maximum probationary period in a part-time position of at least half time. Such rules may permit appointments with shortened probationary periods or appointments to tenure without a probationary period. Provision shall be made for the appropriate counting of prior service at other institutions and at the institution. Tenure is not acquired solely because of years of service.

(2) A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period under sub. (1).

(3) Circumstances in addition to those identified under sub. (2) that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth or adoption shall be approved. A request shall be made before a tenure review commences under s. UWS 3.06 (1) (c). A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary faculty member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth or adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary faculty member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary faculty member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

(4) If any faculty member has been in probationary status for more than 7 years because of one or more of the reasons set forth in sub. (2) or (3), the faculty member shall be evaluated as if he or she had been on probationary status for 7 years.

Example: A faculty member has been on probationary status for a total of 9 years because the faculty member was granted 2 requests under sub. (3) for one-year extensions because of the birth of 2 children. The faculty member's teaching, research and professional and public service and contribution to the institution shall be evaluated as if the faculty member had only 7 years to work towards achieving

tenure, rather than as if the faculty member had been working towards achieving tenure for 9 years.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; renum. to be (1) and am. cr. (2) to (4), Register, February, 1994, No. 458, eff. 3-1-94.

**UWS 3.05 Periodic review.** The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules providing for periodic review of faculty performance.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 3.06 Renewal of appointments and granting of tenure.** (1) (a) *General.* Appointments may be granted only upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor of an institution. When specified by the board, the institutional recommendation shall be transmitted by the president of the system with a recommendation to the board for action. Tenure appointments may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. The proportion of time provided for in the appointment may not be diminished or increased without the mutual consent of the faculty member and the institution, unless the faculty member is dismissed for just cause, pursuant to s. 36.13 (5), Stats., or is terminated or laid off pursuant to s. 36.21, Stats.

(b) *Criteria.* Decisions relating to renewal of appointments or recommending of tenure shall be made in accordance with institutional rules and procedures which shall require an evaluation of teaching, research, and professional and public service and contribution to the institution. The relative importance of these functions in the evaluation process shall be decided by departmental, school, college, and institutional faculties in accordance with the mission and needs of the particular institution and its component parts. Written criteria for these decisions shall be developed by the appropriate institutional faculty bodies. Written criteria shall provide that if any faculty member has been in probationary status for more than 7 years because of one or more of the reasons set forth in s. UWS 3.04 (2) or (3), the faculty member shall be evaluated as if he or she had been in probationary status for 7 years.

(c) *Procedures.* The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules governing the procedures for renewal or probationary appointments and for recommending tenure. These rules shall provide for written notice of the departmental review to the faculty member at least 20 days prior to the date of the departmental review, and an opportunity to present information on the faculty member's behalf. The probationary faculty member shall be notified in writing within 20 days after each decision at each reviewing level. In the event that a decision is made resulting in nonrenewal, the procedures specified in s. UWS 3.07 shall be followed.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1) (b), Register, February, 1994, No. 458, eff. 3-1-94; correction in (1) (a) made under s. 13.93 (2m) (b) 5., Stats., Register, February, 1994, No. 458.

**UWS 3.07 Nonrenewal of probationary appointments.** (1) (a) *Rules and procedures.* The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for dealing with instances in which probationary faculty appointments are not renewed. These rules and procedures shall provide that, upon the timely written request of the faculty member concerned, the department or administrative officer making the decision shall, within a reasonable time, give him or her written reasons for nonrenewal. Such reasons shall become a part of the personnel file of the individual. Further, the rules and procedures shall provide for reconsideration of the initial nonrenewal decision upon timely written request.

(b) *Reconsideration.* The purpose of reconsideration of a nonrenewal decision shall be to provide an opportunity to a fair and full reconsideration of the nonrenewal decision, and to insure that all relevant material is considered.

1. Such reconsideration shall be undertaken by the individual or body making the nonrenewal decision and shall include, but not be limited to, adequate notice of the time of reconsideration of the decision, an opportunity to respond to the written reasons and to present any written or oral evidence or arguments relevant to the decision, and written notification of the decision resulting from the reconsideration.

2. Reconsideration is not a hearing or an appeal, and shall be nonadversary in nature.

3. In the event that a reconsideration affirms the nonrenewal decision, the procedures specified in s. UWS 3.08 shall be followed.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 3.08 Appeal of a nonrenewal decision.** (1) The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for the appeal of a nonrenewal decision. Such rules and procedures shall provide for the review of a nonrenewal decision by an appropriate standing faculty committee upon written appeal by the faculty member concerned within 20 days of notice that the reconsideration has affirmed the nonrenewal decision (25 days if notice is by first class mail and publication). Such review shall be held not later than 20 days after the request, except that this time limit may be enlarged by mutual consent of the parties, or by order of the review committee. The faculty member shall be given at least 10 days notice of such review. The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

(a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, or

(b) Factors proscribed by applicable state or federal law regarding fair employment practices, or

(c) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a faculty member in question if material prejudice resulted because of any of the following:

1. The procedures required by rules of the faculty or board were not followed, or

2. Available data bearing materially on the quality of performance were not considered, or

3. Unfounded, arbitrary or irrelevant assumptions of fact were made about work or conduct.

(2) The appeals committee shall report on the validity of the appeal to the body or official making the nonrenewal decision and to the appropriate dean and the chancellor.

(3) Such a report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision maker, a reconsideration by the decision maker under instructions from the committee, or a recommendation to the next higher appointing level. Cases shall be remanded for reconsideration by the decision maker in all instances unless the appeals committee specifically finds that such a remand would serve no useful purpose. The appeals committee shall retain jurisdiction during the pendency of any reconsideration. The decision of the chancellor will be final on such matters.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 3.09 Notice periods.** (1) A faculty member who is employed on probationary appointment pursuant to s. 36.13, Stats., shall be given written notice of reappointment or nonreappointment for another academic year in advance of the expiration of the current appointment as follows:

(a) When the appointment expires at the end of an academic year, not later than March 1 of the first academic year and not later



than December 15 of the second consecutive academic year of service;

(b) If the initial appointment expires during an academic year, at least 3 months prior to its expiration; if a second consecutive appointment terminates during the academic year, at least 6 months prior to its expiration;

(c) After 2 or more years of continuous service at an institution of the university of Wisconsin system, such notice shall be given at least 12 months before the expiration of the appointment.

*History:* Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 3.10 Absence of proper notification.** If proper notice is not given in accordance with s. UWS 3.09, the aggrieved

faculty member shall be entitled to a one-year terminal appointment. Such appointments, however, shall not result in the achievement of tenure.

*History:* Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 3.11 Limitation.** Tenure and probationary appointments are in a particular institution; a tenure appointment is limited to the institution in which the appointment is held, unless another institution has, through normal procedures and explicit agreement, undertaken to share in the appointment. The explicit agreement shall specify both the tenure responsibility and the budget responsibility.

*History:* Cr. Register, January, 1975, No. 229, eff. 2-1-75.

## Attachment 5

## Chapter UWS 4

## PROCEDURES FOR DISMISSAL

UWS 4.01 Dismissal for cause.  
 UWS 4.02 Responsibility for charges.  
 UWS 4.03 Standing faculty committee.  
 UWS 4.04 Hearing.  
 UWS 4.05 Adequate due process.

UWS 4.06 Procedural guarantees.  
 UWS 4.07 Recommendations: to the chancellor; to the regents.  
 UWS 4.08 Board review.  
 UWS 4.09 Suspension from duties.  
 UWS 4.10 Date of dismissal.

**UWS 4.01 Dismissal for cause.** (1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his/her term of appointment only by the board and only for just cause and only after due notice and hearing. A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal.

(2) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic community. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 4.02 Responsibility for charges.** (1) Whenever the chancellor of an institution within the university of Wisconsin system receives a complaint against a faculty member which he/she deems substantial and which, if true, might lead to dismissal under s. UWS 4.01, the chancellor shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member. A faculty member may be dismissed only after receipt of a written statement of specific charges from the chancellor as the chief administrative officer of the institution and, if a hearing is requested by the faculty member, in accordance with the provisions of this chapter. If the faculty member does not request a hearing, action shall proceed along normal administrative lines but the provisions of ss. UWS 4.02, 4.09, and 4.10 shall still apply.

(2) Any formal statement of specific charges for dismissal sent to a faculty member shall be accompanied by a statement of the appeal procedures available to the faculty member.

(3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

**UWS 4.03 Standing faculty committee.** The faculty of each institution shall provide a standing committee charged with hearing dismissal cases and making recommendations under this chapter. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.49, Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along

with its recommended findings of law and decision to the board according to s. UWS 4.07.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

**UWS 4.04 Hearing.** If the faculty member requests a hearing within 20 days of notice of the statement of charges (25 days if notice is by first class mail and publication), such a hearing shall be held not later than 20 days after the request except that this time limit may be enlarged by mutual written consent of the parties, or by order of the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the standing faculty committee created under s. UWS 4.03.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 4.05 Adequate due process.** (1) A fair hearing for a faculty member whose dismissal is sought under s. UWS 4.01 shall include the following:

- (a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;
- (b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (c) A right to be heard in his/her defense;
- (d) A right to counsel and/or other representatives, and to offer witnesses;
- (e) A right to confront and cross-examine adverse witnesses;
- (f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (g) Written findings of fact and decision based on the hearing record;
- (h) Admissibility of evidence governed by s. 227.47, Stats.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) (h) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

**UWS 4.06 Procedural guarantees.** (1) Any hearing held shall comply with the requirements set forth in s. UWS 4.05. The following requirements shall also be observed:

- (a) The burden of proof of the existence of just cause is on the administration or its representatives;
- (b) No faculty member who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;
- (c) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open (see ch. 19, subch. V, Stats., Open Meeting Law);
- (d) The faculty hearing committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and pro-

cedures adopted by the faculty establishing the standing committee under s. UWS 4.03;

(e) The faculty hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;

(f) If the faculty hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under s. UWS 4.03;

(g) If a proceeding on charges against a faculty member not holding tenure is not concluded before the faculty member's appointment would expire, he/she may elect that such proceeding be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be discontinued at the expiration of the appointment;

(h) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;

(i) Nothing in par. (h) shall prevent the settlement of cases by mutual agreement between the administration and the faculty member, with board approval, at any time prior to a final decision by the board;

(j) Adjournment shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

*History:* Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

**UWS 4.07 Recommendations: to the chancellor: to the regents.** (1) The faculty hearing committee shall send to the chancellor and to the faculty member concerned, as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. The committee may determine that while adequate cause for discipline exists, some sanction less severe than dismissal is more appropriate. Within 20 days after receipt of this material the chancellor shall review it and afford the faculty member an opportunity to discuss it. The chancellor shall prepare a written recommendation within 20 days following the meeting with the faculty member, unless his/her proposed recommendation differs substantially from that of the committee. If the chancellor's proposed recommendations differ substantially from those of the faculty hearing committee, the chancellor shall promptly consult the faculty hear-

ing committee and provide the committee with a reasonable opportunity for a written response prior to forwarding his/her recommendation. If the recommendation is for dismissal, the recommendation shall be submitted through the president of the system to the board. A copy of the faculty hearing committee's report and recommendations shall be forwarded through the president of the system to the board along with the chancellor's recommendation. A copy of the chancellor's recommendation shall also be sent to the faculty member concerned and to the faculty committee.

(2) Disciplinary action other than dismissal may be taken by the chancellor, after affording the faculty member an opportunity to be heard on the record, except that, upon written request by the faculty member, such action shall be submitted as a recommendation through the president to the board together with a copy of the faculty hearing committee's report and recommendation.

*History:* Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 4.08 Board review.** (1) If the chancellor recommends dismissal, the board shall review the record before the faculty hearing committee and provide an opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, unless the board decides to drop the charges against the faculty member without a hearing or the faculty member elects to waive a hearing. This hearing shall be closed unless the faculty member requests an open hearing (see ch. 19, subch. V, Stats., Open Meeting Law).

(2) If, after the hearing, the board decides to take action different from the recommendation of the faculty hearing committee and/or the chancellor, then before taking final action the board shall consult with the faculty hearing committee and/or the chancellor, as appropriate.

(3) If a faculty member whose dismissal is sought does not request a hearing pursuant to s. UWS 4.04 the board shall take appropriate action upon receipt of the statement of charges and the recommendation of the chancellor.

*History:* Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

**UWS 4.09 Suspension from duties.** Pending the final decision as to his/her dismissal, the faculty member shall not normally be relieved of duties; but if, after consultation with appropriate faculty committees the chancellor finds that substantial harm to the institution may result if the faculty member is continued in his/her position, the faculty member may be relieved immediately of his/her duties, but his/her salary shall continue until the board makes its decision as to dismissal.

*History:* Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**UWS 4.10 Date of dismissal.** A decision by the board ordering dismissal shall specify the effective date of the dismissal.

*History:* Cr. Register, January, 1975, No. 229, eff. 2-1-75.

## Attachment 6

## Chapter UWS 10

## ACADEMIC STAFF APPOINTMENTS

UWS 10.01 Types of appointments  
 UWS 10.02 Recruitment and letter of appointment  
 UWS 10.03 Appointments policies

UWS 10.04 Nonrenewal of probationary academic staff appointments  
 UWS 10.05 Notice

**UWS 10.01 Types of appointments.** Academic staff appointments may be fixed term, probationary, or indefinite. Several probationary academic staff appointments may precede the granting of an indefinite appointment. Each institution shall develop guidelines concerning the categories of academic staff positions that may be appropriately designated as fixed term, probationary, or indefinite appointments. Appointments may be made in the central administration, an institution, college, department (or its functional equivalent), or a specified research or program unit. An appointment shall be limited to an operational area specified at the time of the appointment and shall not carry rights beyond that limitation.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 10.02 Recruitment and letter of appointment.**

(1) Each institution shall develop procedures relating to recruitment of members of the academic staff. The procedures shall be consistent with board policy and state and federal laws with respect to nondiscriminatory and affirmative action recruitment. The procedures shall allow maximum flexibility at the department, school, and college levels to meet particular needs.

(2) The terms and conditions of the appointment shall be specified in a written letter of appointment. The appointment letter shall be signed by an authorized official of the institution and should contain details as to the terms and conditions of the appointment, including but not limited to type of appointment (fixed term, probationary or indefinite), duration of the appointment (starting date, ending date), salary, general position responsibilities, definition of operational area, the length of the probationary period (if appropriate) and recognition of prior service as part of the probationary period (if appropriate). Accompanying this letter shall be an attachment detailing institutional and system regulations, rules, and procedures relating to academic staff appointments. If the appointment is subject to the approval of the board, a statement to this effect must be included in the letter. An amended letter of appointment should be sent in situations where a significant change in position responsibility occurs.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 10.03 Appointments policies.** (1) **FIXED TERM APPOINTMENTS.** Each institution of the system may employ academic staff members on fixed term appointments. Such appointments shall be for a fixed term to be specified in the letter of appointment, are renewable solely at the option of the employing institution, and carry no expectation of reemployment beyond their stated term, regardless of how many times renewed. The initial fixed term appointment may include a specified period of time during which the appointee may be dismissed at the discretion of the authorized official. Such a dismissal is not subject to the provisions of ch. UWS 11. Unless otherwise specified, fixed term appointments shall be for a period of one year. Each institution shall develop policies and procedures for the use of such appointments. The policies and procedures of each institution shall specifically treat the issue of job security including appropriate due process protections in the case of nonreappointment for those fixed term academic staff members who have served the institution for a substantial period of time. Such policies and procedures shall be for-

mulated so as to meet the continuing needs of the institution while at the same time recognizing the employment commitment and contribution to the institution provided by such fixed term academic staff members.

(2) **INDEFINITE AND PROBATIONARY ACADEMIC STAFF APPOINTMENTS.** Indefinite appointments and probationary academic staff appointments shall be authorized by the chancellor or designee.

(a) *Probationary academic staff appointments.* 1. Each institution of the system may appoint selected members of the academic staff to probationary academic staff appointments leading to review and a decision on an indefinite appointment. Each institution shall adopt procedures to govern such appointments. These procedures shall provide for appropriate counting of prior service, for a maximum probationary period not to exceed 7 years for a full-time position, for annual appraisal of performance, and for an affirmative review process prior to the end of the probationary period resulting in promotion to an indefinite appointment or termination of the appointment. A longer maximum probationary period may be provided for part-time appointees. Unless otherwise specified, probationary appointments shall be for a period of one year. An indefinite appointment is not acquired solely because of years of service.

2. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period under sub. (1).

3. Circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before an indefinite status review commences under subd. 1. A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the academic staff member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request following consultation with the academic staff member's supervisor and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth and adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic staff member ordinarily shall be no more than one year.

Each institution shall develop procedures for reviewing the requests.

4. If any academic staff member has been in probationary status for more than 7 years because of one or more of the reasons set forth in sub. 2. or 3., the academic staff member shall be evaluated as if he or she had been on probationary status for 7 years.

*Example:* An academic staff member has been on probationary status for a total of 9 years because the academic staff was granted 2 requests under subd. 3. for one-year extensions because of the birth of 2 children. The academic staff member's record of performance shall be evaluated as if the academic staff had only 7 years to work towards achieving indefinite status, rather than as if the academic staff member had been working towards achieving indefinite status for 9 years.

(b) *Indefinite appointment.* An indefinite appointment is an appointment with permanent status and for an unlimited term, granted by the chancellor to a member of the academic staff. Such an appointment is terminable only for cause under ch. UWS 11 or for reasons of budget or program under ch. UWS 12. Such an appointment may be granted to a member of the academic staff who holds or will hold a half-time appointment or more. The proportion of time provided for in the initial indefinite appointment may not be diminished or increased without the mutual consent of the academic staff member and the institution unless the appointment is terminated or diminished under ch. UWS 11 or 12. Each institution shall adopt procedures to govern indefinite appointments including provisions for annual appraisal of performance.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75; resub. (2) (a) to be (2) (a) 1. and am., cr. (2) (a) 2. to 4., Register, February, 1994, No. 458, eff. 3-1-94.

**UWS 10.04 Nonrenewal of probationary academic staff appointments.** (1) Each institution shall establish procedures for dealing with instances where probationary academic staff are not renewed. Nonrenewal is not a dismissal under ch. UWS 11. A nonrenewed member of the academic staff shall be provided with an opportunity to request and to receive, in writing, the reasons for nonrenewal and to receive a review of the decision upon written appeal by the academic staff member concerned within 20 days of notice of nonrenewal (25 days if notice is by first class mail and publication). The hearing body may be either an appropriate committee or a hearing examiner as designated in the institutional procedures. Such review shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The burden of persuasion in such a review shall be on the nonrenewed appointee and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

(a) Conduct, expressions, or beliefs which are constitutionally protected, or actions which are consistent with an appropriate professional code of ethics;

(b) Employment practices proscribed by applicable state or federal law; or

(c) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a staff member in question if material prejudice resulted because of any of the following:

1. The procedures required by the chancellor or board were not followed; or

2. Available data bearing materially on the quality of performance were not considered; or

3. Unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

(2) Findings as to the validity of the appeal shall be reported to the official making the nonrenewal decision and to the appropriate dean or director and the chancellor.

(3) Such report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision maker, a reconsideration by the decision maker under instructions from the hearing body, or a recommendation to the next higher administrative level. Cases shall be remanded for reconsideration by the decision maker in all instances unless the hearing body specifically finds that such a remand would serve no useful purpose. The hearing body shall retain jurisdiction during the pendency of any reconsideration.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 10.05 Notice.** (1) Written notice that a fixed term or probationary academic staff appointment will not be renewed shall be given to the appointee in advance of the expiration of the appointment as follows:

(a) Fixed term appointments: At least 3 months before the end of the appointment in the first 2 years and 6 months thereafter. When the letter of offer for a fixed term appointment states that renewal is not intended, no further notice of nonrenewal is required.

(b) Probationary appointments: At least 3 months before the end of the appointment in the first year; 6 months before the end of the appointment in the second year; and 12 months thereafter.

(2) If proper notice of nonrenewal is not given in accordance with sub. (1), the appointment shall be extended so that at least the required notice is provided.

(3) The policies and procedures of each institution may provide for longer notice periods for teaching members of the academic staff. Unless specifically enumerated in the institutional policies and procedures, the above provisions shall govern.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.

## Attachment 7

## Chapter UWS 11

## DISMISSAL OF ACADEMIC STAFF FOR CAUSE

UWS 11.01	Dismissal for cause— <u>indefinite academic staff appointments.</u>	UWS 11.08	Suspension from duties.
UWS 11.02	Responsibility for charges.	UWS 11.09	Date of dismissal.
UWS 11.03	Hearing body.	UWS 11.10	Board review.
UWS 11.04	Hearing.	UWS 11.11	Dismissal for cause— <u>fixed term or probationary academic staff appointments.</u>
UWS 11.05	Adequate due process.	UWS 11.12	Dismissal for cause— <u>teaching members of the academic staff.</u>
UWS 11.06	Procedural guarantees.		
UWS 11.07	Recommendations: to the chancellor.		

**UWS 11.01 Dismissal for cause—indefinite academic staff appointments.** (1) A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. UWS 11.02 through 11.10 or for reasons of budget or program under ch. UWS 12.

(2) The board's policy is that members of the academic staff are entitled to enjoy and exercise all rights of United States citizens and to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

**History:** Cr. Register, October, 1975, No. 236, eff. 11-1-75.

**UWS 11.02 Responsibility for charges.** (1) Whenever the chancellor of an institution receives an allegation which concerns an academic staff member holding an indefinite appointment which appears to be substantial and which, if true, might lead to dismissal under s. UWS 11.01, the chancellor shall request within a reasonable time that the appropriate dean or director investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which members of the academic staff are entitled under this chapter. If such an investigation and discussion does not result in a resolution of the allegation and if the allegation is deemed sufficiently serious to warrant dismissal, the dean or director shall prepare a written statement of specific charges. A member of the academic staff may be dismissed only after receipt of such a statement of specific charges and, if a hearing is requested by the academic staff member, after a hearing held in accordance with the provisions of this chapter and the subsequently adopted procedures of the institution. If the staff member does not request a hearing, dismissal action shall proceed along normal administrative lines but the provisions of ss. UWS 11.02, 11.08, and 11.09 shall apply. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

(2) Any formal statement of specific charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1)(c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper.

**History:** Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

**UWS 11.03 Hearing body.** (1) The chancellor of each institution shall provide for a hearing body charged with hearing dismissal cases and making a report and recommendations under this chapter. Throughout this chapter, the term "hearing body" is used to indicate either a hearing committee or a hearing examiner as designated in the institutional procedures. This hearing body

shall operate as the hearing agent for the chancellor pursuant to s. 227.49, Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of fact and decision to the chancellor according to s. UWS 11.07.

(2) With the concurrence of the faculty and the academic staff advisory committee of each institution, the chancellor may provide that dismissal for cause of a member of the academic staff having teaching responsibilities may be heard by the hearing body specified in s. UWS 4.03. If so provided, the hearing shall be held pursuant to the provisions of ch. UWS 11.

**History:** Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

**UWS 11.04 Hearing.** If the staff member requests a hearing within 20 days from the service of the statement of charges (25 days if notice is by first class mail and publication), such hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The request for a hearing shall be addressed in writing to the hearing body established pursuant to s. UWS 11.03. Service of written notice of hearing on the specific charges shall be provided at least 10 days prior to the hearing.

**History:** Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 11.05 Adequate due process.** (1) Each institution shall develop policies and procedures to provide for a fair hearing upon request in the event of dismissal. A fair hearing for an academic staff member whose dismissal is sought under s. UWS 11.01 shall include the following:

- (a) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (b) A right to be heard in his or her defense;
- (c) A right to counsel and/or other representative, and to offer witnesses;
- (d) A right to confront and cross-examine adverse witnesses;
- (e) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (f) Written findings of fact and decision based on the hearing record;

- (g) Admissibility of evidence governed by s. 227.47, Stats.

**History:** Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

**UWS 11.06 Procedural guarantees.** (1) The following requirements shall also be observed:

- (a) Any person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall not be qualified to participate as a member of the hearing body;
- (b) The hearing shall be closed unless the staff member under charges requests an open hearing, in which case it shall be open (see ch. 19, subch. V, Stats., Open Meeting Law);
- (c) The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having rea-

sonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;

(d) The burden of proof of the existence of just cause is on the administration or its representatives;

(e) If a staff member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;

(f) Nothing in par. (e) shall prevent the settlement of cases by mutual agreement between the administration and the staff member, with the chancellor's approval, at any time prior to a final decision by the chancellor; or when appropriate, with the board's approval prior to a final decision by the board;

(g) Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

(2) If the institutional policies and procedures provide that dismissal cases be heard by a hearing committee, the following requirements shall be observed:

(a) The committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of replacements equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the policies and procedures adopted by the institution;

(b) If the hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the policies and procedures adopted by the institution.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

#### **UWS 11.07 Recommendations: to the chancellor.**

The hearing body shall send to the chancellor and to the academic staff member concerned, as soon as practicable after conclusion of a hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. After reviewing the matter on record and considering arguments if submitted by the parties, the chancellor shall issue a decision. In that decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants review based on the record.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 11.08 Suspension from duties.** Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except where, after consultation with the appropriate administrative officer, the chancellor finds that substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the chancellor makes a decision as to dismissal.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 11.09 Date of dismissal.** A decision by the chancellor ordering dismissal shall specify the effective date of the dismissal.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 11.10 Board review.** A member of the academic staff on indefinite appointment who has been dismissed for cause by the chancellor following a hearing may appeal this action to the

board. Any appeal must be made within 30 days of the date of the decision of the chancellor to dismiss. Upon receiving an appeal the board shall review the case on the record. Following such review the board may confirm the chancellor's decision, or direct a different decision, or approve a further hearing before the board with an opportunity for filing exceptions to the hearing body's recommendations or the chancellor's decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing. (See ch. 19, subch. V, Stats., Open Meeting Law.) All decisions of the board, whether after review on the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

**UWS 11.11 Dismissal for cause—fixed term or probationary academic staff appointments.** A member of the academic staff holding a probationary appointment, or a member of the academic staff holding a fixed term appointment and having completed an initial specified period of time, may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program under ch. UWS 12. A nonrenewal of such an appointment is not a dismissal under this section. A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a hearing before the appropriate dean or director or his/her designee. If such hearing is requested, a determination of just cause and notification of dismissal shall be made by the dean or director or designee. If no hearing is requested the dismissal is effected by the specifications in the original notification of charges. The hearing before the dean, director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be effective immediately on receipt of written notification of the decision of the dean or director or designee unless a different dismissal date is specified by the dean or director. Dismissals for cause shall be appealable by filing an appeal with the hearing body established under s. UWS 11.03. The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. The provisions of s. UWS 11.04, procedural guarantees, contained in ss. UWS 11.05 and 11.06 and the review provisions of s. UWS 11.07, shall be applicable to the appeal proceeding. In no event, however, shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the chancellor's decision or the end of the contract period, whichever is earlier, shall be restored. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 11.12 Dismissal for cause—teaching members of the academic staff.** The policies and procedures of each institution may provide that dismissal for cause of a member of the academic staff having teaching responsibilities and holding a probationary appointment or a fixed term appointment may proceed under ss. UWS 11.02 to 11.10. If the institutional policies and procedures do not specifically make such provisions, dismissal for cause shall be made pursuant to s. UWS 11.11.

*History:* Cr. Register, October, 1975, No. 238, eff. 11-1-75.



## Attachment 8

## Chapter UWS 15

### LIMITED APPOINTMENTS

**UWS 15.01 Limited appointments**

---

**UWS 15.01 Limited appointments.** (1) A limited appointment under s. 36.17, Stats., is a special appointment to a designated administrative position. A person in this type of appointment serves at the pleasure of the authorized official who made the appointment. A member of the academic staff granted a limited appointment shall not lose existing rights to an academic staff appointment by accepting the limited appointment, and a member of the faculty granted a limited appointment shall not lose existing rights to a faculty appointment by accepting the limited appointment. Termination of a limited appointment is not a dismissal under ch. UWS 4 or 11 and is not otherwise appealable. Wherever possible 3 months' notice of termination should be given if the appointee does not hold simultaneously another university appoint-

ment.

(2) Limited appointments apply to the following positions: president, senior vice president, provost, vice president, associate vice president, assistant vice president, chancellor, vice chancellor, associate chancellor, assistant to the chancellor, assistant chancellor, associate vice chancellor, assistant vice chancellor, center system dean, secretary of the board, associate secretary of the board, assistant secretary of the board, trust officer and assistant trust officer, and such other administrative positions as the board, the president, or the chancellor determines at the time of the appointment.

**History:** Cr. Register, October, 1975, No. 238, eff. 11-1-75; am. (1), Register, June, 1977, No. 258, eff. 7-1-77.



The University of Wisconsin System  
UNCLASSIFIED PERSONNEL GUIDELINE #3

Page

SUBJECT: Unclassified Job Security

Issued: 01/01/94

**PURPOSE**

Section 36.09(1)(e) Wis. Stats., directs the Board of Regents to fix the "term of office" for officers, faculty, academic staff and other employees of the UW System. The Rules of the Board of Regents, set forth in Chapters UWS 3, 10, 15 and 16 of the Wisconsin Administrative Code, specify applicable job protection for faculty, academic staff, limited and other employees. The purpose of this guideline is to provide a general reference for job security provisions found in the statutes, rules and Regent policies and to codify job security policies promulgated by the System President. Academic personnel officers and employees are urged to consult the Wisconsin Administrative Code for specific rights, duties and obligations.

**LIMITED APPOINTMENTS**

By definition, an employee with limited appointment status serves, for an unspecified term, at the pleasure of the authorized official who made the appointment. Termination of a limited appointment is not considered a "dismissal" and is not otherwise appealable. [UWS 15.01(1)] Although by definition, there may be no job protection for those who serve as a limited appointee, a level of job security can be assigned in the form of concurrent faculty or academic staff back-up appointments.

An employee whose initial employment with the UW System is as a limited appointee, may hold simultaneously another appointment as faculty or academic staff, at the discretion of the authorized official. Wherever possible 3 months' notice of termination should be given if the appointee does not hold simultaneously another university appointment. Should a limited appointee with a faculty or academic staff back-up appointment be terminated from the limited position, the appointee has no minimum notice rights. However, the appointee has the right to assume the back-up appointment without a separation in service.

*[NOTE: A limited appointee with an academic year pay basis concurrent faculty appointment, is not considered "separated" from the institution if the limited appointment is terminated between academic years, provided the faculty appointment is resumed at the start of the forthcoming academic year.]*

A member of the academic staff does not lose existing rights to an academic staff appointment upon acceptance of a limited appointment. Similarly, a member of the faculty granted a limited appointment does not lose existing rights to a faculty appointment. As noted above, the return to a faculty or academic staff appointment upon termination of the limited appointment must be accomplished without a separation in service.

*[NOTE: See UPG #4, Section 4.04 (5) and (6) for the policies that govern salary levels upon return to faculty and academic staff positions from limited appointments.]*

A limited appointee may resign the limited appointment and ask to be returned to a faculty or academic staff appointment. Such requests should be honored as soon as possible by the authorized official. However, in the event a position is not readily available, the limited appointee may remain in the limited position until a suitable back-up position is available, or with the agreement of the limited appointee the authorized official may place the limited appointee on leave of absence until a vacancy becomes available.

**3.03 CHANCELLOR APPOINTMENTS**

A chancellor's appointment may be terminated at any time upon reasonable written notice of resignation by the chancellor to the System president.

An appointment as chancellor may be terminated by the board at any time when, in the judgment of the System president and the board, such action is deemed to be in the best interests of the chancellor's institution and of the System. A chancellor, upon relief from his/her duties, may be transferred to reassignment status for a period of up to six months without loss of salary, unless the person terminated as chancellor elects to relocate.

There shall be no maximum on the number of years which may be served by a chancellor.

If a chancellor's appointment is not renewed from one budget year to the next, he/she is eligible to receive a transitional assignment for up to twelve months at a salary rate determined under System policy or he/she may choose to relocate immediately.

Reappointment of a chancellor shall be assumed in the absence of resignation by the chancellor, or of nonrenewal or termination action by the System president and the board.

*[Note: See UPG #2, Section 2.05 for additional terms and conditions of chancellor appointments.]*

### 3.04 FACULTY APPOINTMENTS

Chapter UWS 3 Wis. Adm. Code requires the faculty of each institution, after consultation with appropriate students and with the approval of the chancellor, to develop rules relating to faculty probationary and tenure appointments.

Occasionally, the institution finds it useful and necessary to ask a faculty member to serve in an administrative capacity. Such appointments are most often to limited positions, in which case the faculty member does not lose existing rights to a faculty appointment. However, a faculty member may serve for a fixed period of time in an administrative capacity that would normally be described as an academic staff appointment. Acceptance of an academic staff appointment will not cause the faculty member to lose existing rights to a faculty appointment.

### 3.05 ACADEMIC STAFF APPOINTMENTS

Chapter UWS 10 Wis. Adm. Code directs each institution to develop guidelines for designating academic staff positions as fixed term, probationary or indefinite appointments.

As a result of study and consultation with chancellors and the academic staff governance units of each institution, the System President issued the following academic staff job security provisions effective September 1, 1989. Institutional policies which outline job security provisions should be consistent with these provisions and should consider distinctions based on: instructional versus non-instructional staff, source of funding, and percent of appointment. Employees with less than half-time appointments are normally considered temporary employees and not eligible for the benefits of permanent employment status.

- (1) Institutional policies shall provide to academic staff with fixed term appointments, non-renewal notice periods of at least 3 months before the end of the appointment in the first two years; at least 6 months for service of at least two years but less than seven years; at least 9 months for service of at least seven years but less than ten years; and, at least 12 months for staff who have served ten years or more. Institutional policies shall provide to academic staff on probationary

appointments, non-renewal notice periods of at least 3 months before the end of the appointment in the first year; 6 months before the end of the appointment in the second year; and, 12 months thereafter.

- (2) Institutional policies shall also specify due process protection in case of non-renewal of staff who have served for at least seven years.

*[NOTE: This provision is intended to provide a uniform definition of the "substantial period of time" clause specified in s. UWS 10.03(1), Wis. Adm. Code.]*

- (3) Each institution shall review annually the type of contract and terms of any academic staff member who has served more than seven years to determine the feasibility of moving such individuals to indefinite or multiple year appointments with increased job security. In making such a determination, the institution shall consider the continuing need for the position, funding source, and quality of employee's performance. Academic staff with seven years or more of service whose appointments do not provide at least two year terms shall be given the reasons upon request. Academic staff with ten years or more of service whose appointments do not provide at least three-year terms shall be given the reasons upon request.
- (4) Every two years, UW System Administration shall audit a sample of academic staff appointments for compliance with existing policies governing appointment types, notice periods for non-renewal, and related conditions of job security.

### 3.06 OTHER APPOINTMENTS

State statutes permit the Board to make or authorize fixed term appointments for student assistants and employees in training. In general, such appointments are intended to allow a person to acquire additional training or experience in his/her field of specialization. As such, these appointments are not career choices per se. Instead, such appointments are provided to enhance the career options in other positions.

The University of Wisconsin System  
UNCLASSIFIED PERSONNEL GUIDELINE #4

SUBJECT: Unclassified Compensation

Issued: 02/10/78

Revised: 11/01/01

4.05 TIMING OF SALARY ADJUSTMENTS

- (1) In accordance with s. 36.09(1)(j) Wis. Stats., the Board of Regents must set salaries and their effective dates prior to July 1 of each fiscal year for the next fiscal year. Accordingly, salary rate changes for all continuing employees and positions except selected categories specifically excluded by the Chancellors [see 4.05 (2)] should be included in the annual budget prepared for consideration by the Board. New salary rates should be effective on the standard dates of July 1 or the beginning of the academic year, provided the necessary appropriations law has been enacted.
- (2) Chancellors may authorize different pay increase effective dates for specific categories of personnel which cannot reasonably be made to conform to standard appointment periods, e.g., fixed term appointees supported on gifts, grants, or contracts with anniversary dates that do not coincide with July 1 or the beginning of the academic year, non-continuing appointments for time periods shorter than the fiscal year or academic year, and coaches on sport season-oriented year appointments. However, state pay plan increases for these non-standard contract personnel should not exceed the state-approved compensation plan percentage. The Chancellor should maintain sufficient reserves within the state compensation plan percentage to accommodate compensation plan increases that could not be accomplished in the annual budget.
- (3) If necessary, adjustments governed by 4.06 may take effect at appropriate times throughout the fiscal year consistent with the delegation of authority limits specified in 4.04(1). However, to the extent possible, they should be included in the annual budget and their timing should be regularized.
- (4) Retroactive salary adjustments for personnel transactions are prohibited. However, the institution may establish a personnel transaction policy that establishes an effective date based on the date that documented materials are received by an appointing authority or office.

4.06 SALARY ADJUSTMENTS OUTSIDE OF THE STATE APPROVED PAY PLAN

The salary supplement allocation received by the institutions under the state compensation plan approved by the Joint Committee on Employment Relations and the Governor shall be used for all state compensation plan increases chargeable to GPR/Fee funds. No base funds, regardless of source, may be used to exceed the approved state compensation plan except as provided below.

Section 36.09(1)(j) Wis. Stats., permits the use of base budget funds for pay increases beyond the state pay plan, provided the increase is necessitated by:

- (1) Title and Salary Range Changes Due to Career Progression

The title structure for academic staff in instructional, research and professional title categories is designed to offer career progression to academic staff commensurate with achievement of additional experience and satisfactory performance. Base budget funds may be used to support salary increases that accompany salary range advancement in a career progression track.

(2) Major Changes in Duties

Base budget funds may be used to support salary increases that accompany major changes in duties (job reclassification) such as a change in status from a professor to Dean, lecturer to assistant professor, or program manager to administrative director.

(3) Response to Competitive Factors

Base budget funds may be used to support exceptional salary increases to retain faculty and academic staff. The amount of such pay increases and the institutions at which they are granted for the 12-month period ending on the preceding June 30 are presented by the UW System Office of Budget to the Board of Regents each September for transmittal to the Joint Committee on Finance and the Departments of Administration and Employment Relations, as required by state statute.

(4) Remedy of an Individual Case of Inequitable Compensation

Use of base budget funds for interim salary increases to correct salary inequities in documented, individual cases is permitted. Justification for adjustments over and above normal salary increases and falling within the scope of state or federal equal employment opportunity laws or regulations and such adjustments unrelated to state or federal laws and regulations must be verified by the institution's affirmative action officer.

(5) Remedy of a Group Case of Inequitable Compensation

Section 36.09(1)(h) Wis. Stats., directs the Board of Regents to allocate funds and adopt budgets for institutions while giving consideration to the principle of "equitable compensation for faculty and academic staff with comparable training, experience and responsibilities." Exceptional salary adjustments proposed under this section for groups of faculty should be submitted to the System Office of Academic Affairs for review and approval. Exceptional salary adjustments proposed under this section for groups of academic staff should be submitted to the System Office of Human Resources for review and approval.

## Peer Employment Job Security Practices for Administrators

The following is a summary of a phone survey conducted in July 2005 by staff of the UW System Office of Human Resources, of our 64 peer institutions from all groups (Madison, Milwaukee, and Comprehensive) plus 3 more from surrounding states and Milwaukee and Madison Area Technical Colleges. The responses represent 44 institutions for a 64% response rate.

### *Employment Security Practices for Administrators*

While the vast majority of institutions surveyed indicated that their administrators serve in at-will positions, the survey identified the following general categories of job security practices for administrators:

Fixed contracts. Some institutions require a fixed-term contract for all administrators. Other institutions indicated that they have fixed contracts for certain administrators in addition to their service at-will. Usually the fixed-term contract was for certain upper level management positions such as President, Chancellor, Deans, and Vice Chancellors. The usual term was for three to five years.

"Back-up" appointments. Although the term "back-up" is not typically used at other institutions, most of those surveyed indicated that they provide some sort of appointment to which administrators holding tenure or faculty credentials can return following the end of the administrative service. None of the institutions reported that they provide this type of appointment for administrators without faculty credentials, as a matter of policy. However, some institutions provide for reassignment, on a case-by-case basis. Most institutions require that academic deans have ranked faculty status or possess the credentials for to obtain tenure.

Severance packages – Several institutions indicated they can provide severance packages to administrators. These are not usually formal policies, but rather negotiated at the time of termination. A couple of institutions provide severance to high level administrators based on years of service.

- Reassignment – A number of institutions indicated that they can arrange reassignment for administrators following termination. Most of the institutions do this on a case-by-case basis; it is not a formal policy.
- Prior Notice of Termination – Three institutions noted that they provide a prior notice of termination to ease transition. The length of notice ranged from two months to one year. One institution indicated that the length of notice is based on years of service.



## AT A GLANCE

WEN is a way for Wisconsin entrepreneurs at any stage of development in any part of the state to get help to grow their businesses. It is a gateway to existing services for all entrepreneurs and expanded services through four regional directors for high-tech businesses with potential to grow quickly. WEN makes efficient use of state and federal dollars targeted for entrepreneurs and ensures scarce services have maximum effect.

WEN offers entrepreneurs an amazing range of technology / market feasibility tools. For example:

- Previously unheard-of access to WARF (Wisconsin Alumni Research Foundation) and WiSys (WiSys Technology Foundation, Inc.) and their highly sophisticated marketing and technology assessment expertise. That includes patent protection and licensing as well as technical evaluation of inventions, new products and new processes.
- Scholarships to provide partial payment for using Tech Search in the UW Engineering School, which retrieves information on a cost-recovery basis for small businesses. Information comes from a wide variety of sources including government documents; U.S. patents, standards, specifications and engineering references and materials.
- The services of the Wisconsin Innovation Service Center (WISC) at UW-Whitewater, which specializes in new product and invention assessments and market expansion opportunities for manufacturers, technology businesses, and independent inventors.

WEN has assembled a unique team for business development and technology transfer:

- Four regional directors
- Phil Sobocinski, UW-Madison Office of Corporate Relations, a specialist in SBIR (Small Business Innovation Research)
- Larry Casper, assistant dean, UW School of Engineering, for technology assessments
- Nancy Fawcett, a marketing specialist who screens each entrepreneur at intake and refers high-growth firms to regional directors for expanded services.

An innovative tool called the **WEN Tracker** allows WEN to follow the progress of each client as services are provided. This avoids duplication of services. For entrepreneurs, it also means avoiding the tedium of repeating their information every time they connect with an agency or partner for services.

Another tool called the **Resource Navigator** is available on the WEN website, [wenportal.org](http://wenportal.org), to help entrepreneurs locate appropriate services and providers. Right now, 130 providers are in the system, which will expand to include private-sector resources. An entrepreneur who logs into the navigator immediately becomes part of the tracking system. He or she can also enter the seamless WEN system at one of 50 intake or outreach centers throughout the state.

Delegation to the UW System President Authority to  
Permit UW System Institutions to Participate in the  
Midwest Student Exchange Program

BUSINESS AND FINANCE COMMITTEE

Resolution I.2.f.

Whereas, the Midwest Student Exchange Program is an interstate initiative created to increase interstate educational opportunities for students in its member states; and

Whereas, the program strives to facilitate enrollment efficiency in institutions that have capacity in existing programs; and

Whereas, attracting more nonresident students to the UW System would increase the diversity of UW System institutions and could result in a “brain gain” for the state of Wisconsin; and

Whereas, there is strong interest among UW System institutions in participating in the Midwest Student Exchange Program;

Therefore, be it resolved that the Board of Regents of the University of Wisconsin System authorizes the President of the UW System to enter into a participation agreement with the Midwestern Higher Education Compact and to appoint a representative to the Midwest Student Exchange Program Council.



## **MIDWESTERN HIGHER EDUCATION COMPACT: MIDWEST STUDENT EXCHANGE PROGRAM**

### **EXECUTIVE SUMMARY**

#### **BACKGROUND**

The Midwest Student Exchange Program (MSEP) is an interstate initiative established by the Midwestern Higher Education Compact (MHEC). It was created to increase interstate educational opportunities for students in its member states. At present, this tuition discount program includes the six participating states of Kansas, Michigan, Minnesota, Missouri, Nebraska, and North Dakota. The MHEC member states that are not currently participating in the program include Illinois, Indiana, Ohio, and Wisconsin. The Midwest Student Exchange Program seeks to provide more affordable educational opportunities for students to attend out-of-state institutions. It also strives to facilitate enrollment efficiency in institutions that have excess capacity in existing programs.

The more than 130 participating institutions are enrolling about 2,600 students through MSEP. These institutions have identified programs in which students may enroll. Typically these are programs in which the institution has some excess capacity. Therefore, enrolling a small number of students through the MSEP does not displace resident undergraduate students, and the additional instructional costs of serving these students are minimal. The UW System may decide what level of student can participate in the exchange program. The exchange program could be available at the associate, baccalaureate, and/or graduate levels. Both students participating at a UW System institution and students enrolling in participating institutions in other states would be subject to these limits.

Students who are enrolled under the MSEP are charged 150% of the in-state resident tuition rate. Enrollment through this program is typically limited to new students. A student's MSEP status is retained as long as he/she is enrolled in the program to which the student was originally admitted and the student is making satisfactory progress towards a degree. Institutions have the ability to limit the length of time a student may enroll through this program to four years or more.

In order for UW System institutions to participate in MSEP, the University of Wisconsin System must sign the revised participation agreement (attached) and appoint a representative to the MSEP Council. The Board of Regents may subsequently discontinue participation if it so chooses, with students already enrolled through the program being permitted to continue under the terms established at the time they enrolled. The UW System would be required to advertise the program to Wisconsin high school students, and to collect and share data on program participation with MHEC. The agreement would allow any UW System institution to voluntarily join MSEP. Institutions participating in MSEP have the ability to tailor the program to their individual campus needs. For example, an institution may select only those degree programs in which it wishes to increase enrollment. The admission requirements are set by each campus along with the available programs of study.

## REQUESTED ACTION

Approval of resolution I.2.f. authorizing the President of the UW System to enter into a participation agreement with the Midwestern Higher Education Compact and to appoint a representative to the Midwest Student Exchange Program Council.

## DISCUSSION

The following UW System institutions are interested in participating in the Midwest Student Exchange Program.

Eau Claire	Green Bay	La Crosse
Milwaukee	Oshkosh	Parkside
Platteville	River Falls	Stevens Point
Stout	Superior	Whitewater

The UW Colleges are exploring whether participation in this program may not be necessary given its mission and does not expect to participate initially.

The following institutions have identified programs into which they might initially enroll students through this exchange program.

UW-Platteville plans to limit enrollment through the student exchange program to the following programs.

Engineering	Math and Science	Computer Science
Industrial Technology	Biology	Agriculture

UW-Stevens Point is expecting to offer enrollment in the following programs.

Geography/Geology	Computer Information Systems	Physics
Chemistry	English	Communication Disorders
Dietetics	Masters/Nutritional Science	Paper Science
Watershed Hydrology	Soils/Waste Management	Land Use Planning
Urban Forestry	Environmental Education	Camp Management

UW-Stout is interested in including all of its academic programs in the MHEC agreement except for the following:

Construction	Art (all concentrations)
General Business Administration	Retail Merchandising and Management – Interior Decorating concentration

UW-Stout's recruiting might focus on the following undergraduate programs.

Hotel and Restaurant Management	Graphic Communications Management
Telecommunications Management	Manufacturing Engineering

UW-Green Bay, UW-La Crosse, and UW-Whitewater wish to make all programs potentially available at this stage. That would enable those institutions to analyze where they have capacity in any given year at the same time they are determining which students to admit.

UW-Eau Claire, UW-Milwaukee, UW-Oshkosh, UW-Parkside, UW-River Falls, and UW-Superior will be working during the fall 2005 semester to determine which programs could be made available through this exchange program.

## **RELATED REGENT POLICIES**

Regent Tuition Policy

# The Midwest Student Exchange Program

## University of Wisconsin System Participation Agreement

The Midwest Student Exchange program (MSEP) is an arrangement among interested Midwestern Higher Education Compact (MHEC) member states or institutions of higher education within those states, through which states may list undergraduate and graduate programs (including professional programs) or institutions in which they are prepared to enroll students from other MHEG states, within specified numbers if desired, at a reduced proportion of the institution's regular tuition charge.

The program, involving reciprocal reduction of tuition by the participating states or institutions of higher education within those states, expands educational opportunities for students and facilitates more efficient use of resources at the institution or the program level. At a time when conservation of resources and avoidance of needless duplication are of concern in all states, reciprocal arrangements provide a tool for use in both institutional and state-level academic planning.

For these reasons, the Board of Regents of the University of Wisconsin System ("UW System"), acting pursuant to its resolution I.2.f., joins with other states through the Midwestern Higher Education Compact in creating the Midwest Student Exchange Program. This action attests to the UW System's interest in participating in an agreement through which Midwestern states may maintain or expand the range of educational programs available to their residents and supplement enrollments in designated institutions or programs, as their needs, plans, and decisions indicate. This agreement does not commit the UW System to receive or to send students in the MSEP at any time; active exchange of students may occur when the UW System or a state finds that to be advantageous. This agreement does not commit any institution in the UW System to participate in the Midwest Student Exchange Program. Campuses choosing to participate must complete the Institutional Participation Declaration Form, and may specify additional conditions on participation in an attachment to this form. Bilateral agreements for exchange of students may exist.

The program will operate with reference to the following general conditions and responsibilities of the parties. It is to be expected that experience with the program will suggest modifications from time to time. Such modifications may become effective as agreed upon by the Council (see following section), except that the council of MHEC staff will recommend to the Compact policies and procedures that in the judgment of either may have significant impact on the program. Notwithstanding any other review of MSEP that may be undertaken, a thorough assessment of the program and its outcomes will be undertaken by MHEC and participating states each four years, with a report to the Compact.

## General Conditions

1. MHEC will establish the Midwest Student Exchange Program Council, comprising one member designated by the appropriate postsecondary education authority from each state that elects to execute this Agreement, and four at-large members chosen by the Compact representing the doctoral research universities, regional universities and colleges, community and technical colleges, and the independent institutions. The UW System representative to the Council will be designated by the President of the UW System. Each state shall have one vote. The Council will be supported by a MHEC staff member designated by the President; this staff member will serve as Council chair. The Council will encourage and facilitate requests of participating states or institutions of higher education for the inclusion in MSEP of degree programs to which such states desire access for their students; prepare a listing of programs and institutions ready to receive MSEP students in the following year; assess the operation of the program; and recommend policies and procedures to support the administration of the agreements set forth herein.

2. Programs in the participating institutions of the UW System shall be open to MSEP students at 150 percent of the regular tuition\* charged resident students in the same program/institutions, except that in certain high cost professional fields, as approved by the Council, admission as an MSEP student may entail payment, by the student's home state or by the student, of an additional amount. These tuition policies for MSEP students may be changed by the Compact upon recommendation of MSEP Council, for any academic year beginning at least one calendar year from the date of the Compact action and institutional agreement.

3. MSEP tuition is to be available to admitted students while the student continues in the program in which admitted as a MSEP student subject to terms of the Institutional Participation Declaration Form including any attached conditions on participation. Change to another program (in the same or a different institution) may be made at the reduced tuition level only if the new program is also open to MSEP students and the change is approved by the institution.

4. MSEP programs in public institutions shall be available to students only at the degree level at which the student's home state agrees to receive MSEP students—i.e., a student may enroll in a program at a UW System institution at the associate, baccalaureate, or graduate level only if his/her home state agrees to receive MSEP students from other participating states at the same level.

5. Admission of students to designated programs is exclusively a decision of each participating institution. However, in determining eligibility for MSEP tuition, any differences of view that cannot be resolved between institution and student will be resolved at the UW System state or institutional level as appropriate.

---

\* For purposes of this program, "tuition" is defined as the basic, comprehensive multipurpose educational charge all students are required to pay as a condition of enrollment. This charge may or may not be known as "tuition." Other designations may include educational fee, registration fee, incidental fee, or perhaps others. "Tuition" does not include special fee charges such as student activity and required insurance assessments.

6. Each party to this agreement shall be solely responsible for any and all actions, suits, damages, liability or other proceedings brought against it as a result of the alleged negligence, misconduct, error or omission of any of its officers, agents or employees. Neither party is obligated to indemnify the other party or to hold the other party harmless from costs or costs or expenses incurred as a result of such claims; and each party shall continue to enjoy all rights, claims and defenses available to it under the law.

## Responsibilities of the UW System

1. The UW System will designate a single person as MSEP liaison and as a member of the MSEP Council. The UW System may identify additional persons to work with the designated liaison; it may send such persons to Council meetings as observer-participants, without vote. Council members will be expected to participate in meetings of the Council. Council members may, however, provide for an authorized representative, with vote, if unable to attend.

2. Through procedures established by the UW System, the liaison will identify institutions and/or programs that will admit MSEP students. While normally, institutions will admit MSEP students to the eligible programs on a “space available” basis, institutions/states may provide for limitations of numbers at the program, institution, or statewide level. The UW System liaison will be prepared to submit information concerning institutions/programs that will receive MSEP students, and any limitations, annually as required in the operation of the program.

3. The UW System is encouraged to identify fields, programs, and institutions in other participating states to which it would like to have access for its residents. The MSEP liaison person should be informed concerning such requests or inquiries; he/she in turn will so advise the MHEC program coordinator and liaison persons in the other affected states, at the earliest possible time. MHEC will take all steps appropriate to encourage inclusion of such requested program in the Exchange.

4. The UW System is responsible for publicizing throughout the state the opportunities available to its residents through MSEP. Among other means, the UW System will distribute widely to school counselors, parents and students an annual catalog describing MSEP and listing institutions and programs available to its residents, as well as instructions as to how interested students may apply (applicants simply indicate “MSEP Applicant” on their admissions applications). The annual listing of available institutions and programs will be compiled by MHEC.

5. The UW System will take steps to assure necessary institutional record-keeping and reporting to enable the UW System, through the MSEP liaison, to provide MHEC each fall a list and report of MSEP students by state of their residency, institution and program in which enrolled, and year of MSEP status (i.e. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>).

6. The UW System agrees that the MSEP tuition status of any student will be continued during that student's satisfactory progress or approved leave status in the program in which admitted, without regard to termination of MSEP participation by either the sending or the receiving state, subject to terms of the Institutional Participation Declaration Form including any attached conditions on participation.

#### Responsibilities of MHEC

1. MHEC will convene the MSEP Council annually or as MHEC or the Council deem necessary to review operations, policies, and procedures and to formulate recommendations for the Program. The MHEC staff coordinator will provide the Council information and support appropriate for its monitoring role and its role in advising the MHEC President and Compact of any problems, needed changes, etc.

2. MHEC will compile the annual listing of institutions/programs and conditions applying thereto, and will make the relevant information available to each participating state either in print or in computer-usable form.

3. Annually, MHEC will survey liaisons (or other persons designated by the state, as agreed upon by MHEC) for all MSEP enrollment information to be summarized and reported to the MSEP Council and others for assistance in monitoring and evaluating the program.

This instrument shall be effective upon signature by the President of the UW System and MHEC. Participating states and the UW System may send and/or receive students in the Midwest Student Exchange Program at any time under the policies and procedures stated above.

Adopted by Midwest Student Exchange Program Council  
January 19, 1993

---

For the Midwestern Higher Education Council

---

For the University of Wisconsin System

UW Hospital and Clinics Authority on  
Lease and Affiliation Agreements

BUSINESS AND FINANCE COMMITTEE

Resolution:

WHEREAS, the University of Wisconsin Hospitals and Clinics Authority (the “Authority”) is a public body corporate and politic created by Chapter 233 of the Wisconsin Statutes, as amended, for the purpose of maintaining, controlling and supervising the use of the University of Wisconsin Hospitals and Clinics (“UWHC”); and

WHEREAS, the Authority leases the space occupied by the UWHC on the UW-Madison campus from the Board of Regents of the University of Wisconsin System ("Board of Regents") pursuant to a “Lease Agreement” dated as of June 29, 1996; and

WHEREAS, an “Affiliation Agreement” between the Authority and the Board of Regents, also dated as of June 29, 1996, specifies how the Authority and the Board of Regents will continue to work together to fulfill their interrelated mission, and addresses personnel, external relations, education, research planning, financial support, networking, professional staff, insurance and other matters; and

WHEREAS, on April 16, 1997, the Authority issued \$50 million of its Variable Rate Demand Hospital Revenue Bonds, Series 1997, for the purpose of financing improvements to UWHC facilities; and

WHEREAS, on March 23, 2000, the Authority issued \$56.5 million of its Hospital Revenue Bonds, Series 2000, for the purpose of financing improvements to UWHC facilities; and

WHEREAS, on October 31, 2002, the Authority issued \$55,600,000 of its Hospital Revenue Bonds, Series 2002A, and \$12,900,000 of its Hospital Revenue Bonds, Series 2002B, for the purpose of financing improvements to UWHC facilities; and

WHEREAS, on November 19, 2004, the Authority issued \$60,000,000 of its Hospital Revenue Bonds, Series 2004 (the “Bonds”), for the purpose of financing additional improvements to UWHC facilities; and

WHEREAS, the Authority proposes to issue up to \$59,770,000 of its Hospital Revenue Bonds, Series 2005 (the “Bonds”), for the purpose of refunding the Hospital Revenue Bonds, Series 2000, and paying certain costs associated with the issuance of the Series 2005 bonds and the purchasers of the Bonds are referred to hereafter as the “bondholders”; and



WHEREAS, the Authority has informed the Board of Regents that a bond insurance company is considering issuing an insurance policy insuring the payment of principal and interest on the Bonds (the “Bond Insurer”), and the Bond Insurer is unwilling to insure the Bonds unless it receives additional assurances that unless adequate provision for the repayment of the Authority’s Hospital Revenue Bonds has occurred that the Authority’s access to UWHC facilities will not be terminated under the Lease Agreement and Affiliation Agreement; and

WHEREAS, the Authority has indicated to the Board of Regents that if the Board of Regents clarified under what conditions the Board of Regents might terminate the Lease Agreement and Affiliation Agreement, that this would be materially helpful to the Authority’s effort to obtain bond insurance and to market the Bonds and as an inducement to the Bond Insurer to insure such bonds.

NOW, THEREFORE, to the extent not inconsistent with Wisconsin law, the Board of Regents hereby resolves as follows:

1. The Board of Regents intends to keep the Lease Agreement and Affiliation Agreement in effect through their respective current termination dates of June 29, 2035, absent material deviation by the Authority from the policy objectives the Lease Agreement and Affiliation Agreement.

2. The Board of Regents will not exercise its option to terminate the Lease Agreement or Affiliation Agreement, or both, unless and until the Board of Regents, the Wisconsin Legislature, or some other party, or some combination of the foregoing, makes arrangements to adequately provide for the protection of the bondholders. The term “adequately provide for the protection of bondholders” shall mean: (i) the Board of Regents has received the consent of the Bond Insurer, or (ii) the Bonds are redeemed or defeased in accordance with their terms, or (iii) legislation has been enacted or other appropriate action has been taken such that the obligor assuming the obligations of the Authority, if other than the Board of Regents of the State of Wisconsin, (a) is a public or not-for-profit entity, (b) is bound by the covenants in the Master Indenture of Trust and 2000 Series Supplement to the Master Indenture of Trust, the 2002 Series Supplement to the Master Indenture of Trust, the 2004 Series Supplement to the Master Indenture of Trust, and the 2005 Series Supplement to the Master Indenture of Trust, and (c) is financially able, in the judgment of the Bond Insurer, to pay debt service on the Bonds.

3. This Resolution shall not be revoked, rescinded or amended without the prior consent of the Bond Insurer.

## **UW Hospital and Clinics Authority On Lease and Affiliation Agreements**

### **Executive Summary**

#### **BACKGROUND**

The University of Wisconsin Hospitals and Clinics Authority (UWHCA) is scheduled to sell \$ 59.77 million in Series 2005 bonds on or about September 20, 2005, for the purpose so refunding the Hospital Revenue Bonds, Series 2000, and paying certain costs associated with the issuance of the Series 2005 bonds. In order to obtain bond insurance, the bond insurer requires a resolution from the Board of Regents stating the Regents' intent with respect to continuation of the Lease and Affiliation Agreement between the Regents and the Authority. A similar action was taken in 1999 relative to the Series 2000 bonds, in 2002 relative to the Series 2002 bonds, and again in 2004 relative to the Series 2004 bonds. The proposed resolution expressly adds the Series 2005 bonds and provides that the Regents not exercise its option to terminate the Lease Agreement or Affiliation Agreement or both, unless and until the Board, the Wisconsin Legislature, or some other party, or some combination of the foregoing has made arrangements to adequately provide for protection of the bondholders.

#### **REQUEST**

The University of Wisconsin Hospitals and Clinics Authority (UWHCA) requests that the Board of Regents reaffirm and update its support for the UWHCA lease and affiliation agreements, as originally expressed in Resolution 8058 and reaffirmed October 11, 2002 and October 8, 2004, for the purpose of obtaining bond insurance and marketing the Series 2004 Hospital Revenue Bonds.

#### **DISCUSSION**

##### **Previous Action**

December 10, 1999:

1. The Board of Regents intends to keep the Lease Agreement and Affiliation Agreement in effect through their respective current termination dates of June 29, 2029, absent material deviation by the Authority from the policy objectives the Lease Agreement and Affiliation Agreement.
2. The Board of Regents will not exercise its option to terminate the Lease Agreement or Affiliation Agreement, or both, unless and until the Board of Regents, the Wisconsin Legislature, or some other party, or some combination of the foregoing, makes arrangements to adequately provide

for the protection of bondholders. The term “adequately provide for the protection of bondholders” shall mean: (i) the Board of Regents has received the consent of the Bond Insurer, or (ii) the Bonds are redeemed or defeased in accordance with their terms, or (iii) legislation has been enacted or other appropriate action has been taken such that the obligor assuming the obligations of the Authority, if other than the Board of Regents of the State of Wisconsin, (a) is a public or not-for-profit entity, (b) is bound by the covenants in the Master Indenture of Trust and 2000 Series Supplement to the Master Indenture of Trust, and (c) is financially able, in the judgment of the Bond Insurer, to pay debt service on the Bonds.

3. This Resolution shall not be revoked, rescinded or amended without the prior consent of the Bond Insurer.

October 10, 2002

1. The Board of Regents intends to keep the Lease Agreement and Affiliation Agreement in effect through their respective current termination dates of June 29, 2032, absent material deviation by the Authority from the policy objectives the Lease Agreement and Affiliation Agreement.

2. The Board of Regents will not exercise its option to terminate the Lease Agreement or Affiliation Agreement, or both, unless and until the Board of Regents, the Wisconsin Legislature, or some other party, or some combination of the foregoing, makes arrangements to adequately provide for the protection of bondholders. The term “adequately provide for the protection of bondholders” shall mean: (i) the Board of Regents has received the consent of the Bond Insurer, or (ii) the Bonds are redeemed or defeased in accordance with their terms, or (iii) legislation has been enacted or other appropriate action has been taken such that the obligor assuming the obligations of the Authority, if other than the Board of Regents of the State of Wisconsin, (a) is a public or not-for-profit entity, (b) is bound by the covenants in the Master Indenture of Trust and 2000 Series Supplement to the Master Indenture of Trust and 2002 Series Supplement to the Master Indenture of Trust, and (c) is financially able, in the judgment of the Bond Insurer, to pay debt service on the Bonds.

3. This Resolution shall not be revoked, rescinded or amended without the prior consent of the Bond Insurer.

October 8, 2004

1. The Board of Regents intends to keep the Lease Agreement and Affiliation Agreement in effect through their respective current termination dates of June 29, 2034, absent material deviation by the

Authority from the policy objectives the Lease Agreement and Affiliation Agreement.

2. The Board of Regents will not exercise its option to terminate the Lease Agreement or Affiliation Agreement, or both, unless and until the Board of Regents, the Wisconsin Legislature, or some other party, or some combination of the foregoing, makes arrangements to adequately provide for the protection of the bondholders. The term “adequately provide for the protection of bondholders” shall mean: (i) the Board of Regents has received the consent of the Bond Insurer, or (ii) the Bonds are redeemed or defeased in accordance with their terms, or (iii) legislation has been enacted or other appropriate action has been taken such that the obligor assuming the obligations of the Authority, if other than the Board of Regents of the State of Wisconsin, (a) is a public or not-for-profit entity, (b) is bound by the covenants in the Master Indenture of Trust and 2000 Series Supplement to the Master Indenture of Trust, the 2002 Series Supplement to the Master Indenture of Trust, and the 2004 Series Supplement to the Master Indenture of Trust, and (c) is financially able, in the judgment of the Bond Insurer, to pay debt service on the Bonds.

3. This Resolution shall not be revoked, rescinded or amended without the prior consent of the Bond Insurer.

## **REGENT POLICIES**

None.

## Auxiliary Reserves Report

### BUSINESS AND FINANCE COMMITTEE

#### Resolution:

That, upon the recommendation of the President of the University of Wisconsin System, the Auxiliary Reserves Report be accepted for transmittal to State Officials.



**Vice President for Finance**  
1752 Van Hise Hall  
1220 Linden Drive  
Madison, WI 53706-1559  
(608) 262-1311  
(608) 262-3985 Fax  
email: [ddurcan@uwsa.edu](mailto:ddurcan@uwsa.edu)  
website: <http://www.uwsa.edu>

September 9, 2005

Senator Scott Fitzgerald  
Representative Dean Kaufert  
Co-Chairs, Joint Committee on Finance

Marc Marotta, Secretary  
Department of Administration

Dear Senator Fitzgerald, Representative Kaufert and Secretary Marotta:

This letter requests approval of the UW System's 2005-2006 plan for student fee funded auxiliary reserve balances as required by section 36.46, Wisconsin Statutes:

The board may not accumulate any auxiliary reserve funds from student fees for any institution, or for the centers in aggregate, in an amount that exceeds an amount equal to 15% of the previous fiscal year's total revenues from student segregated fees and auxiliary operations funded from student fees for that institution, or for the centers in aggregate, unless the reserve funds are approved by the secretary of administration and the joint committee on finance under this subsection. A request by the board for such approval for any fiscal year shall be filed by the board with the secretary of administration and the cochairpersons of the joint committee on finance no later than September 15 of that fiscal year. The request shall include a plan specifying the amount of reserve funds the board wishes to accumulate and the purposes to which the reserve funds would be applied, if approved. Within 14 working days of receipt of the request, the secretary of administration shall notify the cochairpersons of the joint committee on finance in writing of whether the secretary proposes to approve the reserve fund accumulation.

Reserve funds are needed to meet debt service requirements, to ensure that equipment and facilities can be maintained, replaced, remodeled or refurbished as needed, to provide an operating cushion to offset short-term revenue losses or unanticipated expenditures and to stabilize rate increases for students. Section 36.46 originally required approval of all student fee funded auxiliary reserve accumulations but was amended by the 1997-99 biennial budget bill to require approval of only reserve accumulations in excess of 15% of prior year revenues. UW System policy requires that institutional reserve levels be clearly linked to specific programmatic and operating needs detailed in a multi-year plan.

Attachment 1 shows planned reserves as of the end of 2005-2006 for all UW institutions and compares that amount to the reporting threshold (i.e., 15% of 2004-2005 revenues).

Attachment 2 shows the planned use of reserves for the three institutions that are projecting to end 2005-2006 with reserve balances above the 15% threshold. At each of these institutions, the planned reserves are being accumulated for major capital projects.

With this report we request approval of the projected balances shown in Attachment 2. I would be happy to answer any questions you may have about this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A. Durcan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Deborah A. Durcan  
Vice President for Finance

Attachments

cc:	Joint Committee on Finance Members	Ginger Hintz
	President Reilly	Freda Harris
	Regents	Bob Hanle, DOA
	Chancellors	Bob Lang, LFB
	Vice Presidents	John Stott, LFB
	Chief Business Officers	Legislative Reference Bureau
	Doug Hendrix	Renee Stephenson

University of Wisconsin System  
Section 36.46 Report on Student Fee Funded Auxiliary Reserves 2005-06  
Calculation of 15% Reporting Threshold

Attachment 1

All Institutions	2004-05 Actual Revenue	15% of 04-05 Actual Revenue (Threshold)	6/30/06 Planned Reserve Balance	Greater Than / (Less Than) Threshold
Madison	94,199,599	14,129,940	5,954,414	(8,175,526)
Milwaukee	41,125,483	6,168,822	1,531,013	(4,637,809)
Eau Claire	23,301,232	3,495,185	6,010,615	2,515,430
Green Bay	12,057,049	1,808,557	4,580,097	2,771,540
La Crosse	20,138,997	3,020,850	2,835,292	(185,558)
Oshkosh	20,947,834	3,142,175	884,650	(2,257,525)
Parkside	8,172,154	1,225,823	892,654	(333,169)
Platteville	16,814,704	2,522,206	2,052,079	(470,127)
River Falls	14,116,921	2,117,538	1,461,788	(655,750)
Stevens Point	21,067,979	3,160,197	1,399,982	(1,760,215)
Stout	18,440,616	2,766,092	2,050,388	(715,704)
Superior	5,020,099	753,015	886,165	133,150
Whitewater	22,861,921	3,429,288	2,123,388	(1,305,900)
Colleges	3,753,360	563,004	474,097	(88,907)
<b>TOTAL</b>	<b><u>322,017,948</u></b>	<b><u>48,302,692</u></b>	<b><u>33,136,622</u></b>	<b><u>(15,166,070)</u></b>



University of Wisconsin System  
Section 36.46 Report on Student Fee Funded Auxiliary Reserves  
Planned Use of 2005-2006 Balances Greater Than Threshold

Attachment 2

Institution	Balance Greater Than Threshold	Planned Use of 2005-2006 Balances Greater Than Threshold
Eau Claire	2,515,430	Student Center renovation and addition \$9,000,000.
Green Bay	2,771,540	Student Center expansion \$8,800,000.
Superior	133,150	Student Center project \$1,500,000
<b>TOTAL</b>	<b><u>5,420,120</u></b>	

Notes:

- 1) Project amounts shown are the Program Revenue share of the total estimated project costs. The split between cash and PR supported general obligation bonding is established at the time the final project budget is approved by the State Building Commission.
- 2) All projects shown that require enumeration have either already been enumerated or are expected to be enumerated in 2005-2007. Repair and maintenance projects that do not require enumeration are either in progress or expected to commence in 2005-2007.

Report on Base Salary Adjustments to  
Recognize Competitive Factors Required by  
s. 36.09(1)(j), *Wis. Stats.*

BUSINESS AND FINANCE COMMITTEE

Resolution:

That, upon the recommendation of the President of the University of Wisconsin System, the Report on 2004-05 Base Salary Adjustments to Recognize Competitive Factors Required by Section 36.09(1)(j), Wisconsin Statutes, be accepted for transmittal to State Officials.

## REPORT ON BASE SALARY ADJUSTMENTS TO RECOGNIZE COMPETITIVE FACTORS

### BACKGROUND

Section 36.09(1)(h) and Section 36.09(1)(j), Wisconsin Statutes, allow the University System to grant salary increases to faculty and academic staff to recognize competitive factors. Section 36.09(1)(j) also provides that no later than October 1 of each year, the Board of Regents shall report to the Joint Committee on Finance, the Department of Administration, and the Office of State Employment Relations concerning the amount of such pay increases granted, and the institutions at which they are granted for the 12-month period ending on the preceding June 30.

### REQUESTED ACTION

Approval of Resolution I.2.g.(3) to forward the Report on Salary Adjustments to Recognize Competitive Factors to the Legislative Joint Committee on Finance, the Department of Administration, and the Office of State Employment Relations.

### DISCUSSION AND RECOMMENDATIONS

The table below summarizes the adjustments granted during 2004-05. A total of 195 individuals at seven institutions received \$2,210,425 for normal equity and retention issues. By comparison, there were a total of 428 individuals at five institutions receiving \$1,344,280 in 2003-04. A major reason for the increase is that UW – Madison increased the number of adjustments this year in the medical field. Similar to last year, there were 13 Clinical and Senior Clinical Anesthetists receiving adjustments. In addition, this year there were 29 Clinical and Senior Clinical Nurse Specialists who also received fairly large salary adjustments. UW – Madison also reported to the Business and Finance Committee in June that the number of competitive offers had increased significantly due to the 0% and 1% salary raises in 2003-04 and 2004-05. UW Colleges' Salary Improvement Plan is now complete; therefore, the number of individuals receiving Market Factor Adjustments significantly decreased.

MARKET ADJUSTMENTS		
	NUMBER OF ADJUSTMENTS	ANNUAL COST OF ADJUSTMENTS
MADISON	170	\$2,063,944
MILWAUKEE	9	50,524
GREEN BAY	6	55,323
OSHKOSH	4	19,440
STEVENS POINT	2	3,733
STOUT	1	2,000
COLLEGES	3	15,461
TOTAL	195	\$2,210,425

### RELATED REGENT POLICY

None.

**UNIVERSITY OF WISCONSIN SYSTEM  
GIFTS, GRANTS AND CONTRACTS AWARDED  
QUARTERLY REPORT & PRIOR-YEAR COMPARISON  
FISCAL YEAR 2004-2005 - Fourth Quarter**

<b>FISCAL YEAR 2004-2005</b>	<b>Public Service</b>	<b>Instruction</b>	<b>Libraries</b>	<b>Misc</b>	<b>Phy Plt</b>	<b>Research</b>	<b>Student Aid</b>	<b>Total</b>
<b>Total</b>	<b>86,343,670</b>	<b>67,726,780</b>	<b>890,406</b>	<b>85,180,183</b>	<b>17,977,912</b>	<b>804,572,890</b>	<b>113,316,930</b>	<b>1,176,008,771</b>
<b>Federal</b>	<b>47,783,458</b>	<b>49,804,323</b>	<b>420,003</b>	<b>17,927,814</b>	<b>3,717,260</b>	<b>607,697,348</b>	<b>94,033,947</b>	<b>821,384,153</b>
<b>Nonfederal</b>	<b>38,560,212</b>	<b>17,922,457</b>	<b>470,403</b>	<b>67,252,369</b>	<b>14,260,652</b>	<b>196,875,542</b>	<b>19,282,983</b>	<b>354,624,618</b>
<b>FISCAL YEAR 2003-2004</b>								
<b>Total</b>	<b>73,365,787</b>	<b>74,431,810</b>	<b>3,373,107</b>	<b>91,852,806</b>	<b>34,944,696</b>	<b>742,737,959</b>	<b>114,884,424</b>	<b>1,135,590,589</b>
<b>Federal</b>	<b>38,996,373</b>	<b>52,562,749</b>	<b>309,914</b>	<b>14,699,733</b>	<b>14,278,291</b>	<b>547,833,162</b>	<b>100,014,489</b>	<b>768,694,711</b>
<b>Nonfederal</b>	<b>34,369,414</b>	<b>21,869,061</b>	<b>3,063,193</b>	<b>77,153,073</b>	<b>20,666,405</b>	<b>194,904,797</b>	<b>14,869,935</b>	<b>366,895,878</b>
<b>INCREASE(DECREASE)</b>								
<b>Total</b>	<b>12,977,883</b>	<b>(6,705,030)</b>	<b>(2,482,701)</b>	<b>(6,672,623)</b>	<b>(16,966,784)</b>	<b>61,834,931</b>	<b>(1,567,494)</b>	<b>40,418,182</b>
<b>Federal</b>	<b>8,787,085</b>	<b>(2,758,426)</b>	<b>110,089</b>	<b>3,228,081</b>	<b>(10,561,031)</b>	<b>59,864,186</b>	<b>(5,980,542)</b>	<b>52,689,442</b>
<b>Nonfederal</b>	<b>4,190,798</b>	<b>(3,946,604)</b>	<b>(2,592,790)</b>	<b>(9,900,704)</b>	<b>(6,405,753)</b>	<b>1,970,745</b>	<b>4,413,048</b>	<b>(12,271,260)</b>

UNIVERSITY OF WISCONSIN SYSTEM  
GIFTS, GRANTS AND CONTRACTS AWARDED - BY INSTITUTION  
QUARTERLY REPORT & PRIOR-YEAR COMPARISON  
FISCAL YEAR 2004-2005 - Fourth Quarter

	Public Service	Instruction	Libraries	Misc	Phy Plt	Research	Student Aid	Total
<b>FISCAL YEAR 2004-2005</b>								
Madison	24,364,940	42,688,745	777,081	67,034,716	17,366,667	769,818,868	35,690,957	957,741,974
Milwaukee	5,495,115	8,184,459	71,500	2,842,299	0	22,858,324	16,546,989	55,998,687
Eau Claire	432,189	3,322,897	0	0	0	1,627,002	7,244,079	12,626,167
Green Bay	35,196	3,677,820	0	374,857	74,258	1,320,417	3,937,534	9,420,082
La Crosse	2,027,472	166,880	0	1,344,069	490,313	3,599,995	4,933,027	12,561,756
Oshkosh	4,271,929	5,267,849	0	0	0	1,499,373	4,081,631	15,120,782
Parkside	474,102	693,434	0	126,943	0	315,350	4,312,858	5,922,687
Platteville	816,621	4,310	39,775	748,653	0	263,785	4,615,001	6,488,145
River Falls	489,067	293,400	0	1,575,320	0	55,670	4,218,399	6,631,856
Stevens Point	7,127,524	1,189,177	0	1,127,524	0	1,316,920	4,951,882	15,713,027
Stout	3,364,188	146,612	0	2,508,346	8,830	349,085	6,373,955	12,751,016
Superior	60,365	98,647	0	741,329	0	1,333,773	1,580,996	3,815,110
Whitewater	443,736	145,122	0	3,401,431	37,844	201,432	6,762,650	10,992,215
Colleges	46,002	544,782	2,050	2,069,348	0	12,896	8,066,972	10,742,050
Extension	36,895,224	0	0	0	0	0	0	36,895,224
System-Wide	0	1,302,646	0	1,285,347	0	0	0	2,587,993
<b>Totals</b>	<b>86,343,670</b>	<b>67,726,780</b>	<b>890,406</b>	<b>85,180,183</b>	<b>17,977,912</b>	<b>804,572,890</b>	<b>113,316,930</b>	<b>1,176,008,771</b>
Madison	15,569,903	27,738,344	417,003	7,558,726	3,717,260	580,319,629	18,960,183	654,281,048
Milwaukee	2,415,371	7,760,777	0	278,415	0	18,628,784	16,158,690	45,242,037
Eau Claire	129,406	2,641,568	0	0	0	1,081,699	6,941,296	10,793,969
Green Bay	13,607	3,471,806	0	0	0	1,242,856	3,753,532	8,481,801
La Crosse	1,174,145	166,880	0	373,010	0	2,474,984	4,933,027	9,122,046
Oshkosh	3,435,321	5,023,049	0	0	0	1,199,276	4,081,631	13,739,277
Parkside	504,352	474,641	0	0	0	270,403	4,134,289	5,383,685
Platteville	706,620	0	3,000	303,366	0	56,822	4,614,501	5,684,309
River Falls	476,171	237,246	0	1,067,650	0	0	4,202,599	5,983,666
Stevens Point	4,762,925	227,684	0	937,997	0	710,553	4,951,882	11,591,041
Stout	2,910,961	59,406	0	1,627,112	0	312,856	5,968,672	10,879,007
Superior	60,365	88,647	0	741,329	0	1,215,783	1,580,996	3,687,120
Whitewater	373,079	85,000	0	2,625,943	0	183,703	6,144,802	9,412,527
Colleges	5,193	526,629	0	1,299,718	0	0	7,607,848	9,439,388
Extension	15,246,038	0	0	0	0	0	0	15,246,038
System-Wide	0	1,302,646	0	1,114,548	0	0	0	2,417,194
<b>Federal Totals</b>	<b>47,783,458</b>	<b>49,804,323</b>	<b>420,003</b>	<b>17,927,814</b>	<b>3,717,260</b>	<b>607,697,348</b>	<b>94,033,947</b>	<b>821,384,153</b>
Madison	8,795,037	14,950,401	360,078	59,475,990	13,649,407	189,499,239	16,730,774	303,460,926
Milwaukee	3,079,744	423,682	71,500	2,563,884	0	4,229,541	388,299	10,756,650
Eau Claire	302,783	681,329	0	0	0	545,303	302,783	1,832,198
Green Bay	21,589	206,014	0	374,857	74,258	77,561	184,002	938,281
La Crosse	853,327	0	0	971,059	490,313	1,125,011	0	3,439,710
Oshkosh	836,608	244,800	0	0	0	300,097	0	1,381,505
Parkside	(30,250)	218,793	0	126,943	0	44,947	178,569	539,002
Platteville	110,001	4,310	36,775	445,287	0	206,963	500	803,836
River Falls	12,896	56,154	0	507,670	0	55,670	15,800	648,190
Stevens Point	2,364,599	961,493	0	189,527	0	606,367	0	4,121,986
Stout	453,227	87,206	0	881,234	8,830	36,229	405,284	1,872,010
Superior	0	10,000	0	0	0	117,990	0	127,990
Whitewater	70,657	60,122	0	775,488	37,844	17,729	617,848	1,579,686
Colleges	40,809	18,153	2,050	769,630	0	12,896	459,124	1,302,662
Extension	21,649,186	0	0	0	0	0	0	21,649,186
System-Wide	0	0	0	170,799	0	0	0	170,799
<b>Nonfederal Totals</b>	<b>38,560,212</b>	<b>17,922,457</b>	<b>470,403</b>	<b>67,252,369</b>	<b>14,260,652</b>	<b>196,875,542</b>	<b>19,282,983</b>	<b>354,624,618</b>

UNIVERSITY OF WISCONSIN SYSTEM  
GIFTS, GRANTS AND CONTRACTS AWARDED - BY INSTITUTION  
QUARTERLY REPORT & PRIOR-YEAR COMPARISON  
FISCAL YEAR 2004-2005 - Fourth Quarter

	Public Service	Instruction	Libraries	Misc	Phy Plt	Research	Student Aid	Total
<b>FISCAL YEAR 2003-2004</b>								
Madison	17,683,587	42,636,411	3,209,980	75,202,032	34,608,000	704,839,751	31,456,315	909,636,076
Milwaukee	6,572,243	11,675,970	150,927	2,672,348	245,891	24,098,185	17,531,221	62,946,785
Eau Claire	949,298	3,255,345	0	0	0	1,945,239	7,390,231	13,540,113
Green Bay	2,000	3,031,496	4,200	441,638	55,000	3,559,908	3,166,939	10,261,182
La Crosse	2,089,806	880,547	2,000	2,321,276	0	3,290,335	4,918,288	13,502,252
Oshkosh	1,764,070	6,734,342	5,000	0	0	1,845,453	6,352,218	16,701,083
Parkside	746,716	1,497,745	0	111,950	0	259,452	3,998,246	6,614,109
Platteville	125,239	153,563	0	270,850	0	33,138	4,563,924	5,146,714
River Falls	358,263	163,316	0	1,144,726	0	229,052	4,234,048	6,129,405
Stevens Point	5,863,833	1,019,166	0	1,303,752	3,000	1,167,390	10,377,122	19,734,263
Stout	3,375,771	283,614	0	1,265,311	32,400	268,450	6,399,067	11,624,613
Superior	127,286	5,000	0	725,241	0	466,923	361,000	1,685,450
Whitewater	455,907	95,565	0	2,778,239	405	511,903	6,177,482	10,019,502
Colleges	16,837	1,138,250	1,000	563,909	0	151,230	7,958,322	9,829,548
Extension	33,234,931	0	0	1,189,417	0	0	0	34,424,348
System-Wide	0	1,861,481	0	1,862,118	0	71,550	0	3,795,149
<b>Totals</b>	<b>73,365,787</b>	<b>74,431,810</b>	<b>3,373,107</b>	<b>91,852,806</b>	<b>34,944,696</b>	<b>742,737,959</b>	<b>114,884,424</b>	<b>1,135,590,589</b>
Madison	12,049,707	24,279,308	200,000	5,265,253	14,000,000	517,513,416	18,885,511	592,193,195
Milwaukee	1,871,338	10,913,246	4,927	364,197	245,891	19,765,624	16,850,298	50,015,521
Eau Claire	690,228	2,527,498	0	0	0	1,551,895	7,191,789	11,961,410
Green Bay	2,000	2,929,653	0	1,000	0	3,143,907	3,040,931	9,117,491
La Crosse	1,741,824	878,407	0	1,668,386	0	2,462,502	4,914,531	11,665,650
Oshkosh	1,529,235	6,290,517	5,000	0	0	1,178,151	6,352,218	15,355,121
Parkside	644,340	1,298,452	0	0	0	250,312	3,763,725	5,956,829
Platteville	296,706	0	99,987	0	0	0	4,579,902	4,976,595
River Falls	311,569	99,117	0	689,332	0	151,980	4,134,896	5,386,894
Stevens Point	3,817,754	260,027	0	1,162,963	0	557,967	10,377,122	16,175,833
Stout	2,775,308	97,131	0	1,009,974	32,400	239,062	6,398,067	10,551,941
Superior	75,056	5,000	0	725,241	0	387,603	361,000	1,553,900
Whitewater	471,965	0	0	2,482,775	0	460,034	5,625,125	9,039,899
Colleges	4,874	1,122,912	0	319,587	0	120,709	7,539,374	9,107,456
Extension	12,714,470	0	0	0	0	0	0	12,714,470
System-Wide	0	1,861,481	0	1,011,025	0	50,000	0	2,922,506
<b>Federal Totals</b>	<b>38,996,373</b>	<b>52,562,749</b>	<b>309,914</b>	<b>14,699,733</b>	<b>14,278,291</b>	<b>547,833,162</b>	<b>100,014,489</b>	<b>768,694,711</b>
Madison	5,633,880	18,357,103	3,009,980	69,936,779	20,608,000	187,326,335	12,570,804	317,442,881
Milwaukee	4,700,905	762,724	146,000	2,308,151	0	4,332,561	680,923	12,931,264
Eau Claire	259,070	727,847	0	0	0	393,344	198,442	1,578,703
Green Bay	0	101,843	4,200	440,638	55,000	416,001	126,008	1,143,690
La Crosse	347,982	2,140	2,000	652,890	0	827,833	3,757	1,836,602
Oshkosh	234,835	443,825	0	0	0	667,302	0	1,345,962
Parkside	102,376	199,293	0	111,950	0	9,140	234,521	657,280
Platteville	(171,467)	153,563	(99,987)	270,850	0	33,138	(15,978)	170,119
River Falls	46,694	64,199	0	455,394	0	77,072	99,152	742,511
Stevens Point	2,046,079	759,139	0	140,789	3,000	609,423	0	3,558,430
Stout	600,464	186,483	0	255,337	0	29,388	1,000	1,072,671
Superior	52,230	0	0	0	0	79,320	0	131,550
Whitewater	(16,058)	95,565	0	295,464	405	51,869	552,357	979,602
Colleges	11,963	15,338	1,000	244,322	0	30,521	418,948	722,092
Extension	20,520,461	0	0	1,189,417	0	0	0	21,709,878
System-Wide	0	0	0	851,093	0	21,550	0	872,643
<b>Nonfederal Totals</b>	<b>34,369,414</b>	<b>21,869,061</b>	<b>3,063,193</b>	<b>77,153,073</b>	<b>20,666,405</b>	<b>194,904,797</b>	<b>14,869,935</b>	<b>366,895,878</b>

**UNIVERSITY OF WISCONSIN SYSTEM**  
**GIFTS, GRANTS AND CONTRACTS AWARDED - BY INSTITUTION**  
**QUARTERLY REPORT & PRIOR-YEAR COMPARISON**  
**FISCAL YEAR 2004-2005 - Fourth Quarter**

	Public Service	Instruction	Libraries	Misc	Phy Plt	Research	Student Aid	Total
<b>INCREASE (DECREASE)</b>								
Madison	6,681,353	52,334	(2,432,899)	(8,167,316)	(17,241,333)	64,979,117	4,234,642	48,105,898
Milwaukee	(1,077,128)	(3,491,511)	(79,427)	169,951	(245,891)	(1,239,861)	(984,232)	(6,948,098)
Eau Claire	(517,109)	67,552	0	0	0	(318,237)	(146,152)	(913,946)
Green Bay	33,196	646,324	(4,200)	(66,781)	19,258	(2,239,491)	770,595	(841,100)
La Crosse	(62,334)	(713,667)	(2,000)	(977,207)	490,313	309,660	14,739	(940,496)
Oshkosh	2,507,859	(1,466,493)	(5,000)	0	0	(346,080)	(2,270,587)	(1,580,301)
Parkside	(272,614)	(804,311)	0	14,993	0	55,898	314,612	(691,422)
Platteville	691,382	(149,253)	39,775	477,803	0	230,647	51,077	1,341,431
River Falls	130,804	130,084	0	430,594	0	(173,382)	(15,649)	502,451
Stevens Point	1,263,691	170,011	0	(176,228)	(3,000)	149,530	(5,425,240)	(4,021,236)
Stout	(11,583)	(137,002)	0	1,243,035	(23,570)	80,635	(25,111)	1,126,404
Superior	(66,921)	93,647	0	16,088	0	866,850	1,219,996	2,129,660
Whitewater	(12,171)	49,557	0	623,193	37,439	(310,472)	585,168	972,713
Colleges	29,165	(593,468)	1,050	1,505,439	0	(138,334)	108,650	912,502
Extension	3,660,293	0	0	(1,189,417)	0	0	0	2,470,876
System-Wide	0	(558,835)	0	(576,770)	0	(71,550)	0	(1,207,155)
<b>Totals</b>	<b>12,977,883</b>	<b>(6,705,030)</b>	<b>(2,482,701)</b>	<b>(6,672,623)</b>	<b>(16,966,784)</b>	<b>61,834,931</b>	<b>(1,567,494)</b>	<b>40,418,182</b>
Madison	3,520,196	3,459,036	217,003	2,293,473	(10,282,740)	62,806,213	74,672	62,087,853
Milwaukee	544,033	(3,152,469)	(4,927)	(85,782)	(245,891)	(1,136,840)	(691,608)	(4,773,484)
Eau Claire	(560,822)	114,070	0	0	0	(470,196)	(250,493)	(1,167,441)
Green Bay	11,607	542,153	0	(1,000)	0	(1,901,051)	712,601	(635,690)
La Crosse	(567,679)	(711,527)	0	(1,295,376)	0	12,482	18,496	(2,543,604)
Oshkosh	1,906,086	(1,267,468)	(5,000)	0	0	21,125	(2,270,587)	(1,615,844)
Parkside	(139,988)	(823,811)	0	0	0	20,091	370,564	(573,144)
Platteville	409,914	0	(96,987)	303,366	0	56,822	34,599	707,714
River Falls	164,602	138,129	0	378,318	0	(151,980)	67,703	596,772
Stevens Point	945,171	(32,343)	0	(224,966)	0	152,586	(5,425,240)	(4,584,792)
Stout	135,653	(37,725)	0	617,138	(32,400)	73,794	(429,395)	327,065
Superior	(14,691)	83,647	0	16,088	0	828,180	1,219,996	2,133,220
Whitewater	(98,886)	85,000	0	143,168	0	(276,331)	519,677	372,628
Colleges	319	(596,283)	0	980,131	0	(120,709)	68,474	331,932
Extension	2,531,568	0	0	0	0	0	0	2,531,568
System-Wide	0	(558,835)	0	103,523	0	(50,000)	0	(505,312)
<b>Federal Totals</b>	<b>8,787,085</b>	<b>(2,758,426)</b>	<b>110,089</b>	<b>3,228,081</b>	<b>(10,561,031)</b>	<b>59,864,186</b>	<b>(5,980,542)</b>	<b>52,689,442</b>
Madison	3,161,157	(3,406,702)	(2,649,902)	(10,460,789)	(6,958,593)	2,172,904	4,159,970	(13,981,955)
Milwaukee	(1,621,161)	(339,042)	(74,500)	255,733	0	(103,021)	(292,624)	(2,174,615)
Eau Claire	43,713	(46,518)	0	0	0	151,959	104,341	253,495
Green Bay	21,589	104,171	(4,200)	(65,781)	19,258	(338,440)	57,994	(205,409)
La Crosse	505,345	(2,140)	(2,000)	318,169	490,313	297,178	(3,757)	1,603,108
Oshkosh	601,773	(199,025)	0	0	0	(367,205)	0	35,543
Parkside	(132,626)	19,500	0	14,993	0	35,807	(55,952)	(118,278)
Platteville	281,468	(149,253)	136,762	174,437	0	173,825	16,478	633,717
River Falls	(33,798)	(8,045)	0	52,276	0	(21,402)	(83,352)	(94,321)
Stevens Point	318,520	202,354	0	48,738	(3,000)	(3,056)	0	563,556
Stout	(147,236)	(99,277)	0	625,897	8,830	6,841	404,284	799,338
Superior	(52,230)	10,000	0	0	0	38,670	0	(3,560)
Whitewater	86,715	(35,443)	0	480,025	37,439	(34,141)	65,491	600,085
Colleges	28,846	2,815	1,050	525,308	0	(17,625)	40,176	580,570
Extension	1,128,725	0	0	(1,189,417)	0	0	0	(60,692)
System-Wide	0	0	0	(680,293)	0	(21,550)	0	(701,843)
<b>Nonfederal Totals</b>	<b>4,190,798</b>	<b>(3,946,604)</b>	<b>(2,592,790)</b>	<b>(9,900,704)</b>	<b>(6,405,753)</b>	<b>1,970,745</b>	<b>4,413,048</b>	<b>(12,271,260)</b>

REVISED

I.3. Physical Planning and Funding Committee

Thursday, September 8, 2005  
UW-Extension  
Washington County Fair Park  
3000 Hwy PV  
West Bend, Wisconsin

- 9:30 a.m. Tours to view community based education and applied research programs
- 11:30 a.m. Roundtable Lunch, Washington County Fair Park
- 12:15 p.m. All Regents (Room 112)
- Committee on Retreat Follow-Up: Board of Regents Goals for the Coming Year
- 1:15 p.m. Business and Finance Committee – All Regents Invited (Room 112)
- Review of Employment Policies and Practices
- 2:30 p.m. Physical Planning and Funding Committee Meeting (Room 117)
- a. Approval of the Minutes of the June 9, 2005 Meeting of the Physical Planning and Funding Committee
  - b. UW-Extension Presentation: Educational and Public Service Applications for Datacasting
  - c. UW-Madison: Approval to Implement the University Square Development Project and Amend the Campus Boundary  
[Resolution I.3.c.]
  - d. UW-Madison: Park Street Residence Hall Naming  
[Resolution I.3.d.]
  - e. UW-Madison: University Ridge Golf Course Phase III – Revised Scope and Budget  
[Resolution I.3.e.]
  - f. UW-Madison: Dayton Street Residence Hall Revised Budget  
[Resolution I.3.f.]
  - g. UW-Superior: Wessman Arena Locker Room Addition (Design Report)  
[Resolution I.3.g.]
  - h. UW System: Facility Maintenance and Repair Projects  
[Resolution I.3.h.]



- i. UW System: 2005-07 Required Capital Budget Adjustments  
[Resolution I.3.i.]
- j. Report of the Assistant Vice President
  - Building Commission Actions
  - UW Colleges Annual Report
- x. Additional items which may be presented to the Committee with its approval
- z. Closed session to consider personal histories, as permitted by s.19.85(1)(f) *Wis. Stats.*, related to the naming of facilities at UW-Platteville

Approval to Implement the University Square  
Development Project and Amend the Campus  
Boundary, UW-Madison

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, approval be granted to:

1. implement the Master Term Sheet for the University Square Redevelopment Project in conjunction with Madison Real Estate Properties, in accordance with the Master Term Sheet, along with improvements to the East Campus Pedestrian Mall, at an estimated total cost of \$56,850,000;
2. amend the campus boundary to include the redevelopment site;
3. release \$17,000,000 Program Revenue Supported Borrowing (student segregated fees) in September 2005;
4. release \$39,850,000 General Fund Supported Borrowing in July 2007; and
5. authorize the officers of the Board to execute the Ground Lease, Development Agreement, Condominium Documents, Purchase Agreement, Right of First Offer, easements and other agreements and documents required to implement the project in accordance with the provisions of the Master Term Sheet.

# THE UNIVERSITY OF WISCONSIN SYSTEM

## Request for Board of Regents Action September 2005

1. Institution: The University of Wisconsin–Madison
2. Request: Requests (1) approval of the proposed agreements contained in the Master Term Sheet with Madison Real Estate Properties for the redevelopment of the University Square Development Project, along with improvements to the East Campus Pedestrian Mall for a total project cost of \$56,850,000; (2) approval to amend the campus boundary; and (3) the release of \$17,000,000 Program Revenue Supported Borrowing (student segregated fees) September 2005, and the release of \$39,850,000, General Fund Supported Borrowing in July 2007.
3. Description and Scope of Project: The State of Wisconsin and the University of Wisconsin-Madison will partner with Madison Real Estate Properties (MREP) to engage the developer (Executive Management Incorporated) to construct a master condominium project on the development parcel which will create a minimum of four condominium units; the University Unit, one or more Retail Units, one or more Private Housing Unit(s), and a Parking Unit.

The University Square Mall is a 25-year-old, one story retail building occupying 2.05 acres and bordered by University Avenue to the north, West Johnson Street to the south, and Lake Street to the east. On the west side of University Square is the approximately 1.38 acres property owned by the Board of Regents which encompasses a parking lot (Lot 47) and the east campus mall. The current mall houses approximately 20 businesses including: restaurants, financial institutions, convenience stores, theatres, and a U.S. Post Office branch. It is outdated, underutilized, in critical need of improvement and lacks adequate parking.

The proposed project provides a unique opportunity for the university and the private sector to cooperate in the redevelopment of the eastern gateway to the UW-Madison campus. The complete project will be approximately 1,104,656 square feet including parking. The University Unit portion will occupy approximately 229,779 square feet of the project and will consist of offices for the bursar, registrar, Student Financial Services, University Health Service, and a student activity center.

In order to facilitate the project development the university is requesting that the redevelopment site be included in the campus development plan boundary. The portion of the developer's land will remain privately held.

The university's participation in the project will require the execution of five documents or sets of documents, including a ground lease (the "Ground Lease") between the Board of

Regents and MREP, leasing the university property to MREP for purposes of creating the development parcel. The parties will also execute a Development Agreement, a Purchase Agreement and a Right of First Offer. Finally, the university will, as part of the Development Agreement, have certain approval rights over the condominium creation documents.

A more detailed summary of the transactions follows:

- (a) The Board of Regents will lease a portion of the university to MREP, pursuant to a 99-year ground lease with successive ten year renewal options. The university will grant an easement over the remainder of the university property (the proposed East Campus Pedestrian Mall) for the project.
- (b) MREP will construct the project and build a new building on the university property according to plans and specifications developed by Executive Management Incorporated and its consultants which will be reviewed and approved by the university.
- (c) The State of Wisconsin and the Board of Regents of the University of Wisconsin System will engage EMI to develop the University Unit and associated common elements. The contract will be a guaranteed maximum price contract. EMI will be paid a development fee of \$1,600,000 for their construction oversight and project implementation services. The State Department of Administration will retain the services of a private representative (Jefferson Wells) to audit and assess the project's construction and financial records. EMI agrees to cooperate with the state on audit rights, contingency funds, business ethics, dispute resolution procedures, and offset rights.
- (d) The university will pay its share of architect design fees mutually agreed upon with EMI. EMI will hire contractors and paying prevailing wages in Madison, Wisconsin. EMI will use a competitive bid process for construction bidding.
- (e) EMI on behalf of MREP will obtain all necessary construction and permanent financing for the project. EMI will obtain all necessary state and local consents, approvals, and permits for the project including all city and county zoning, construction and building approvals, and permits. The university will pay EMI to prepare an Environmental Impact Statement (EIS) for the University Unit portion of the project.
- (f) Substantial completion of the University Unit will occur no later than three years after the start of construction. Substantial completion will be specified in the Purchase Agreement.
- (g) A document will be created outlining the Condominium Units. MREP and the university will negotiate provisions in the condominium documents to address the university's operational issues.

- (h) The purchase agreement will define the University Unit pursuant to the condominium plat.
- The Board of Regents of the University of Wisconsin System will be the “Buyer” and MREP or its assign will be the “Seller”.
  - The total project cost is \$56,850,000.
  - The maximum cost to purchase the University Unit includes the ‘hard cost’ to construct the University Unit plus the development fee. This amount will be \$41,711,000.
  - The ‘soft cost’ includes A/E fees, furniture, fixtures, and equipment (FFE costs). This amount will be \$15,139,000.
  - The final hard costs for the University Unit will be determined after the project is bid. It is anticipated that the soft costs and FFE costs will be set at a later date (other than the development fee which is set forth in the Master Term Sheet) and that the purchase agreement may set allowances for many of the items in these categories.
- (i) The purchase price will be adjusted at closing to reflect the actual hard costs, soft costs, and FFE cost; provided, however, that if the actual construction cost for the University Unit is less than the hard cost, the purchase price shall be reduced by one-half of the difference between the hard cost and the actual construction cost of the University Unit with the other half of the difference being paid to the contractor as an incentive to have costs come in under the guaranteed maximum price for the University Unit. The purchase price will be due in full at closing.
- (j) The Right of First Offer is the agreement between the Board of Regents of the University of Wisconsin System and MREP (or its assign) requiring each party to seek an offer to purchase from the other party before selling its unit or units to a third party.
4. Justification of the Project: This project will allow UW-Madison to address a number of high-priority campus issues – consolidated and replacement space for University Health Services (UHS), construction of a student activities center, and consolidation of high traffic student service departments in a single location.

University Health Services is an essential student service that is currently housed in substandard, separate, and non-central campus locations. Current UHS space is inadequate, and is being used at maximum capacity. Lack of additional space impairs its ability to deliver effective primary care and fully achieve its teaching/training mission. Neither of the UHS locations was designed as an ambulatory health care facility. Each presents physical barriers to the efficient delivery of high quality care. The age, design and site of the buildings prohibit significant expansion or renovation. Failure to address these conditions will jeopardize UHS accreditation and leave it in cramped quarters ill suited to efficient delivery of the organization’s mission.

The new space will be designed to meet essential programmatic needs. Clustered office and treatment areas will facilitate interdisciplinary practice and collaboration, clinical teaching, and access to necessary support services. Patient/client confidentiality and privacy will be insured during registration, waiting, examination, and treatment. Structural flexibility is needed to accommodate rapidly changing technology in information systems and medical instrumentation. Examining rooms with sinks, and adequately sized, well-ventilated waiting rooms will be provided to prevent the transmission of communicable diseases. Flexible meeting spaces will accommodate groups of various sizes and functions.

Students at UW-Madison have never had a dedicated student organization facility. This deficiency has significantly hampered the effectiveness of student organizations to recruit members, pursue their goals, and develop inter-organizational relationships. A centralized, accessible student activities center would provide students with a place to meet, conduct business, and contribute to the overall vitality and continuity of student organizations. The proposed student activity center will accommodate the needs of approximately 100 student organizations that require mail boxes, meeting rooms, locker/storage spaces and temporary program spaces.

Student services like registration, the bursar's office and financial services are currently housed at 432 North Murray and in the A.W. Peterson Building which was designed when registration and payment processes necessitated large open spaces to handle long lines of students paying fees, picking up aid checks, turning in course registration materials, and having "fee cards" stamped.

By combining the University Health Services and student activities center into one project, the students have made a commitment to fund a portion of the UHS cost in addition to 100% of their student activities center. Their strong commitment led to a waiver of Regent policy that disallows anything but GPR funding for student health facilities. Including these three offices together at University Square offers an opportunity to eliminate redundancies and customer confusion. During the last decade, the university has identified the consolidation of student service and student-related facilities as an institutional priority. These efforts are aimed at improving the identity and quality of services provided to all students at the university. Locating these three student service offices in the University Square Development will address existing space shortages and facility deficiencies for these programs, and ensure speedy and accurate flow of information during awarding, disbursement, and servicing of financial aid monies for students and their families.

5. Budget and Schedule:

PROJECT COST	
Construction & Development Costs	\$41,711,000
University Driven Costs (A/E fees, furniture, equipment, EIS, telecomm. etc.)	\$15,139,000
TOTAL:	\$56,850,000
SOURCES OF FUNDS	
Program Revenue Supported Borrowing (Seg Fees)	\$17,000,000
General Fund Supported Borrowing	\$39,850,000
TOTAL	\$56,850,000

SCHEDULE	
Start of Construction	Prior to August 1, 2007
Substantial Completion & Occupancy	No later than 3 years after the start of construction

6. Previous Action:

August 19, 2004  
Resolution 8888

Approved a University Square Development project as part of the 2005-07 Capital Budget Request at an estimated cost of \$56,850,000 with the release of \$17,000,000 PRSB (student segregated fees) in July 2005 and release of \$39,850,000 GFSB in July 2007.

Authority to name the Park Street Residence  
Hall, UW-Madison

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to name the Park Street Residence Hall, which is located at 35 North Park Street on the UW-Madison campus, the “Newell J. Smith Hall”.



# THE UNIVERSITY OF WISCONSIN SYSTEM

## Request for Board of Regents Action September 2005

1. Institution: The University of Wisconsin-Madison
2. Request: Requests authority to name the Park Street Residence Hall, which is located at 35 North Park Street on the UW-Madison campus, the “Newell J. Smith Hall”. This request is contingent upon the acquisition of the building.
3. Summary and Background: This request is in accordance with the University of Wisconsin Board of Regents policy 96-1 which requires that every request to name a facility after a person be brought to the Physical Planning and Funding Committee for discussion in closed session at least one month before a request for formal action by the board. A proposal to name the Park Street Residence Hall after Newell J. Smith was discussed in closed session by the Board of Regents in June 2005. Further, the naming policy states that if the request involves a living individual who has been formally associated with the University of Wisconsin System, or has held a paid public office, a waiting period is required unless a situation is presented where a gift stipulates the naming. Normally, at least five years must have elapsed from the time a person has terminated formal association with the University or left the paid public office. This naming is not a stipulation of a gift and Mr. Smith retired from university service in 1983.
4. Biographical Information: In a remarkable career of ascending responsibility at the University of Wisconsin–Madison, Newell J. Smith provided decades of dedicated service to the university, its students, their families, and the state of Wisconsin. The length of his career is noteworthy, yet even more important is the widely recognized high quality of his work. The lives of thousands of students were enhanced immeasurably because of Newell Smith’s valuable contributions and guidance.

Born in Galesville, Wisconsin in 1918, Newell entered the university as a freshman in 1936. He earned early recognition for his dependability and effectiveness as a student worker in the university residence halls, where he lived for all of his undergraduate years. He joined the university staff in 1941 after earning a bachelor’s degree in economics, and served continuously – with the exception of military service in WWII – until his retirement in 1983.

Newell was director of the Division of University Housing for 28 years (1955-1983). During Newell’s tenure, the University of Wisconsin experienced dramatic change. Enrollment almost doubled and the number of residents in university housing almost tripled. This was a remarkably challenging era for the staff working on campus. Housing

staff members were addressing the complex daily needs of students as well as managing the construction of new buildings (including Witte, Sellery, and Ogg Halls, among others) which increased capacity by nearly 5,000 spaces. Through Newell's skillful coordination with campus staff, as well as state and federal agencies, University Housing successfully adapted to educational and social changes, and maintained its financial position.

Newell developed a national reputation as an excellent administrator and advocate for students. Newell was elected President of the Association of College and University Housing Officers (ACUHO) in 1961. He was frequently consulted by universities throughout the United States and Canada, as well as by numerous other public agencies. Newell's professional affiliations include serving as chairman of the Federal Housing and Home Finance Agency (HFFA).

Newell's leadership was characterized by a great faith in students and an equally great belief that quality housing operations contribute significantly to a college education. Newell once said, "We try to give students as much decision making as we can within the limits of our obligation to supervise. We have found that if you provide students with solid information on which to base decisions, they generally make good ones."

Newell enthusiastically supported the philosophy that university housing should be a respected partner in the total educational enterprise of the university, and acted on that vision throughout his career.

5. Previous Action: A proposal to rename the Park Street Residence Hall building after Newell J. Smith was discussed in closed session at the June 2005 Board of Regents meeting.

Authority to Revise the Scope and Budget of the  
University Ridge–Phase III Project, UW-Madison

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to increase the scope and the budget of the University Ridge–Phase III project by \$1,192,200 Program Revenue Supported Borrowing, for an estimated project cost of \$4,880,200 (\$3,680,200 Program Revenue Supported Borrowing, and \$1,200,000 Program Revenue-Cash).

# THE UNIVERSITY OF WISCONSIN SYSTEM

## Request for Board of Regents Action September 2005

1. Institution: The University of Wisconsin-Madison
2. Requests: Requests authority to increase the scope and the budget of the University Ridge–Phase III project by \$1,192,200 Program Revenue Supported Borrowing, for an estimated project cost of \$4,880,200 (\$3,680,200 Program Revenue Supported Borrowing, and \$1,200,000 Program Revenue-Cash).
3. Description and Project Scope: The previously approved project added a new short game practice area for use by both the UW men's and women's golf teams. It also reconstructed and added space to the existing practice tee area, and added a new nine-hole academy course. The increase to this project scope expands some of the holes on the existing course, adds a cross country course on the undeveloped land for use by both of the UW men's and women's track teams, and replaces the existing irrigation system throughout the entire course, expanding it to serve the new areas.
4. Justification: This previously approved project primarily addressed the needs of the UW golf teams by providing a short course and additional hitting areas for practice by the teams. The nine hole academy course provided a high quality golf opportunity for beginners, youth, and elderly, with a shorter length, lower cost, and quicker pace play than the championship eighteen hole course. This course also provided a source of additional revenue that is essential to the overall business and renovation plans of the course.

The increase to the project scope provides needed expansion to the existing holes, which have not been altered in any way since the course opened in 1991. On the present course, the length from the back tees, 6,888 yards, is considerably shorter than most championship courses of this caliber. However, with the new technologies offered in the game of golf over the past decade, players are hitting longer distances than ever before. For University Ridge to have an opportunity to host championships, in particular NCAA men's tournaments, its length must be expanded.

The increased scope also adds a cross country course to the undeveloped land on the University Ridge site. The nationally ranked UW cross country teams have never had a home course available for practice or competition. Their typical practice locations have been either local golf courses or parks. This is obviously not an ideal situation as consistency is a must in this sport. It is very common that many universities have their cross country courses designed and built in conjunction with their golf courses.

Finally, the existing course irrigation system was installed in 1990, with a life expectancy of 12 to 15 years, and is in need of replacement. In addition, new irrigation systems will be

installed with the course expansion and the academy course. Replacing irrigation as part of this project is more efficient and causes less disruption than implementing a separate project, and should result in cost savings.

A larger expansion project was enumerated as part of the 2001-03 Capital Budget at a cost of \$15,560,000. Since that time a number of factors, including new golf coaches, a new athletic director, and the relationship of this project to the overall athletic department financial plan, have led to the establishment of new priorities for University Ridge. As a result, a project of smaller scope is being proposed.

The program revenue cash funding component of this project will be covered by University Ridge existing cash reserves. Revenue generated from the course is expected to cover the debt service. Any gift funds raised for this project will replace the bonding.

5. Budget and Schedule:

Budget	%	Cost
Construction		\$4,088,000
A/E Fees	8.0%	327,000
DSF Mgmt. Fee	4.0%	\$175,000
Contingency	7.0%	286,000
Percent for Art	0.25%	\$12,200
Total Project Cost		\$4,888,200

6. Previous Action:

August 25, 2000  
Resolution 8175

Recommended that the University Ridge, Phase III project be submitted to the Department of Administration and the state Building Commission as part of the university's 2001-03 Capital Budget request, at an estimated project cost at a cost of \$15,560,000 (\$10,134,000 Program Revenue Supported Borrowing and \$5,426,000 Gifts Funds).

November 2004  
Resolution 8938

Granted authority to design and construct a University Ridge - Phase III project that consists of outdoor short game practice area, a new driving range and nine-hole academy course at an estimated project cost of \$3,688,000 (\$2,488,000 Program Revenue Supported Borrowing and \$1,200,000 Program Revenue Cash).

Authority to Revise the Budget of the Dayton  
Street Residence Hall Project, UW-Madison

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to increase the budget of the Dayton Street Residence Hall project by \$\_\_\_\_\_ Program Revenue Cash for a total revised project cost of \$\_\_\_\_\_ (\$\_\_\_\_\_ Program Revenue Supported Borrowing and \$\_\_\_\_\_ Program Revenue Cash.

***Note: At the time of this printing the campus is waiting for bid results for this project which will be known on September 7, 2005. Missing information above will be provided when it becomes available.***

# THE UNIVERSITY OF WISCONSIN SYSTEM

## Request for Board of Regents Action September 2005

1. Institution: The University of Wisconsin–Madison
2. Request: Requests authority to increase the budget of the Dayton Street Residence Hall project by \$\_\_\_\_\_ Program Revenue Cash for a total revised project cost of \$\_\_\_\_\_ (\$\_\_\_\_\_ Program Revenue Supported Borrowing and \$\_\_\_\_\_ Program Revenue Cash. (current approval \$34,900,000 PRSB and \$1,000,000 PR-cash).

***At the time of this printing the campus is waiting for bid results for this project which will be known on September 7, 2005. Missing information above will be provided when it becomes available.***

3. Description and Scope of Project: This project will construct a 615-bed 135,780 ASF/188,240 GSF residence hall to be located on the southeast corner of Dayton and Park Streets. It will provide housing for 600 first year and second year students and 15 house fellows. The design is organized around an eight bed (four room) cluster with a private bath for each cluster. The only single rooms in the residence hall will be for the house fellows. Five of these clusters constitute a forty bed “house” which is managed by a house fellow. Each of the five floors is composed of three houses with a central access point. Common space on each floor includes two study lounges and a main lounge with an adjacent kitchen area. All other building support and common space will be located on the main floor.

Due to the increase in construction costs that has occurred since this project was enumerated, a base bid package was developed anticipated to be within budget, but deleted program elements that included finishing out of program space and construction of a basement. Currently, most residence hall throughout UW-System have basements. The nature of residence halls require more storage than other campus buildings. Basements also provide opportunity for future program space.

The Division of University Housing department wishes to increase this project budget to allow for the construction of the basement and other program items. The list of bid alternates are: construction of a full basement; build out of the east end of the first floor meeting area; carpet and VCT flooring throughout the project; fitting out of resident room closets; build out of a short term stay suite and apartment and interior signage.

Since the project budget was established, site contamination and design modifications required for Urban Design Commission zoning approval have also contributed to the increased costs.

4. Justification of the Request: Bids for the residence hall construction were opened on September 7, 2005. The lowest base bid exceeded the amount designated for construction of the Residence Hall by approximately \_\_\_\_\_. Further reductions in the project scope will impact Housing's student residential life programs.

In order to have the residence hall ready for occupancy in fall 2007, the Division of University Housing will fund the increased costs through the use of program revenue cash.

5. Budget and Schedule:

	Approved Budget	Revised Budget (TBD)
Construction Cost:	\$30,114,900	
Residence Hall (\$27,377,600)		
Ogg Demolition and Recreation Space (\$2,737,300)		
Contingency	\$1,528,500	
A/E Fees	\$1,850,000	
DFD Mgmt.	\$1,288,000	
Plan Review/Testing/EIS	\$129,000	
Hazardous Material Abatement	\$900,000	
Percent for Art	\$89,600	
Total Project Cost	\$35,900,000	

6. Previous Action:

February 2004 Resolution 8793	Granted authority to seek enumeration in the Spring 2004 legislative session for a Dayton Hall Residence Hall project at a cost of \$35,900,000.
March 11, 2005 Resolution 8982	Granted authority to: (1) construct a Dayton Street Residence Hall project; (2) demolish Ogg Hall and (3) create new recreational and green space as part of the East Campus Pedestrian Mall at a cost of \$35,900,000 (\$34,900,000 Program Revenue Supported Borrowing and \$1,000,000 Program Revenue-Cash).



Approval of the Design Report and Authority to  
Construct the Wessman Arena Locker Room  
Addition Project, UW-Superior

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Superior Chancellor and the President of the University of Wisconsin System, the Design Report be approved and authority be granted to construct the Wessman Arena Locker Room Addition project for an estimated total project cost of \$1,124,000 (\$449,600 General Fund Supported Borrowing and \$674,400 Program Revenue Supported Borrowing).

# THE UNIVERSITY OF WISCONSIN SYSTEM

## Request for Board of Regents Action September 2005

1. Institution: The University of Wisconsin-Superior
2. Request: Requests approval of the Design Report and authority to construct the Wessman Arena Locker Room Addition project for an estimated total project cost of \$1,124,000 (\$449,600 General Fund Supported Borrowing and \$674,400 Program Revenue Supported Borrowing).
3. Description and Scope of Project: This project constructs a 4,600 GSF addition to the Wessman Arena at UW-Superior to provide two varsity locker rooms, one for each gender, a training room, a stretching/conditioning room, and additional storage space. Approximately 1600 GSF of existing space is remodeled to provide a laundry/storage room, a workshop, an administrative area, a maintenance room, and an accessible toilet room.
4. Justification of the Request: Constructed in 1970 as a joint venture between the university and the city of Superior, Wessman Arena was intended to serve the university men's hockey program, the high school men's hockey program, and a visiting team. Since then, the university and high school have both added female teams and continue to use the Wessman facility as "home ice." During dry-floor time, the arena is used for public and university events, sport and trade shows, conventions, concerts, and banquets. Temporary locker room facilities (mobile home trailer units) were installed adjacent to the arena several years ago to accommodate the newly formed university women's hockey team. However, these women's locker facilities are not comparable to the men's hockey locker facilities and are not Title IX compliant. The temporary trailer facility does not meet the needs of the university or high school hockey programs.

The existing training room is inadequate to support two hockey teams. The current training room was carved out of the garage area used to house the ice-conditioning machine. The make-shift training room has minimal equipment consisting of a sink, a portable whirlpool, and two portable training tables. A training facility containing six tables and two whirlpools is needed to support the 60 university players. The training area also lacks space for therapy equipment to work on shoulder, knee, and ankle injuries which are common in a hockey program.

The arena facility lacks appropriate weight training or strength conditioning resources necessary for hockey athletes. As a result a 20'x20' area in an adjacent, unheated garage building has been serving as their weight training facility, with limited free weights to use. The newly constructed Health & Wellness facility in the Gates Gymnasium is used for the

more intense weight training and strength conditioning needs of the hockey athletes. However, the arena facility lacks basic weight training and conditioning facilities necessary for pre-game conditioning.

In February 2004, the student body approved a segregated fee increase of \$20.00 to fund the program revenue portion of the project. This fee increase is being phased in over two years, with 2006 being the final year of phase-in. In addition to student support for the facility, the city of Superior provides a subsidy which is increased annually by consumer price indices. The city subsidy for fiscal year 2005 was \$56,265. This agreement is in effect until 2020. Also, the School District of Superior pays the competitive market rate for use of the Wessman Arena for their hockey program practice and games.

5. Budget:

Construction	%	\$905,000
Haz. Mat. Abatement		3,000
A/E Fees	13.7%	122,277
Other Fees		7,560
DFD Management Fee	4.0%	38,300
Contingency	5.0%	45,063
Movable & Special Equipment		0
Percent for the Arts	0.025%	2,800
Estimated Total Project Cost		\$1,124,000

6. Previous Action:

August 22, 2002  
Resolution 8582

Recommended that the Wessman Arena Locker Room Addition project be submitted to the Department of Administration and the state Building Commission as part of the UW System 2003-2005 Capital Budget request at an estimated total project cost of \$1,124,000 (\$573,400 General Fund Supported Borrowing and \$550,600 Program Revenue Supported Borrowing). The project was subsequently enumerated in the 2003-2005 Capital Budget at \$1,124,000 (\$449,600 General Fund Supported Borrowing and \$674,400 Program Revenue Supported Borrowing).

Authority to Construct Various Maintenance and  
Repair Projects, UW System

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the President of the University of Wisconsin System, authority be granted to construct various maintenance and repair projects at an estimated total cost of \$7,523,500 (\$4,448,200 General Fund Supported Borrowing, \$246,400 Program Revenue Supported Borrowing, and \$2,828,900 Program Revenue-Cash).

# THE UNIVERSITY OF WISCONSIN SYSTEM

## Request for Board of Regents Action September 2005

1. Institution: The University of Wisconsin System
2. Request: Requests authority to construct various maintenance and repair projects at an estimated total cost of \$7,523,500 (\$4,448,200 General Fund Supported Borrowing, \$246,400 Program Revenue Supported Borrowing, and \$2,828,900 Program Revenue-Cash).

### FACILITIES MAINTENANCE & REPAIR

INST	PROJ. NO.	PROJECT TITLE	GFSB	PRSB	PR CASH	GIFT/GRANT	BTF	TOTAL
LAX	05H1J	Multi-Bldg Plumb Sys Repl	\$ -	\$ -	\$ 1,566,100	\$ -	\$ -	\$ 1,566,100
LAX	05H1L	Whitney Roof Repl	\$ -	\$ -	\$ 143,400	\$ -	\$ -	\$ 143,400
FM&R SUBTOTALS			\$ -	\$ -	\$ 1,709,500	\$ -	\$ -	\$ 1,709,500

### HEALTH, SAFETY, & ENVIRONMENTAL PROTECTION

INST	PROJ. NO.	PROJECT TITLE	GFSB	PRSB	PR CASH	GIFT/GRANT	BTF	TOTAL
OSH	05H1N	Nelson Hall Fire Alarm Repl	\$ -	\$ 180,500	\$ -	\$ -	\$ -	\$ 180,500
SUP	05H2D	Wessman Fire Alarm Repl	\$ 65,900	\$ 65,900	\$ -	\$ -	\$ -	\$ 131,800
HS&E SUBTOTALS			\$ 65,900	\$ 246,400	\$ -	\$ -	\$ -	\$ 312,300

### UTILITIES REPAIR & RENOVATION

INST	PROJ. NO.	PROJECT TITLE	GFSB	PRSB	PR CASH	GIFT/GRANT	BTF	TOTAL
GBY	05H3O	Campus City Water Connection	\$ 345,000	\$ -	\$ 30,000	\$ -	\$ -	\$ 375,000
MIL	05H1O	Htg Plnt Chiller Power Conv	\$ 1,292,500	\$ -	\$ 246,200	\$ -	\$ -	\$ 1,538,700
MSN	05H1P	Htg Plnt Charter DDC Controls	\$ 2,744,800	\$ -	\$ 843,200	\$ -	\$ -	\$ 3,588,000
UR&R SUBTOTALS			\$ 4,382,300	\$ -	\$ 1,119,400	\$ -	\$ -	\$ 5,501,700

	GFSB	PRSB	PR CASH	GIFT/GRANT	BTF	TOTAL
SEPTEMBER 2005 AGENDA TOTALS	\$ 4,448,200	\$ 246,400	\$ 2,828,900	\$ -	\$ -	\$ 7,523,500

3. Description and Scope of Project: This request constructs maintenance, repair, renovation, and upgrades through the All Agency Projects Program.

### Facilities Maintenance and Repair Requests

LAX – 05H1J – Cartwright Center & Whitney Center Plumbing System Replacement (\$1,566,100): The project replaces the domestic water supply, drain, and vent piping originally installed in the 1957 and 1963 portions of Cartwright Center. The project also replaces the tray line conveyor and flight type dishwasher with a new continuous racking conveyor type dishwasher and a new tray line with a tray accumulator. Project work includes all demolition and restoration of interior walls and basement floor slabs as well as revisions to the dishroom layout, interior finishes, electrical, lighting, and mechanical systems (including ventilation) to accommodate the new equipment. An exterior grease interceptor with new separate interior grease drain lines is included.

The project replaces the sanitary waste lines in the lower level of the Whitney Center and rebuilds and/or replaces the exterior grease interceptor. The lines are below the lower level on grade slab and extend to the facility's exterior grease interceptor. Project work includes all demolition, excavation, and building/site restoration required to replace the existing drain lines and grease interceptor.

Cartwright Center was constructed in 1958 followed by additions and remodeling in 1963 and 1983. The majority of plumbing serving the kitchen and dishwashing areas date from this time period. Most of the water supply piping is galvanized steel, which has developed recurring leaks.

The drain lines of the same age experience regular blockages and portions of the below slab piping have collapsed when being cleaned or repaired. The resulting repairs and shut downs interrupt food service operations for extended periods. One food service area was down for a number of weeks during the 2003 school year, resulting in a loss of revenue, restricted use of the area by students and staff, causing scheduled events to be cancelled, and complicating food service vendor staffing. Leaking water lines and plugged waste lines are occurring with increasing frequency and severity. The dishwasher and tray line are more than 20 years old and are experiencing more frequent breakdowns, emergency maintenance, and related service outages. Replacement parts are becoming difficult to obtain. The replacement equipment will be more reliable and energy efficient. The facilities' food service drain lines are not connected to a grease interceptor as required by code.

Whitney Center was constructed in 1966 and houses the main food service operation on campus as well as a variety of grill and fast food type eating spaces. The drains from the food service cooking, food preparation, and warewashing activities are all original to the building. The lines frequently become blocked and must be cleared. The age, use, and frequency of failure are similar to the conditions in the Cartwright Center. The unanticipated plumbing system failures at the Cartwright Center demonstrate the need for a scheduled replacement project instead of experiencing emergency shut downs and repairs of a main food service operation.

LAX – 05H1L – Whitney Center Roof Replacement (\$143,400): This project replaces the Whitney Center's Insulated Roof Membrane Assembly (IRMA) system consisting of a membrane placed directly on the roof deck structure and covered with rigid insulation, weed barrier, and rock ballast. This project installs a replacement roofing system consisting of rigid insulation directly on the roof deck structure, covered by the roof membrane and rock ballast covering the roofing membrane.

The existing roof on the Whitney Center is over 20 years old and exceeds the expected useful life for this type of roofing system. IRMA roofing systems allow moisture to penetrate down to the membrane and flow horizontally on the membrane and then leak through the roof structure at weak points in the membrane. This makes it extremely difficult to find the source of roof leaks. Moisture that penetrates down to the membrane never dries out, resulting in more damage and deterioration. Roof leaks are beginning to occur at the Whitney Center and will continue to get worse until the roofing system is replaced.

## **Health, Safety, and Environmental Protection**

OSH – 05H1N – Nelson Hall Fire Alarm System Replacement (\$180,500): This project replaces the fire alarm system in Nelson Residence Hall. The new fire alarm system will be a fully addressable type with voice annunciation. New pull stations, smoke detection and audio/visual signaling will be installed. ADA requirements will also be addressed. The new system will be connected to the existing campus central reporting system for the reporting of trouble and alarm signals to the campus security office.

Nelson Hall is a 47,700 GSF four story residence hall built in 1965. It contains 124 resident rooms, 5 lounges, and 4 restroom/shower areas. The existing fire alarm system which was installed as part of the original construction is now obsolete. The system does not meet current standards for life safety and ADA. A new addressable system will reduce maintenance costs, increase system reliability, and provide a higher level of safety for hall occupants.

SUP – 05H2D – Wessman Arena Fire Alarm System Replacement (\$131,800): This project replaces the fire alarm system in Wessman Arena. The new fire alarm system will be a fully addressable type with one way voice capability. New pull stations, heat and smoke detectors, and speaker/strobe signal devices will be installed. An annunciator panel will be installed at the fire fighters' entrance. The new system will meet all current codes including ADA. The fire alarm panel will be connected to the campus fire alarm central reporting system.

Wessman Arena was constructed in 1970 as a 52,950 GSF ice arena for shared use by the university and city school district athletic programs. The existing fire alarm system, which was installed as part of the original construction, is obsolete. The system requires frequent maintenance, and component parts are difficult to obtain. A new addressable system will reduce maintenance cost, increase system reliability, and provide a higher level of life safety protection for occupants.

## **Utilities Repair and Renovation Requests**

GBY – 05H3O – Campus City Water Main Connection (\$375,000): The project provides a new primary connection between the campus and city of Green Bay water distribution systems. Project work includes installing 2,165 linear feet of 12-inch water main, six fire hydrants, three 12-inch main isolation valves, and a campus system pressure reducing valve installed in an underground vault.

The campus water distribution system is connected to the city of Green Bay system at three locations. The southern 12" connection failed under Highway 54/57 and is an abandoned dead end. The southern 10" connection has had similar breaks in the past. Breaks in the city main in Hwy 54/57 that supplies both these connections is difficult and expensive to access. The existing city connections are only able to maintain marginal pressure in the campus system. The multi-story Weidner Center requires three sets of domestic water booster pumps to maintain sufficient water pressure on its upper floors. Three other low rise campus buildings require fire pumps for their fire protection systems.

Since the campus was constructed the city has installed a new 16-inch high pressure main along

its eastern boundary. A flow study modeling the campus water distribution system was done to best determine how to improve and reinforce the campus system. The study recommended connecting to the 16-inch high pressure city main and feeding the campus with a new 12-inch connection and meter pit. This will provide adequate pressure in the campus system, improve fire flows, and potentially avoid booster and fire pumps in future buildings, including the Phoenix Sports Center Addition.

MIL – 05H1O – Heating Plant Chiller Steam/Electric Power Conversion (\$1,538,700): This project installs new variable speed electric motor driven compressor sets connected in parallel with the steam turbine powered compressors on the two original chillers. The existing evaporator and condenser tube bundles (heat exchangers) will not be modified. Each pair of heat exchangers will be coupled with an original 2,700-ton turbine compressor set and a new 1,700-ton electric compressor set to allow selection of either compressor set. Flow meters will be installed on condenser water lines serving the original chillers. Electronic monitoring and recording instrumentation will be installed to track all parameters that aid in the dispatch of chiller equipment.

The Heating Plant began operation in November 1969. The facility supplies an underground steam and chilled water distribution network, providing heating and air conditioning for campus buildings. Major equipment includes four boilers and three chillers. This project provides the ability to dispatch higher efficiency variable speed electric drive compressor sets for all but peak load times. The use of relatively high cost natural gas energy for chilling purposes would be replaced with relatively low cost electrical energy. An initial projection based on past chilled water generating equipment operation indicates a simple payback in the cost of operation of seven years may be possible. The flexibility of shifting the cooling load off the electric grid during periods of summer power shortages will be retained.

MSN – 05H1P – Charter Street Heating Plant Direct Digital Controls (\$3,588,000): This project provides a turn-key design and installation of a state of the art digital control system to replace the obsolete pneumatic control systems. The upgrade includes a distributed control system (DCS), instrumentation, and control elements to optimize the control of the plant's five boilers, baghouse, chillers, tower pumps, and related equipment necessary to improve the boilers' combustion efficiency and chillers' operational efficiencies. The design will include state of the art valves, transmitters, damper drives, and analyzers, as well as a graphical user interface, trend log, and alarm management functions. The DCS will also have the capability to generate operational and efficiency reports.

The pneumatic boiler controls are over 35 years old and are increasingly difficult to maintain due to the lack of replacement parts. Similar pneumatic boiler control systems in all other state heating plants have been replaced over the last 15 years. The Charter Street Plant is the only remaining operational plant to still use this type of boiler control system. Recent increases in fuel costs have elevated the importance of improving boiler and overall plant efficiency since the existing control systems are unable to provide the necessary performance. Optimizing the plant's boiler operation using new digital controls and state of the art control equipment will result in estimated annual fuel savings of \$518,000. A direct byproduct of this improvement will be a proportionate reduction in plant emissions. Reducing heating plant emissions is an ongoing campus goal which will help improve community relations and reduce concerns relating to utility



plant expansions such as the Co-Gen facility.

4. Justification of the Request: UW System Administration and Division of State Facilities continue to work with each institution to develop a comprehensive campus physical development plan, including infrastructure maintenance planning. After a thorough review of approximately 350 all agency project proposals and 2,200 infrastructure planning issues submitted, and the UW All Agency Projects Program funding targets set by the Division of State Facilities (DSF), this request represents high priority University of Wisconsin System infrastructure maintenance, repair, renovation, and upgrade needs. This request focuses on existing facilities and utilities, targets the known maintenance needs, and addresses outstanding health and safety issues. Where possible, similar work throughout a single facility or across multiple facilities has been combined into a single request to provide more efficient project management and project execution.

5. Budget:

General Fund Supported Borrowing .....	\$ 4,448,200
Program Revenue Supported Borrowing .....	246,400
Program Revenue-Cash .....	<u>2,828,900</u>
Total Requested Budget ..	\$ 7,523,500

6. Previous Action: None.

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the President of the University of Wisconsin System, the 2005-07 Capital Budget revision including the following be submitted to the Department of Administration and the state Building Commission. This revision is made to comply with direction from the Joint Finance Committee that \$10 million be reduced from the 2005-07 UW System Capital Budget funding of major projects.

1. Reduce funding for the UW System Classroom Renovation/IT Improvements project from \$7,000,000 to \$2,500,000 General Fund Supported Borrowing.
2. Reduce funding for the UW-Stout Jarvis Science Wing Renovation and Addition project from \$40,600,000 to \$35,100,000 General Fund Supported Borrowing.

## Reduction of the 2005-07 Capital Budget

### BACKGROUND

The State of Wisconsin Biennial Budget enumerated capital projects for construction in 2005-07. The state Building Commission enumerated a total of \$430 million in new general fund supported borrowing (GFSB) for maintenance and major projects for all state agencies.

The Legislature's Joint Finance Committee reduced the overall general fund supported borrowing by \$30 million directing that \$20 million come from the maintenance fund for all state agencies and that \$10 million come from UW System major projects. The UW System projects comprised over 80% of all general fund borrowing for major projects.

The state Building Commission was directed to allocate the \$10 reduction from the UW System enumerated projects and the UW System is scheduled to present recommendations to the state Building Commission on September 21, 2005

### REQUESTED ACTION

Recommend adjustments to the 2005-07 Capital Budget major projects as required by 2005 Wisconsin Act 25; the Wisconsin Biennial Budget. Resolution I.3.i.

### DISCUSSION

The following projects were enumerated as major projects for construction in 2005-07 using new general fund supported borrowing:

GFSB PROJECTS FOR 2005-07 CONSTRUCTION		2005-07 Previous Totals			
Campus	Project	GFSB	Gifts/Grants	PRSB	TOTAL
System	Classroom Renovation/IT Improvements	\$7.0			\$7.0
System	Utilities Improvements - Three Campuses	\$21.0		\$7.6	\$28.6
Stout	Jarvis Science Wing Renovation & Addition	\$40.6			\$40.6
Platteville	Tri-State Initiative (Ullsvik and Engineering)	\$10.0	\$7.5	\$23.1*	\$40.6
Whitewater	College of Business and Economics Building	\$35.5	\$5.5		\$41.0
Madison	Sterling Hall Renovation	\$17.5	\$2.0		\$19.5
Superior	Jim Dan Hill Library Renovation	\$4.5	\$2.0		\$6.5
Stevens Point	Waste Management Laboratory	\$1.8			\$1.8
Milwaukee	Golda Meir Library Remodeling - Phase I	\$3.5	\$1.4		\$4.9
<b>Subtotal</b>		<b>\$141.4</b>	<b>\$18.4</b>	<b>\$30.7</b>	<b>\$190.5</b>

The Governor's initiative for UW-Madison (The Wisconsin Institute for Discovery) was approved using \$50 million of previously enumerated GFSB for Phase I only.

\* The PRSB for the Tri-state Initiative will be paid from the tuition of Initiative students.

In approving the 2005-07 Capital Budget, the Legislature made the following targeted adjustments to individual projects.

1. UW-Madison – Reduced the GFSB for utilities by \$2 million.
2. UW-Platteville – Combined two projects in order to spread the GFSB over two biennia and failed to apply the standard inflationary percentage increase to the Ullsvik project (\$1.8 million).
3. UW-Whitewater – Increased the gift component by \$2 million to cover the standard inflation adjustment.
4. UW-Madison – Imposed a \$2 million gift requirement to the Sterling Hall project.
5. UW-Superior – Reduced the project budget by \$900,000 (12%).
6. UW-Milwaukee – Imposed a gift requirement of \$1.4 million (29%)

### **Staff Recommendation**

The UW System Office of Capital Planning and Budget recommends reducing the following project budgets to meet the \$10 million requirement.

	Project	GFSB	Reduction	New Budget
System	Classroom Renovation/IT Improvements	\$7.0	\$4.5	\$2.5
Stout	Jarvis Science Wing Renovation & Addition	\$40.6	\$5.5	\$35.1

### **Rational**

This recommendation is based on the best of many difficult options. These reductions will not be simple or painless.

The Systemwide Classroom Renovation/IT Improvement fund is a competitive pool that comprises the only funds available in the capital budget for significant classroom upgrades. This reduction is recommended because the funds are not yet allocated to institutions and there is adequate time to reprioritize pending requests to meet the most critical needs with the remaining \$2.5 million. The Board of Regents requested \$15 million for this fund. The UW System will use this biennium to resurvey the classrooms systemwide to meet the most critical needs in future years. The Legislature enumerated \$5 million for this purpose in 2003-05. The projects that will not be funded will be delayed, cost more in the future, and inhibit the institutions' ability to meet instructional needs.

UW-Stout's Jarvis Hall renovation and addition is a long-awaited improvement to the central science building on campus. This project completely remodels the Jarvis Hall Science Wing and adds space for science instruction, related research, the relocation of the Mathematics, Statistics and Computer Sciences Department into the building. The new space adds classrooms to replace functionally obsolete classrooms scattered throughout other buildings. The remodeling work repairs, replaces, and upgrades inadequate HVAC, electrical, and plumbing infrastructures and enlarges science labs to provide student stations with current technologies and instrumentation.

The \$5.5 million budget reduction for Jarvis Hall will be accomplished by applying higher standards of space utilization to classrooms and labs. All other UW System projects in planning for construction in 2005-07 and 2007-09 have also faced budget reductions and have been re-estimated using the higher space utilization specifications.

The UW System and the Department of Administration's Division of State Facilities produce project budget estimates for every project requested as part of each biennial capital budget. The budget estimates are based on anticipated project costs including normal inflation and standard estimates of space utilization.

For planning purposes each institution uses enrollment data to determine how best to utilize existing classrooms. The standard metric in the UW System for classroom utilization is 30 periods per week with an average of 67% capacity. To meet increasingly tight budgets the UW System has begun planning new projects for 35 periods per week with higher capacity ratios – especially in larger classrooms and lecture halls. This adjustment will be applied to Jarvis Hall along with slightly reducing the square-feet-per-student allocation in labs to the level of other new science buildings in the UW System.

Additionally, the Board of Regents and state Building Commission have identified four major projects for construction in 2007-09 with planning to begin in 2005-07. A target amount of \$105 million was identified based on DOA's recommendation to reduce project budgets by 25% or raise private funds of 25%. To meet the budget reduction the classroom utilization of 35 periods per week is also being applied to those projects in addition to other scope reductions. In some cases the campus is planning to raise additional gift funds to offset the project's scope reduction. Those four projects will be presented to the Board of Regents in November for authorization to begin planning.

REVISED

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

September 9, 2005  
9:00 a.m.  
Room 1113 A and B  
333 E. Washington St.  
West Bend, Wisconsin

1. Calling of the roll
2. Approval of the minutes of the July 7, 2005 meeting
3. Report of the President of the Board
  - a. Report on the July 15, 2005 meeting of the Educational Communications Board
  - b. Report on the July 26-27, 2005 meetings of the Wisconsin Technical College System Board
  - c. Report on the July 29, 2005 meeting of the Higher Educational Aids Board
  - d. Report on the September 7, 2005 meeting of the Hospital Authority Board
  - e. Additional items that the President of the Board may report or present to the Board
4. Report of the President of the System
  - a. Presentation: News from the UW Colleges/UW-Extension Administrative Integration
  - b. Additional items that the President of the System may report or present to the Board
5. Report of the Education Committee
6. Report of the Physical Planning and Funding Committee
7. Report of the Business and Finance Committee
8. Additional Resolutions
  - a. Resolution of appreciation to UW-Extension and Washington County for hosting the September meetings
  - b. Resolution of appreciation: Associate Vice President George Brooks
  - c. Resolution on Tuition Waiver for Hurricane Katrina Victims
9. Communications, petitions, memorials

10. Unfinished or additional business

11. Recess into closed session to confer with legal counsel concerning pending or potential litigation, as permitted by s.19.85 (1)(f), *Wis. Stats.*; to consider personal histories related to naming of facilities at UW-Platteville, as permitted by 19.85 (1)(f), *Wis. Stats.*; and to consider salary adjustments, as permitted by s.19.85 (1)(c), *Wis. Stats.*

The closed session may be moved up for consideration during any recess called during the regular meeting agenda. The regular meeting will reconvene in open session following completion of the closed session.

Agenda September 9, 2005

.



**Board of Regents**

**Office of the Secretary**

1860 Van Hise Hall  
1220 Linden Drive  
Madison, Wisconsin 53706  
(608) 262-2324

email: [board@uwsa.edu](mailto:board@uwsa.edu)  
website: <http://www.uwsa.edu>

September 8, 2005

**TO:** Board of Regents of the University of Wisconsin System

**FROM:** Interim Associate Vice President Sharon Wilhelm

**RE:** Report on the July 29, 2005 meeting of the  
Higher Educational Aids Board

This report summarizes agenda items of the July 29, 2005 meeting of the Higher Educational Aids Board (HEAB) that may be of interest to the Board of Regents. Summary of the agenda items is as follows:

1. Status of 2004-05 and 2005-06 Applicants and Programs

The Executive Secretary reported on the status of the 2004-05 and 2005-06 WHEG-UW program. As of July 15, 2005, the WHEG-UW had spent 99.77% (\$33,713,709) of its 2004-05 appropriation. For 2005-06, the WHEG-UW has committed 108.49% of its appropriation with 23,203 awards. This is 634 fewer awards and 10.04% more committed than at this time last year.

2. Creating an Ex-Officio HEAB Position for the Tribal Sector

The Executive Secretary recommended that the Higher Educational Aids Board create one ex-officio board position for the Tribal Sector. The Tribal Colleges would choose their representative. This would be a non-voting member of the board. The Executive Secretary also recommended that board representation should be limited to sectors whose students are eligible for either WHEG or Tuition Grant, in order to eliminate the possibility that other groups would ask for similar representation. Currently, the Tribal Sector is the only sector who has a WHEG or Tuition Grant program and is not represented on the board. This item was unanimously approved by the board as amended to include a three year term limit and review of the position after three years.

3. Return of Funds Policy Revision

The Executive Secretary presented the board with a revision to the Return of Funds Policy. This revision was in response to the Legislative Audit Bureau notification that the previous policy was unclear and was being interpreted in various ways by the institutions. The revision of the policy reflects changes that help to make the policy more concise and easy to follow. The revised policy was unanimously approved by the board.



4. Election of Board Officers

The Board conducted the annual election of officers. The officers for the next year are; Chairman Mary Jo Green, WTCS Financial Aid Representative, Vice-Chairman Ann Neviaser, Independent Colleges and Universities Representative, and Secretary Deb McKinney, Independent Colleges and Universities Financial Aid Representative.

5. Next Meeting

The next meeting is scheduled for October 14, 2005

## Hurricane Katrina Victims Resolution

### BOARD OF REGENTS

#### Resolution:

Whereas, Hurricane Katrina has devastated portions of Mississippi and Louisiana, resulting in the closure of several higher education institutions; and

Whereas, many students enrolled in these institutions want to continue their education elsewhere until their campuses reopen; and

Whereas, several UW System institutions are willing to offer enrollment to affected students; and

Whereas, many of these students have already remitted tuition to an institution in the disaster area;

Therefore, be it resolved, that the Board of Regents establishes a class of students known as the "Hurricane Katrina Victims," consisting of students who were enrolled at, or had previously been attending, an institution located in an area designated as a federally-designated disaster area<sup>1</sup> that will be closed as a result of the damage caused by Hurricane Katrina and who instead have been, or will be enrolled, at a UW System institution as a student for the fall 2005 semester; and

Be it further resolved, that UW System institutions shall provide nonresident remissions for the fall 2005 semester for "Hurricane Katrina Victims" and shall not bill students who have sustained losses as a result of the hurricane for the balance of tuition at this time. Presidents Walsh and Reilly will consult with the Legislative leadership and the Governor regarding options to remit the full tuition for these students, and they are hereby authorized to proceed on behalf of the Board with implementation of actions determined upon following these consultations; and

Be it further resolved, that nothing in this resolution shall be deemed to preclude the UW System or its institutions from taking actions necessary to recover any funds that may hereafter become available to repay tuition previously remitted or not charged for Hurricane Katrina Victims, or to allow Hurricane Katrina Victims to become eligible for financial aid that may become available to them by the federal government or otherwise.

9/9/05

II.8.c.

---

<sup>1</sup> The designation as a federally-declared disaster area is available by date of declaration on the Federal Emergency Management Agency's (FEMA) website ([www.fema.gov/disasters](http://www.fema.gov/disasters)).

**Board of Regents of  
The University of Wisconsin System**

**Meeting Schedule 2005-06**

2005

January 6 and 7 (cancelled, circumstances  
permitting)

February 10 and 11

March 10 and 11

April 7 and 8

May 5 and 6 (UW-Stout)

June 9 and 10 (UW-Milwaukee)  
(Annual meeting)

July 7 and 8 (UW-Madison Arboretum)

August 18 and 19  
(Cancelled, circumstances permitting)

September 8 and 9 (UW-Extension)

October 6 and 7

November 10 and 11

December 8 and 9

2006

January 5 and 6 (cancelled, circumstances  
permitting)

February 9 and 10

March 9 and 10

April 6 and 7 (UW-Green Bay)

May 4 and 5

June 8 and 9 (UW-Milwaukee)  
(Annual meeting)

July 6 and 7 (cancelled, circumstances  
permitting)

August 17 and 18

September 7 and 8

October 5 and 6 (UW-Platteville)

November 9 and 10

December 7 and 8

## BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

President - David G. Walsh  
Vice President - Mark J. Bradley

### **STANDING COMMITTEES**

#### **Executive Committee**

David G. Walsh (Chair)  
Mark J. Bradley (Vice Chair)  
Roger E. Axtell  
Elizabeth Burmaster  
Milton McPike  
Charles Pruitt  
Jesus Salas  
Christopher M. Semenas  
Michael J. Spector

#### **Business and Finance Committee**

Charles Pruitt (Chair)  
Eileen Connolly-Keesler (Vice Chair)  
Thomas A. Loftus  
Gerard A. Randall  
Peggy Rosenzweig  
Brent Smith

#### **Education Committee**

Elizabeth Burmaster (Chair)  
Danae D. Davis (Vice Chair)  
Roger E. Axtell  
Milton McPike  
Christopher M. Semenas  
Michael J. Spector

#### **Physical Planning and Funding Committee**

Jesus Salas (Chair)  
Gregory L. Gracz (Vice Chair)  
Judith V. Crain

#### **Personnel Matters Review Committee**

Danae D. Davis (Chair)  
Roger E. Axtell  
Gerard A. Randall

#### **Committee on Student Discipline and Other Student Appeals**

Brent Smith (Chair)  
Milton McPike  
Charles Pruitt  
Christopher M. Semenas

### **OTHER COMMITTEES**

#### **Liaison to Association of Governing Boards**

Eileen Connolly-Keesler

#### **Hospital Authority Board - Regent Members**

Roger E. Axtell (Vice Chair)  
Thomas A. Loftus  
Peggy Rosenzweig

#### **Wisconsin Technical College System Board**

Peggy Rosenzweig, Regent Member

#### **Wisconsin Educational Communications Board**

Eileen Connolly-Keesler, Regent Member

#### **Higher Educational Aids Board**

Milton McPike, Regent Member

#### **Research Park Board**

Mark J. Bradley, Regent Member

#### **Teaching Excellence Awards**

Danae D. Davis (Chair)  
Charles Pruitt  
Jesus Salas  
Christopher M. Semenas

#### **Academic Staff Excellence Awards Committee**

Brent Smith (Chair)  
Judith V. Crain  
Milton McPike

#### **Public and Community Health Oversight and Advisory Committee**

Patrick Boyle, Regent Liaison

#### **Regent Meeting Improvement Committee**

Eileen Connolly-Keesler (Chair)  
Roger E. Axtell  
Michael Falbo  
Charles Pruitt

#### **Committee on Retreat Follow Up**

Mark J. Bradley (Chair)  
Danae D. Davis  
Don Mash  
Charles Pruitt  
Michael J. Spector

#### **Special Regent Committee for UW-Eau Claire**

**Chancellor Search**  
Peggy Rosenzweig (Chair)  
Eileen Connolly-Keesler  
Charles Pruitt  
Jesus Salas

#### **Special Regent Committee for UW-Colleges and UW-Extension Chancellor Search**

Danae D. Davis (Chair)  
Mark J. Bradley  
Elizabeth Burmaster  
Milton McPike