

1/26/2015

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

I.1. Education Committee

Thursday, February 5, 2015
10:45 a.m. to 12:15 p.m.
Union South, Varsity Hall II
UW-Madison
Madison, Wisconsin

a. Consent Agenda:

1. Approval of the minutes of the December 4, 2014 meeting of the Education Committee;
 2. Revisions to the UW-Superior Faculty Rules;
[Resolution I.1.a.(2)]
 3. UW-Milwaukee: Approval of the La Casa de Esperanza Charter School; and
[Resolution I.1.a.(3)]
 4. UW-Milwaukee: Renewal of the Milwaukee Scholars Charter School.
[Resolution I.1.a.(4)]
- b. UW Superior: Second Reading and Approval of the Proposed Changes to the Mission Statement.
[Resolution I.1.b]
- c. 2013-14 Program Planning, Review, and Array Management Report – Associate Vice President Stephen H. Kolison, Jr.
- d. UW-Madison, Presentation “UW-Madison Educational Updates” – Provost Sarah C. Mangelsdorf.
- e. Sabbatical Guidelines for 2016-18.
- f. Report of the Senior Vice President
1. Remedial/Developmental Education Update;
 2. Update on the Proposed Revision of UWS 4,7, and 11; and
 3. Other.

Friday, February 6, 2015

Education Committee – All Regents Invited:

- a. Engineering programs in the UW System – Overview of engineering supply and demand in Wisconsin and UW System Administration permission to plan programs
- b. Committee adjourns

Changes to the Faculty Bylaws
University of Wisconsin-Superior

EDUCATION COMMITTEE

Resolution I.1.a.(2)

That, upon recommendation of the Chancellor of the University of Wisconsin-Superior and the President of the University of Wisconsin System, the Board of Regents approves the attached changes to the UW-Superior Faculty Bylaws.

**FACULTY PERSONNEL RULES
CHANGES TO THE FACULTY BYLAWS
UNIVERSITY OF WISCONSIN-SUPERIOR**

BACKGROUND

UWS Section 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 be approved by the Board of Regents before they take effect.

The proposed revisions are to the *UW Wisconsin System Faculty Personnel Rules with local University of Wisconsin-Superior Specifications 2001 Edition*. Throughout the Faculty Personnel Rules documents, the acronym "UWS" refers to the UW System Faculty Personnel Rules and the acronym "UW-Sup" to additional rules that are specific to UW-Superior.

All changes have been reviewed by the UW System Office of General Counsel, which has determined that the changes are consistent with state law, relevant federal regulations, Regent and UW System policy, as well as UW-Superior policies and practices.

The revisions contain a number of rewordings, transpositions of paragraphs, and minor wording changes. Discussed below and highlighted in this overview are only substantive changes. Appendix A below contains the original Unclassified Staff Handbook document. Appendix B contains the redlined changes marking rewordings, additions, and removed words and phrases. Appendix C contains the final text as it would read after approval by the Regents.

REQUESTED ACTION

Adoption of resolution I.1.a.(2), approving revisions to the UW-Superior Faculty Personnel Rules.

DISCUSSION

Major changes include the addition of UWS Chapter 7, Dismissal of Faculty in Special Cases, and UWS Chapter 8, Unclassified Staff Code of Ethics. There are no local UW-Superior additions to these chapters.

Among the substantive changes presented for review is the insertion of new content to UWS Chapter 3. UW-Sup 3.01, Types of Appointment, now contains a definition of "faculty peer" and its implications for personnel purposes, such as faculty peers voting on the membership of search and screen committees as well as faculty renewal, non-renewal, promotion and tenure.

The revisions to UW-Sup 3.02 to 3.08 now clarify the enhanced role of the Provost in all personnel processes, including recruiting, hiring, renewal of appointments, the granting of tenure, promotion, and post-tenure review. Corresponding changes to the roles of faculty,

faculty peers, the Vice Chancellor, the Department, the Department Chair, the Affirmative Action Officer, and the Chancellor are also included.

In UW-Sup 3.04(1), Probationary Appointments, the maximum probationary period for part-time positions of at least half-time, has been reduced from fourteen to ten years. A new section under UW-Sup 3.05, Periodic Review, on Promotion, has been added and titled 3.05(2). It includes sections (a) eligibility factors for promotion, (b) procedures, (c) materials pertinent to the decision, and (d) processes upon reconsideration.

Changes to UW-Sup 3.06, Renewal of Appointments and Granting of Tenure, include revisions to the general process and criteria for tenure. Within the criteria for tenure, the word "research" has been replaced by the word "scholarship."

Changes were also made to UW-Sup 3.06 (3), Procedures, primarily regarding the clarification of deadlines for reappointments, renewal, nonrenewal, and the granting of tenure.

UW-Sup 3.06 (3)(b), Members Present, defines rules for the selection of outside tenured faculty members in case fewer than three peer faculty of the department are tenured. The Faculty Senate Personnel Council now chooses appropriate faculty from the membership of the Council.

UW-Sup 3.06(b)(4) permits a faculty member to vote on a tenure or retention matter only when he or she participated in the meeting where the matter was discussed.

UW-Sup 3.06 (b)(4)(f) clarifies the Chancellor's role in the recommendation of faculty renewal, non-renewal, or tenure. The chancellor's disagreement with a positive department decision results in a non-renewal decision. The Chancellor's disagreement with a negative department decision still results in a non-renewal decision.

UW-Sup 3.07, Non-Renewal of Probationary Appointments, also includes changes to the rules and procedures for notifying a faculty member of non-renewal. The period for written notification was reduced from 30 days to 15 days. The faculty member may make a written request for reconsideration of the initial non-renewal decision within 7 days (formerly 15 days).

The above-named proposed revisions were approved by the UW-Superior Faculty Senate on May 20, 2014. Upon request by UW System legal counsel, additional minor changes were subsequently made to Chapter 3.06 (3)(b). The word "they" was replaced with "he/she." Further minor changes were made to UW-Sup 3.02 (6), which describes procedures for campus visits by faculty candidates. The words "except in unusual circumstances" were inserted at the end of the paragraph and marked in the text by a lighter red font. A further change recommended by legal counsel concerns UW Sup 3.08(4), the Notestein Rule, in which the phrase "to the Board of Regents" was removed at the end of the paragraph (also marked in a lighter red font). The UW-Superior Faculty Senate approved these additional changes on December 16, 2014.

The original and the additional proposed revisions were approved by Chancellor Wachter and submitted to the President of the UW System on January 14, 2015.

Following below are three versions of the relevant section of the UW-Superior Faculty Policies and Procedures: (Appendix A) the original version before changes; (Appendix B) a version with proposed changes tracked; and (Appendix C) a clean copy of the UW-Superior Faculty Personnel Rules as these sections would read subsequent to Board approval.


RECOMMENDATION

UW System Administration recommends adoption of Resolution I.1.a.(2), approving the revisions to the UW-Superior Faculty Personnel Rules.



MEMORANDUM

TO: President Ray Cross
University of Wisconsin System Administration

FROM: Renée Wachter 
Chancellor

RE: Resubmission: Changes to UW-Superior Faculty Personnel Rules

DATE: January 14, 2015

I write to ask for your formal approval of UW-Superior's revised Faculty Personnel Rules that were approved by Faculty Senate on December 16, 2014.

The main reasons for revising the personnel rules were:

- (1) To include a definition of "faculty peer" and its implications for personnel purposes;
- (2) To include the section on Promotions (previously missing);
- (3) To make the Provost's role explicit in personnel processes;
- (4) To conform to all relevant federal regulations, state statutes, Regent policies, and UW-Superior policies and practices.
- (5) To clarify UW Sup 3.06(3)(b) which permits faculty to vote on a tenure or retention matter only when he/she participated in the meeting where the matter is discussed.
- (6) To clarify UW Sup 3.02(6) UW Sup. 3.02(6) which talks about campus visits by recruits and the agenda and UW Sup 3.08(4) which makes reference to the Notestein Committee, and
- (7) To add UWS 7 and UWS 8.

c: David Ward (*via email w/enclosures*)
Carmen Fayonville (*via email w/enclosures*)
Tom Stafford (*via email w/enclosures*)
Jennifer Lattis (*via email w/enclosures*)

Enclosures: Faculty Senate Approved Personnel Rules (*2001 edition*)
Faculty Senate Approved Personnel Rules (*redline approved*)
Faculty Senate Approved Personnel Rules (*final approved*)

In this document, UWS refers to University of Wisconsin System; UW-Sup references are University of Wisconsin-Superior specific.

University of Wisconsin System Faculty Personnel Rules
with local
University of Wisconsin - Superior Specifications¹

Agenda Item I.1.a.(2)

APPENDIX A: Old version

¹ Approved, University Senate, Feb 22, 1977. Revisions approved, University Senate, Sept. 22, 1992, Board of Regents, Nov. 6, 1992, Faculty Senate, May 6, 1997, Board of Regents, June 5, 1998.

UW-Superior Unclassified Staff Handbook APPENDIX A-2 **2001 Edition**

Chapters 1 - 6 of the Wisconsin Administrative Code: Rules of the University of Wisconsin System Board of Regents (Faculty Personnel Rules)

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UW-Superior Unclassified Staff Handbook APPENDIX A-3 2001 Edition

Chapter UWS 1 DEFINITIONS OF TERMS USED IN UWS 1 TO 6

UWS 1.01 Academic staff

UWS 1.02 Board of regents or board

UWS 1.03 Department

UWS 1.04 Faculty

UWS 1.05 Faculty status

UWS 1.06 Institution

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UWS 1.01 Academic staff.

"Academic staff" means professional and administrative personnel, other than faculty and classified staff, with duties and types of appointments that are primarily associated with higher education institutions or their administration.

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

UWS 1.02 Board of regents or board.

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

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

UWS 1.03 Department.

"Department" means a group of faculty members recognized by the faculty and chancellor of the institution, and the board of regents, as dealing with a common field of knowledge or as having a common or closely related disciplinary or interdisciplinary interest.

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

UW-Sup 1.03 Department.

In those personnel matters that these Rules delegate to the Department, the Department has the prerogative of organizing its internal procedures for the implementation of Rules under Sections UW-Sup 3 through UW-Sup 8, consistent with the limitations of this document.

UWS 1.04 Faculty.

"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. The appointment of a member of the academic staff may be converted to a faculty appointment in accordance with s. UWS 3.01 (1) (c).

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

UWS 1.05. Faculty status.

By action of the appropriate faculty body and chancellor of an institution, members of the academic staff may be designated as having "faculty status." "Faculty status" means a right to participate in faculty governance of an institution in accordance with the rules of the institution. Faculty status does not confer rank or tenure, or convert an academic staff appointment into a faculty appointment.

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

UWS 1.06 Institution.

"Institution" means any university, or an organizational equivalent designated by the board.

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

UWS 1.07 University.

"University" means any baccalaureate or graduate degree granting institution.

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

UWS 1.08 Notice periods.

(1) When an act is required by these rules to be done within a specified number of days:

(a) Day shall mean calendar day.

(b) The first day shall be the day after the event, such as receipt of a notice or conclusion of a hearing,

(c) Each day after the first day shall be counted, except that a Sunday or legal holiday shall not be counted if it would be the final day of the period.

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

Chapter UWS 2 FACULTY RULES; COVERAGE AND DELEGATION

UWS 2.01 Rules

UWS 2.02 Delegation

UWS 2.01 Rules.

Rules in chs. UWS 2 and 3 apply to all faculty appointments made on or after the effective date of these rules. Any person who holds a tenure appointment under former chs. 36 and 37, Stats. 1971 and related rules shall continue to hold tenure as defined under those chapters and related rules. Any person who holds a probationary appointment under former chs. 36 and 37, Stats. 1971 and related rules 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 rules and procedures in effect at the time of consideration. The rules in chs. UWS 4 to 8 apply to all appointments to faculty positions regardless of whether the appointment preceded the adoption of these rules.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 2.02 Delegation.

Rules and procedures developed pursuant to chs. UWS 3, 4, 5, 6, and 8 by the faculty of each institution shall be forwarded by the chancellor to the president and by the president to the board for its approval prior to their taking effect. Such policies and procedures, unless disapproved or altered by the regents, shall be in force and effect as rules of the regents.

History: Register, January, 1975, No. 229, eff. 2-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

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

Agenda Item I.1.a.(2)

APPENDIX A: Old version

- 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.

UW-Sup 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 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, 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. Such faculty appointees shall enjoy all the rights and privileges of faculty.
 - (d) In accordance with the *Unclassified Staff Handbook* 1.05, members of the academic staff may be given faculty status.
 - (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.
- (2) Definition of faculty peer: A faculty peer shall be defined as a ranked member (professor, associate professor, assistant professor, or instructor, as defined in Appendix A *UW-Sup 7.4.4*) with at least a half-time teaching, research, and/or Outreach appointment in the department. Department faculty with more

than half-time administrative reassignment shall not be considered peer faculty for the duration of the assignment. Academic staff members designated as having faculty status and academic staff with back-up appointments are not faculty peers. The department chair shall be considered peer faculty as long as he or she meets the peer faculty definition.

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.

UW-Sup 3.02 Recruiting

- (1) **The Provost is responsible for all faculty personnel functions. All tenure track positions must be authorized initially or re-authorized by the Provost according to the campus hiring process.** The Provost may appoint or delegate a designee. The Provost, in consultation with the Affirmative Action Officer, will issue all formal processes consistent with the following procedures.
- (2) **When authorization to fill the vacancy has been received, the department faculty peers shall identify the members of the search and screen committee and the committee chair. If the vacancy is partially funded by UW Extension, the Director, Center for Continuing Education/Extension, or designee, shall be identified as one member of the Search and Screen Committee.** The membership of the Search and Screen Committee shall be voted upon by the department faculty peers. **It shall be composed of some, if not all, of the Department faculty peers. At the discretion of the Department faculty peers, other staff, students, or individuals may be invited to serve on the Search and Screen Committee. The Provost and the Affirmative Action Officer must approve the membership of the Search and Screen Committee.**
- (3) **Following Search and Screen Committee membership approval, the Provost will initiate a meeting to explain the recruitment and hiring process.**
- (4) **The Search and Screen Committee will develop all questions and assessment criteria used in the process. This includes questions for the formal interview and questions from other venues if the responses will be used in the hiring decision. Other venues may include reference checks, telephone interviews, teaching demonstrations, presentations, social gatherings, department meetings, meetings with students, and conversations with members of other departments. All questions and assessment criteria will be submitted to the Provost and Affirmative Action Officer for approval. Questions not approved cannot be used in the hiring decision.**
- (5) **The Search and Screen Committee will identify candidates to be interviewed for the position in terms of the approved position description and Affirmative Action guidelines.** The Affirmative Action Officer certifies the pool prior to interviews. The names of the candidates to be interviewed will be submitted to the Provost for approval.
- (6) **The Search and Screen Committee will arrange the agenda for the campus interviews of the candidates. Meetings or conversations outside this agenda cannot be used in the hiring decision except in unusual circumstances.**
- (7) **The Search and Screen Committee will recommend candidate(s) for appointment.** The Provost may select a candidate, reconvene the search committee, re-interview a candidate, or perform reference checks.

- (8) The Provost will make the position offer to the candidate.

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(l) (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.

UW-Sup 3.04 Probationary Appointments.

- (1) The maximum probationary period in a full-time position shall be seven (7) years. In a part-time position of at least half-time, the maximum probationary period shall be ten (10) years.

The probationary period may be shortened or eliminated for experience at other institutions or substantive reasons with the agreement of the department and the Provost.

(2) A leave of absence, sabbatical, or teacher improvement assignment does not constitute a break in continuous service but shall not be included in the probationary period.

(3) Circumstances, in addition to a leave of absence, sabbatical, or teacher improvement assignment 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.

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 the Provost, who shall specify the length of additional time if 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 the Provost, who shall grant a request in accordance with institutional policies. A denial of a request shall be in writing to the parties involved and shall be based upon clear and convincing reasons.

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.

In the event a request under this section is denied, the faculty member concerned shall have a right to appeal the decision to the Chancellor, who may refer the appeal to the Faculty Senate Personnel Council. The Chancellor's decision shall be final.

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.

UW-Sup 3.05 Periodic Review.

(1) Salary Adjustments and Post-Tenure Review

The periodic review of faculty performance for salary adjustments and post-tenure review shall be done at the Department level. Criteria for such evaluation(s) shall be determined by the peer faculty in the Department within guidelines and procedures approved by the Faculty Senate and the Chancellor.

(2) Promotion

(a) General

Early each fall semester, the Provost shall send a list containing the names of faculty who meet the minimum promotion requirements for each rank to department chairs and eligible faculty. Faculty members wishing to be considered for promotion in rank should contact their department chair regarding their eligibility and intent.

(b) Procedures

The Department Chair shall provide forms, guidelines, and other information to be used by the candidate in preparing materials for review. The Department Promotion Review Committee consists of the department tenured peer faculty holding at least the rank being considered. For example, someone requesting promotion to Associate Professor will be evaluated by Associate and Full Professors; someone requesting promotion to Full Professor will be evaluated by Full Professors.

If fewer than three (3) tenured peer faculty of the department hold the appropriate rank(s), tenured peer faculty member(s) from another department(s) holding the appropriate rank(s) must be included as a voting member(s) in the evaluation meeting. The "outside" tenured faculty member(s) is/are to be chosen by the Faculty Senate Personnel Council and from the Faculty Senate Personnel Council. The Committee must be composed of no less than three (3) tenured peer faculty voting members.

The Department Chair shall notify candidates in writing at least seven (7) days in advance of the date and time of the meeting. Candidates should make oral presentations to the Department Promotion Review Committee. The Committee shall notify the candidates of its decision in writing within seven (7) days of the meeting. In the case of a positive decision, the Committee shall also forward its recommendation to the Promotion Committee and the Provost (who chairs the Promotion Committee) within seven (7) days.

The Promotion Committee serves in an advisory capacity to the Chancellor. The Provost reviews recommendations advanced by departments and, using both general performance and achievement expectations [See Unclassified Staff Handbook 7.4.4.2], and specific department criteria, evaluates a candidate's accomplishments and makes promotion recommendations to the Chancellor within twenty-eight (28) days of receiving the recommendation from the department. Candidates are notified in writing within twenty-eight (28) calendar days of the Provost's recommendation.

After receiving the Provost's recommendation, the Chancellor makes his/her decision for promotion and forwards a positive recommendation to the Board of Regents. The Chancellor's disagreement with a positive department decision results in a non-promotion decision.

In the event of disagreement with the Department Promotion Review Committee decision, the Chancellor, in writing, shall inform the Department Promotion Review Committee, the Department Chair, and the Provost of the reasons for the disagreement. In addition, the Chancellor, in writing, shall notify the faculty member evaluated of the decision within twenty (20) days of receiving the Provost's recommendation.

(c) Materials Pertinent to the Decision

The areas of review shall include (1) teaching, (2) scholarship, and (3) professional and public service as well as contribution to the Institution.

(d) Reconsideration

A candidate denied recommendation for promotion may file a written request with the Department or Provost asking for reasons for the recommendation. The Department or candidate may file a written request with the Provost for reconsideration of a denied promotion recommendation within thirty (30) days of written notice of the recommendation. Requests for consideration shall be based upon violations of specified procedures or failure to consider pertinent evidence. The Provost shall provide a written reconsideration decision to the Department Promotion Review Committee, the candidate, and the Chancellor.

As in all matters, faculty members who believe their case was not fairly considered may file a complaint or grievance under the provision of Appendix A UWS 6.01, Appendix A UWS 6.02, and Appendix A UW-Sup 6.02.

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.

UW-Sup 3.06 *Renewal of Appointments and Granting of Tenure.*

(1) General

The renewal of appointments and the granting of tenure may be granted only upon the affirmative recommendations of the appropriate Academic Department and the Chancellor of the University, after the Chancellor consults with the Provost.

[Moved to UW-Sup 3.08 4]

When specified by the Board, the University recommendation shall be transmitted by the President of the System with her/his recommendation to the Board for action. Tenure appointments may be granted to any ranked faculty member who holds or will hold a fifty percent 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 University, unless the faculty member is dismissed for just cause, pursuant to 36.13 (5), Wis. Stats., or is terminated or laid off pursuant to 36.21, Wis. Stats.

(2) Criteria

Decisions relating to renewal of appointments or recommending of tenure shall be made in accordance with University rules and procedures which shall require an evaluation of (1) teaching, (2) scholarship, (3) professional and public service as well as contribution to the Institution. The relative importance of these three (3) functions in the evaluation process shall be decided by the Department faculty and the Faculty Senate. Written criteria for these decisions shall be developed by the Department.

(3) Procedures

A meeting of the tenured peer faculty of the Department shall be held for the purpose of considering renewal of probationary appointments or the granting of tenure.

(a) Meeting Date

The date of this meeting shall be set by the Department Chair to allow sufficient time so that a written notice of non-renewal of appointment from the Chancellor shall be received by the faculty member in advance of the expiration of her/his appointment, as specified in Appendix A, UWS 3.09:

1. if the appointment expires at the end of an academic year, written notice of renewal or non-renewal shall be made no later than March 1 of the first academic year of service; or, if a one-year appointment terminates during an academic year, the written notice of renewal or non-renewal shall be made at least three calendar months in advance of its termination.
2. if the appointment expires at the end of the second consecutive academic year of service, the written notice of renewal or non-renewal shall be made no later than December 15 of the second academic year ; or, if an initial two-year appointment terminates during an academic year, the written notice of renewal or non-renewal shall be made at least six calendar months in advance of its termination.
3. after two or more years of continuous service, the written notice of renewal or non-renewal shall be made at least twelve calendar months before the expiration of the appointment.
4. At least twenty (20) calendar days prior to the Department evaluation meeting, each faculty member who is to be evaluated and the tenured peer faculty of the department shall be notified by the Department Chair in writing of the date of the meeting and the department procedures to be followed which include the opportunity to present material on the faculty member's behalf.

b. . [Moved to UW-Sup 3.06 (b) 4 below with revisions]

(b) Members present:

1. Tenured peer faculty of the department.
2. If fewer than three (3) peer faculty of the department are tenured, tenured peer faculty member(s) from another department(s) must be included as a voting member(s) in the evaluation meeting. The "outside" tenured faculty member(s) is/are to be chosen by the Faculty Senate Personnel Council and from the Faculty Senate Personnel Council. The Retention/Tenure Committee must be composed of no less than three (3) tenured peer faculty voting members.
3. Only tenured peer faculty shall be present at the decision-making meeting unless the faculty member being evaluated requests an open meeting, subject to the provisions of the Wisconsin Open Meeting Law.
4. In the event that a tenured peer faculty member who is eligible to participate in the evaluation process is unable to attend the meeting, then he/she may participate and vote via teleconference or videoconference

(c) Materials Pertinent to the Decision

1. Before the decision -making discussion commences, the faculty member shall have the opportunity to submit either written or oral information which he/she believes pertinent to his/her evaluation.
2. In addition to written or oral information submitted by the faculty member on his/her behalf, both the faculty member and the reviewing committee may solicit additional input, including, but not limited to, extending invitations to knowledgeable individuals to present pertinent information orally or in writing. If additional information is solicited in either oral or written form, such retrieved information will be shared with the faculty member in advance of the meeting.
3. A copy of all material pertinent to the decision, including the portfolio, shall be kept on record in the department and shall be made available at each review. When the decision is completed, all personal property, such as books, shall be returned to the faculty member.

(d) Standard Notification Form

The standard notification form that shall be used by all Departments is the Recommendation for Faculty Retention.

This form must be signed by all persons involved in the decision, and concurrence or nonconcurrence must be noted.

[Moved under (c) 3 above with revisions]

(e) Timeline after Department Decision

1. Within twenty (20) days of the decision of the Department tenured peer faculty, the Department Chair shall provide the faculty member evaluated and the Provost with a completed signed copy of the standard notification form indicating renewal, non-renewal, or tenure.
2. After receiving the decision of the department tenured peer faculty, the Provost, within seven (7) days, shall indicate agreement or disagreement with the decision on the standard notification form and inform the Chancellor.

(f) Chancellor's Recommendation to the Board of Regents

1. After receiving the completed signed copy of the standard notification form indicating renewal, non-renewal, or tenure from the Provost, the Chancellor shall make his/her recommendation for retention to the Board of Regents. The Chancellor's disagreement with a positive department decision results in a non-renewal decision. The Chancellor's disagreement with a negative department decision still results in a non-renewal decision. See Appendix A UW-Sup 3.06(1).
2. In the event of disagreement with the department tenured peer faculty decision, the Chancellor, in writing, shall inform the department tenured peer faculty, the Department Chair, and Provost of the reasons for the disagreement.
3. The Chancellor, in writing, shall notify the faculty member evaluated of the decision within twenty (20) days of receiving the signed standard notification form from the Provost.
4. In the event that the Chancellor or the department recommends non-renewal, the faculty member may request reconsideration as specified in Appendix A, UW-Sup 3.07.

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 non-renewal decision, the procedures specified in s. UWS 3.08 shall be followed.

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

UW-Sup 3.07 Non-Renewal of Probationary Appointments.

(1) Rules and Procedures

within fifteen (15) days of written notification of non-renewal, the faculty member may, in writing, request written reasons for such non-renewal. within fifteen (15) days of the request, the department or Chancellor initiating the decision to non-renew shall provide such written reasons for non-renewal. Such reasons shall become part of the personnel file of the faculty member. Further, the faculty member may make a written request for a reconsideration of the initial non-renewal decision within seven (7) days of receipt of the written reasons for non-renewal.

(2)

Reconsideration

The purpose of reconsideration of a non-renewal decision shall be to provide an opportunity for a fair and full consideration of the non-renewal decision, and to ensure that all relevant material is considered.

- (a) Such reconsideration shall be undertaken by the Chancellor or department initiating the non-renewal decision. The faculty member involved must receive written notice of the date and time of the reconsideration of her/his non-renewal within seven (7) days of his/her written request for the reconsideration. There shall be at least seven (7) days, but not more than ten (10) days between the date the faculty member is notified of the reconsideration and the date of the reconsideration meeting.

In addition to proper notification, the reconsideration shall include, but not be limited to, an opportunity by the faculty member being evaluated to respond to the written reasons and to present any written or oral evidence or arguments relevant to the decision.

Written notification of the decision resulting from the reconsideration shall be given to the faculty member within five (5) days of the reconsideration meeting.

- (b) Reconsideration is not a hearing or an appeal; it should be non-adversarial in nature.
- (c) In the event that reconsideration affirms the non-renewal decision, the faculty member may appeal the decision following the procedures specified in Appendix A, UW-Sup 3.08.

UWS 3.08 Appeal of a non-renewal decision.

- (1) The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for the appeal of a non-renewal decision. Such rules and procedures shall provide for the review of a non-renewal 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 non-renewal 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

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- (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 that 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.

UW-Sup 3.08 Written Appeal of a Non-Renewal Decision.

(1) Review of Non-Renewal Decision

The Faculty Senate Personnel Council shall review a non-renewal decision upon written appeal by the faculty member concerned detailing the violations of policies and/or procedures that occurred. The burden of proof in the written appeal shall be on the faculty member. The written appeal must address one or more of the following areas:

- (a) Conduct, expressions, or beliefs which are constitutionally protected or protected by the principles of academic freedom as defined in the Unclassified Staff Handbook 6.2;
 - (b) Factors proscribed by applicable state or federal law regarding fair employment practices;
 - (c) Improper consideration of qualifications for reappointment or renewal because
 - 1. The procedures required by rules of the faculty or Board of Regents 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.
- The scope of the review shall be limited to the question of whether the decision for non-renewal was based upon violation(s) of the above outlined factors, which resulted in material prejudice to the faculty member concerned.

(2) Written Report on the Validity of Written Appeal

The Faculty Senate Personnel Council shall provide a written report on the validity of the written appeal to the decision-making members making the non-renewal decision, the Department Chair, the Provost, and the Chancellor.

This report either recommends 1) the dismissal of the appeal because it lacks validity, or 2) reconsideration by the decision-making members under instructions from the Faculty Senate Personnel Council, or 3) reconsideration by the Chancellor or the Chancellor's designee under instructions from the Faculty Senate Personnel Council. The Faculty Senate Personnel Council shall retain jurisdiction during the pendency of any reconsideration. The decision of the Chancellor shall be final on such matters. 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 purpose.

(3) Notice Period

Notice Period is defined in Appendix A UWS 1.08. The written appeal by the faculty member must be received by the Faculty Senate Personnel Council within twenty (20) calendar days of written notice received by the faculty member that the reconsideration has affirmed the non-renewal decision (twenty-five [25] calendar days if notice is by first class mail and publication). A review of the written appeal by the Faculty Senate Personnel Council shall be held not later than twenty (20) calendar days after the request; this time limit may be enlarged by mutual consent of the parties or by order of the Faculty Senate Personnel Council. The faculty member shall be given at least ten (10) calendar days written notice of the review of the written appeal. The Faculty Senate Personnel Council must submit a written report within twenty (20) calendar days from the completion of the review process.

(4) Notestein Rule

In the case where a department declined to grant tenure and the department is found to have based its tenure decision on impermissible factors, the Faculty Senate Personnel Council will appoint an ad hoc committee of no fewer than three (3) nor more than five (5) persons knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. This committee will make a tenure recommendation.

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 non-reappointment 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.

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

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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

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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 that he/she deems substantial and which, if true, might lead to dismissal under s. UWS 4.0 1, 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 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. 262.06 (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.

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. 227.12, 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.

UW-Sup 4.03. Standing Faculty Committee.

The Committee on Faculty Terminations of the Faculty Senate shall be the faculty standing committee to hear dismissal cases for tenured or probationary faculty prior to the end of their appointment and make recommendations to the Board of Regents.

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:

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- (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;

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

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 allegation 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, which case it shall be open (see s. 66.77, 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 procedures 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;

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.

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

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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 hearing 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.

(3) 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 s. 66.77, 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.

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.

Chapter UWS 5 LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY

UWS 5.01 General

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UWS 5.02 Financial emergency
UWS 5.03 Layoff and termination
UWS 5.04 Faculty consultative committee
UWS 5.05 Consultation
UWS 5.06 Recommendation to the system president and the board
UWS 5.07 Individual designations
UWS 5.08 Seniority
UWS 5.09 Notification
UWS 5. 10 Notification period
UWS 5.11 Faculty hearing committee
UWS 5.12 Review hearing
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UWS 5.15 Board review
UWS 5.16 Layoff status
UWS 5.17 Alternative employment
UWS 5.18 Reappointment rights
UWS 5.19 Retention of rank and salary
UWS 5.20 Rights of faculty members on layoff
UWS 5.21 System-wide tenure
UWS 5.22 Lack of faculty action

UWS 5.01 General.

Notwithstanding s. 36.13 Stats., the board may lay off or terminate a tenured faculty member, or lay off or terminate a probationary faculty member prior to the end of his or her appointment, in the event of a financial emergency. Such layoffs or terminations may be made only in accord with the provisions of this chapter, and imply the retention of rights indicated herein. A nonrenewal, regardless of reasons, is not a layoff or termination under this section. History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.02 Financial emergency.

(1) For the purposes of this chapter, "financial emergency" is a state which may be declared by the board to exist for an institution if and only if the board finds that the following conditions exist:

(a) The total general program operations (GPR/fee) budget of the institution, excluding adjustments for salary/wage increases and for inflationary impact on non-salary budgets, has been reduced;

(b) Institutional operation within this reduced budget requires a reduction in the number of faculty positions such that tenured faculty must be laid off, or probationary faculty must be laid off prior to the end of their respective appointments. Such a reduction in faculty positions shall be deemed required only if in the board's judgment it will have an effect substantially less detrimental to the institution's ability to fulfill its mission than would other forms of budgetary curtailment available to the institution; and

(c) The procedures described in ss. UWS 5.05 and 5.06 have been followed.

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

UWS 5.03 Layoff and termination.

For the purposes of this chapter "layoff" is the indefinite suspension or an involuntary reduction in services and compensation of a faculty member's employment by the university of Wisconsin system. A laid off faculty member retains the rights specified in ss. UWS 5.16 through 5.21, inclusive. For the purposes of this chapter, "termination" is the permanent elimination of a faculty member's employment by the university of Wisconsin system. A terminated faculty member retains rights specified in ss. UWS 5.18 and 5.19.

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

UWS 5.04 Faculty consultative committee.

The faculty of each institution shall, promptly after February 1, 1975, designate or create a standing faculty committee to consult with the chancellor if at any time a declaration of financial emergency is to be considered. The committee shall consist of faculty members of the institution chosen by the faculty in a manner to be determined by the faculty. It is the right and responsibility of this committee to represent the faculty before the board if a declaration

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of a state of financial emergency for the institution is being considered, and to assure that the procedures of ss. UWS 5.05 and 5.06 are followed.

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

UW-Sup 5.04. Faculty Consultative Committee.

(1) The Faculty Consultative Committee shall be the Faculty Personnel Council. Faculty members elected at large shall be elected by the same procedures as those followed by the Faculty Senate elections-at-large.

(2) The Chairperson of the Faculty Consultative Committee shall be elected by and from the membership of the Committee.

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UWS 5.05 Consultation.

(1) In the event that a declaration of financial emergency is contemplated, the chancellor of the affected institution shall consult with and seek advice from the faculty committee provided for in s. UWS 5.04 at least 3 months before the matter is taken to the board. The chancellor and committee shall:

- (a) Consider identifiable alternative methods of budget reduction;
- (b) Determine whether reductions in faculty positions under the provisions of this chapter can be made with less detriment to the institution's ability to fulfill its mission than would follow from reasonable alternative courses of action;
- (c) Determine from which colleges, schools, departments, or programs faculty positions should be eliminated;
- (d) Consult with faculties of colleges, schools, departments and programs potentially involved; and
- (e) Consult with such other individuals and groups as they feel may be able to provide valuable advice.
- (f) The committee shall prepare a report, with supporting documents, for submission to the chancellor, the faculty senate, or institutional equivalent, and the board.

(2) It shall be the primary responsibility of the faculty of the institution to establish criteria to be used by the chancellor and committee for academic program evaluations and priorities. A decision to curtail or discontinue an academic program for reasons of financial emergency shall be made in accordance with the best interests of students and the overall ability of the institution to fulfill its mission.

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

UW-Sup 5.05 Consultation.

(1) Both quantitative and qualitative data and considerations shall serve as criteria for the evaluation of programs and the establishment of priorities among departments or programs.

(2) Quantitative data employed to evaluate departments or programs should include, where applicable, but not be limited to, the following measurements:

- (a) The up-or-down trend as well as the average number of credit hours produced each year during the immediately preceding five-year period, including credit hours produced during each term.
- (b) The up-or-down trend as well as the average number of contact hours produced each year during the immediately preceding five-year period, including contact hours produced during each term.
- (c) Measurement of the degree of expansion or contraction in terms of credit and contact hours during the immediately preceding two years.
- (d) The percentage of total university credit and contact hours produced by a department or program during the immediately preceding five-year and two-year periods.

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(e) The up-or-down trend as well as the average number of majors enrolled in a department or program during the immediately preceding two-, three-, and five-year periods.

(f) The up-or-down trend as well as the average number of minors enrolled in a department or program during the immediately preceding two-, three-, and five-year periods.

(g) Percentage of total university majors produced by a department or program during the immediately preceding two-, three-, and five-year periods.

(h) Percentage of total university minors produced by a department or program during the immediately preceding two-, three-, and five-year periods.

(i) Number of undergraduate degrees produced by a department or program during the immediately preceding five-year period.

(j) Number of graduate degrees produced by a department or program during the immediately preceding five-year period.

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(k) Number of majors who earn under-graduate degrees in a department or program in comparison with the number of freshman majors in the department or program each year during the immediately preceding five-year period.

(l) Credit and contact hours produced by a department or program per FTE faculty teaching position in the program.

(m) Cost per credit and/or contact hours per FTE student and FTE faculty member in the department or program (both including and excluding faculty salaries as such).

(n) Contact hours produced by a department or program's non-course activities per FTE faculty member in the department or program--e.g., in drama, music and sports.

(o) Contact hours and other efforts related to the recruitment of new students, including field contacts with high school students, sponsorship of on-campus or off-campus departments or programs, and the production of letters, brochures, and other written materials.

(p) The dollar amount of extramural funding attracted by a department or program.

(3) The University, in reviewing departments or programs, places substantial emphasis on the gathering of evidence on the relative quality of departments or programs, and the qualitative measurement shall include, but not be limited to, the following:

(a) Evaluation by current majors in a department or program as well as by all other students, who have taken one or more courses offered by the department or program.

(b) Evaluation of a department or program by its graduates of the immediately preceding five years.

(c) Percentage of those students receiving undergraduate degrees in a department or program who successfully completed graduate and professional degrees during the immediately preceding ten years.

(d) The impact of a department or program on the mission of the University.

(e) The extent to which a department or program services those of other Departments.

(f) Professional qualifications of each faculty member involved in a department or program: experience; degrees, research and publications; creative output, e.g., fine and applied arts; public service; professional growth; and teaching in areas of primary preparation.

(g) Standards or academic expectations (minimum-module ingredients of a viable department or program) recognized by the profession, represented by the professional associations of each discipline, and the judgment of accreditation agencies.

(h) Comparison with the thrust of similar departments or programs on other campuses of similar size and mission.

(i) The extent to which "liberal arts" majors are required to take courses in other disciplines.

(j) The degree to which a department's or program's course offerings duplicate or approximate those offered by other Departments and the qualifications of the instructors who teach these "duplicative" courses to offer instruction in these areas.

(k) Identification of the contribution to special programmatic needs by faculty members with highly specialized or unique training or experience.

(l) The extent to which the quality of a department or program is affected by academic support or noninstructional costs.

(m) Use of formal University evaluation instruments to assess the quality of all courses and instructors in a department or program.

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UWS 5.06 Recommendation to the system president and the board.

(1) If the chancellor decides to recommend that the board declare a state of financial emergency for the chancellor's institution, the recommendation to the system president and the board shall be accompanied by a report which shall include the following:

(a) A statement of the procedures followed in arriving at the recommendation, showing compliance with s. UWS 5.05;

(b) Data clearly demonstrating the need for a reduction of faculty positions in accord with the provisions of this chapter;

(c) An identification of the colleges, schools, departments or program areas in which reductions will be made, with data indicating the appropriateness of such choices;

(d) The report of the faculty committee, expressing its views on these matters; and

(e) A report of any action of the faculty senate or institutional equivalent on this matter.

(2) The chancellor and the chairman of the faculty committee, or their designees, and representatives of affected colleges, schools, departments and programs, may appear before the board at the time the recommendation is considered. Other interested parties may submit in writing alternative recommendations or challenges to any part of the report.

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

UWS 5.07 Individual designations.

Once the board has declared a state of financial emergency it shall be the primary responsibility of the tenured members of the affected department(s) to recommend which individuals are to be laid off. These recommendations shall follow seniority, as provided in s. UWS 5.08, unless a clear and convincing case is made that program needs dictate other considerations, e.g., the need to maintain diversity of specializations within a department. The department may seek the advice of other groups or individuals in formulating its recommendations. The departmental recommendation shall be forwarded to the chancellor, and the chancellor shall prepare recommendations for the system president and the board, as provided in s. UWS 5.14.

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

UW-Sup 5.07 Individual Designations.

(1) In making a "clear and convincing case" in support of the layoff of a tenured faculty member as an exception to the institutional rule of seniority, the affected Department(s) shall substantiate its (their) recommendations to the Chancellor by offering, among others, the following pieces of evidence:

(a) Citations from professional literature and/or the criteria established by professional associations within the discipline, demonstrating the fundamental elements in a viable department or program.

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- (b) Detailed documentation to the effect that another (or no other) individual faculty member in the department or program is qualified to teach the affected courses and that another (or no other) faculty member in the department or program could be retrained to offer instruction in these courses without a prolonged leave of absence and/or a substantial impact on the alternative uses of university resources.
- (c) The extent to which each faculty member in the department or program might be retrained to teach courses vital to the department or program.
- (d) Analysis of the extent to which there are closely equivalent courses available in other Departments.
- (e) Documentation showing the need to maintain the Affirmative Action Plan.

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UWS 5.08 Seniority.

The faculty of each institution shall promptly after February 1, 1975, determine the form of seniority that is to be considered. Such a determination shall be effective uniformly throughout the institution. Seniority may be, but is not limited to, the following definitions:

- (1) Without regard to rank, with seniority established by total years of service in the institution;
 - (2) By rank, and within rank according to total years of service in the institution; or
 - (3) By rank, and within rank, according to length of service in the institution at that rank.
- History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UW-Sup 5.08 Seniority

Seniority shall be determined by total years of service (academic year) at the University of Wisconsin-Superior, or in the former Wisconsin State Universities System, as appropriate in individual cases, without regard to academic rank. Faculty who have been employed part-time during any academic year shall have such part-time service prorated. Authorized leaves of absence shall be counted in the determination of length of service.

UWS 5.09 Notification.

Each faculty member whose position is recommended for elimination shall receive prompt written notification from the chancellor. This statement of notification shall include:

- (1) A summary of the reasons and evidence supporting the declaration of a state of financial emergency and of the reasons and data leading to the choice of the colleges, schools, departments or programs in which reductions are to be made;
 - (2) A statement of the basis on which the individual position was selected for elimination (if on the basis of seniority, the criterion used and data supporting the choice; if on another basis, the data and reasons supporting that choice);
 - (3) A statement of the date on which the layoff is to be effective (this must be consistent with the provisions of s. UWS 5. 10); and
 - (4) A copy of these rules and such other information or procedural regulations as the chancellor or faculty hearing committee shall deem appropriate.
- History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.10 Notification Period.

- (1) For an academic year appointment the effective date of layoff must coincide with the end of an academic year. For an annual appointment it shall be June 30. In either case notification must be given at least 12 months in advance of the effective date. The notification referred to here is that specified in s. UWS 5.09 informing the faculty member that his or her position has been recommended for elimination.

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(2) During this period, and prior to entering layoff status (see s. UWS 5.16), the chancellor may offer as appropriate, and the faculty member may accept:

(a) Terminal leave and early retirement

(b) Relocation leave accompanied by resignation

(3) Acceptance of either of these options will terminate the faculty members association with the university of Wisconsin system at the end of the leave period.

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

UWS 5.11 Faculty hearing committee.

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The faculty of each institution shall, promptly after February 1, 1975, establish a committee or designate an existing committee to serve as a hearing committee for the purposes of this chapter. The committee shall consist of faculty members of the institution chosen by the faculty in a manner to be determined by the faculty. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.12, 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 5.14

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

UW-Sup 5. 11 Faculty Hearing Committee.

The Standing Committee of Terminations constituted by the Constitution of the Faculty Senate shall also function as the Faculty Hearing Committee in cases of faculty layoffs for reasons of financial emergency, except that the Faculty Hearing Committee shall not include an individual bearing the title higher than Department Chair. The Individual shall be replaced for purposes of this Chapter by one additional faculty member elected by and from the tenured members of the Faculty Senate.

UWS 5.12 Review hearing.

(1) A faculty member whose position is recommended for elimination is entitled to a hearing before the faculty hearing committee as to the appropriateness of the decision to lay off that particular individual. The existence of a state of financial emergency and the designation of the colleges, schools, departments or programs in which faculty positions are to be eliminated are not subject to review in the hearing.

(2) A hearing must be requested within 20 days of the receipt by the faculty member of notification of recommended layoff. The request shall state with particularity the grounds to be relied upon in establishing the impropriety of the decision. Relevant information supplementary to that contained in the notification statement may be requested. The question to be considered in the review is whether one or more of the following improper factors entered into the decision to lay off.

(a) Conduct, expressions, or beliefs on the faculty member's part 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 selection of the individual to be laid off. For the purposes of this section, "improper selection" occurs if material prejudice resulted from 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 role of the faculty member in the institution were not considered; or

3. Unfounded or arbitrary assumptions of fact were made; or

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4. Immaterial or improper factors other than those specified above entered into the decision.

(3) The faculty member shall present evidence on whether one or more of the improper factors specified above entered into the decision to lay off. The committee shall then consider whether the evidence presented establishes a prima facie case that such factor or factors did enter significantly into the layoff decision. If the committee finds that a prima facie case has not been established, the layoff decision shall be found to have been proper and the hearing shall be ended. The committee shall report this finding to the chancellor and faculty member.

(4) If the committee finds that a prima facie case has been established, the chancellor or designee shall be entitled to present evidence to support the layoff decision, and, thereafter, the faculty member may present evidence in rebuttal. On the basis of all the evidence presented, the committee shall make its determination as follows:

(a) The committee shall first consider whether one or more of the above specified improper factors entered significantly into the decision to lay off. Unless the committee is convinced that such factors did significantly enter into that decision, the committee shall find the decision to have been proper.

(b) If the committee believes that improper factors may have entered into the decision, but is convinced that the same decision would have been reached had the error(s) not occurred, it shall find the decision to have been proper.

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(c) If the committee is convinced that improper factors entered significantly into and affected the decision, it shall be found to be improper.

(5) The committee shall report its findings and recommendations to the chancellor and the faculty member.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.13 Hearing procedure.

(1) If the faculty hearing committee requests, the chancellor shall provide legal counsel to the committee. The hearing shall be closed unless the faculty member whose position has been recommended for elimination requests an open hearing, in which case it shall be open (see s. 66.77, Stats., Open Meeting Law).

(2) 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 procedures adopted by the faculty establishing the standing committee under s. UWS 5.11. No faculty member who participated in the decision to lay off or who is a material witness may sit in on the hearing committee.

(3) The faculty member shall be given at least 10 days notice of the hearing; 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 committee.

(4) The faculty member shall have access to the evidence on which the administration intends to rely to support the decision to lay off, and shall be guaranteed the following minimal procedural safeguards at the hearing:

- (a) A right to be heard in his or her own behalf,
- (b) A right to counsel and/or other representatives, and to offer witnesses;
- (c) A right to confront and cross-examine adverse witnesses;
- (d) A verbatim record of the hearing, which might be a sound recording, provided at no cost;
- (e) Written findings of fact and decision based on the hearing record; and
- (f) Admissibility of evidence governed by s. 227. 10, Stats.

(5) Adjournments 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.

UWS 5.14 Recommendations and review by the board.

The recommendations of the chancellor and the recommendations, if any, of the faculty hearing committee, shall be transmitted to the president of the university of Wisconsin system and to the board and acted upon as follows:

(1) If the faculty member has not requested a hearing before the faculty hearing committee, the recommendation shall be deemed proper and shall be reported for information to the system president and the board.

(2) If the faculty member has requested a hearing and the faculty hearing committee has found the decision to be proper, the report of the faculty hearing committee shall be forwarded to the system president and board by the chancellor with a recommendation. The faculty member may request a review by the board, and the board review panel may at its option grant a review. Unless the board review panel grants the request for review, the recommended findings of fact and decision of the standing faculty committee shall be the final decision of the board of regents.

(3) If after a hearing, the faculty hearing committee's recommended finding of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the

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committee's finding. If the chancellor accepts the committee's findings the chancellor's decision shall be final. If the chancellor contests the recommended findings that the decision was improper, the verbatim record, a summary of the evidence and the recommended findings of law and decision shall be forwarded to the board review panel (see s. UWS 5.15). The chancellor and the faculty member shall be furnished with copies of this material and shall have a reasonable opportunity to file written exceptions to such summary and proposed findings and decision and to argue with respect to them orally and in writing before the board review panel. The board review panel shall hear and decide the case in accordance with s. 227.12, Stats. The decision of the board review panel shall be final.

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

UWS 5.15 Board review.

A review panel shall be appointed by the president of the board of regents, and shall include 3 members of the board, and 2 nonvoting staff members from the academic affairs office of the university system. The panel shall review the criteria and reasoning of the chancellor and the findings and recommendations of the faculty hearing committee in each case forwarded for its review, and shall reach a decision on the recommendation to be approved. The decision shall be final and binding upon the chancellor and the faculty member affected unless one or more of the regent members of the review panel request that the decision be reviewed by the full board of regents, in which case the record shall be reviewed and a decision reached by the full board.

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

UWS 5.16 Layoff status.

(1) A faculty member whose position has been eliminated or reduced in accordance with the provisions of this chapter shall, at the end of the appropriate notice period, be placed on layoff status, unless the layoff notice has been rescinded prior to that time.

(2) The faculty member whose notice period has expired, and who is placed on layoff status shall remain on layoff status until:

(a) For probationary faculty, the probationary appointment would have expired under its own terms;

(b) For tenured faculty, one of the following occurs:

1. Reappointment to the position from which laid off. Failure to accept such reappointment would terminate the faculty member's association with the university of Wisconsin system.

2. Acceptance of an alternative continuing position in the university of Wisconsin system. Failure to accept an alternate appointment would not terminate the faculty member's association with the university of Wisconsin system.

3. Resignation.

4. Failure by the affected faculty member to notify the chancellor not later than December 1, of each year while on layoff status as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notice of desire to remain on layoff status shall terminate the faculty member's association with the university of Wisconsin system.

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

UWS 5.17 Alternative employment.

Each institution shall devote its best efforts to securing alternative appointments within the institution in position for which faculty laid off under this chapter are qualified under existing criteria. In addition, the university of Wisconsin system shall provide financial assistance for one year for faculty who are designated for layoff to readapt within the department or within another department of the institution, where such readaptation is feasible. Further, the University of Wisconsin System shall devote its best efforts to insure that faculty members laid off or terminated in any institution shall be made aware of openings within the system.

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

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UW-Sup 5.17 Alternative Employment.

The Chancellor shall inform the chairperson of the Faculty Personnel Council and, at the request of the faculty member involved, the chairperson of the Council shall inform the principal officer of any independent faculty association duly organized at the University of Wisconsin-Superior concerning the specific steps taken to explore the alternatives for reassignment of a laid-off faculty member within the institution or, as appropriate, for relocation elsewhere in the University of Wisconsin System.

UWS 5.18 Reappointment rights.

Each institution shall establish administrative procedures and policies to: insure that where layoff or terminations occur for reasons of financial emergency, no person may be employed at that institution within 3 years to perform reasonably comparable duties to those of the faculty member laid off or terminated without first offering the laid off or terminated faculty member reappointment without loss of tenure, seniority and other rights. The 3 year period shall be computed from the effective date of layoff as specified in the original notice.

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

UW-Sup 5.18 Reappointment Rights.

(1) The Vice Chancellor shall inform the chairperson of the Faculty Personnel Council and, at the request of the faculty member involved, the chairperson of the Council shall inform the principal officer of any independent faculty association duly organized at the University of Wisconsin-Superior concerning the professional qualifications of any person to whom a position might be offered by any Department in which a layoff has occurred.

(3) On the basis of information so received, the Faculty Personnel Council and/or any independent faculty association duly organized at the University of Wisconsin-Superior shall have the right to question the consideration of any particular candidate to fill a vacant faculty position entailing teaching responsibilities similar to those of a laid-off faculty member.

UWS 5.19 Retention of rank and salary.

Any faculty member reappointed within 3 years after layoff or termination shall be reappointed with a rank and salary at least equivalent to the rank and salary when laid off or terminated, together with such other rights and privileges which may have accrued at that time; any faculty member relocated within an institution or within the university of Wisconsin system shall not have either rank or salary adversely affected except by consent at the time of relocation.

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

UWS 5.20 Rights of faculty members on layoff.

A faculty member on layoff status in accord with the provisions of this chapter has the reemployment rights guaranteed by ss. UWS 5.18 and 5.19, and has the following minimal rights:

(1) Such participation in fringe benefit programs as is allowed by state regulations governing rights of laid

off state employees;

(2) Such continued use of campus facilities as is allowed by policies and procedures established by the department and institution; and

(3) Such participation in departmental and institutional activities as is allowed by guidelines established by the department and institution.

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

UW-Sup 5.20 Rights of Faculty Members on Layoff

Faculty on layoff status shall be entitled to make use of campus facilities, including office space as available, and to participate fully in University governance and other faculty activities.

UWS 5.21 System-wide tenure.

The commitment to system-wide tenure within the former chapter 37 institutions shall be honored by those institutions for those eligible under s. 36.13 (4), Stats., 1973 in the event of layoff or termination under the provisions of this chapter.

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

UWS 5.22 Lack of faculty action.

If the faculty of an institution is given due notice of its rights and responsibilities under this chapter, and does not act, the chancellor may act as follows in lieu of the faculty action:

(1) If a faculty committee provided for in s. UWS 5.04 is not established, the chancellor may consult those members or representatives of the faculty he considers appropriate to satisfy the intent of s. UWS 5.05.

All departments potentially involved shall be consulted and representatives of the faculty may dispute the chancellor's recommendation for a state of financial emergency before the board.

(2) If the faculty does not act to determine the form of seniority to be followed, the chancellor may designate the form. Such designation shall be effective campuswide and shall be made prior to the declaration by the board of a state of financial emergency.

(3) If an affected department or program does not recommend individuals for layoff or termination following declaration of a state of financial emergency, the chancellor shall determine the individuals to be affected, using such advice as is deemed of value.

(4) If a faculty hearing committee provided for in s. UWS 5.11 is not established by the faculty, the chancellor may appoint a committee of faculty members to provide this function.

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

Chapter UWS 6 COMPLAINTS AND GRIEVANCES

UWS 6.01 Complaints

UWS 6.02 Grievances

UWS 6.01 Complaints.

The faculty of each institution, with the approval of the chancellor, shall establish rules and procedures to deal with allegations by the administration, students, academic staff members, other faculty members, classified staff members, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 4. Such rules and procedures shall include, but not necessarily be limited to, the following:

(1) Review of and administrative action on the complaint by the chancellor. Administrative action may include dismissing the complaint, invoking an appropriate disciplinary action, or referring the complaint

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to the standing faculty committee created under sub. (2).

(2) Provision for a hearing before a standing faculty committee selected by the faculty of each institution in such manner as they shall determine. Such hearing shall be held at the request of the chancellor or, if the chancellor invokes a disciplinary action, at the request of the faculty member concerned.

(3) Guarantee of adequate due process to include, but not limited to, written notification of the complaint, fair and complete hearing procedures, written statement of findings, transmittal of findings to the faculty member involved and appropriate administrative officials within a reasonable period of time, and prohibition of further jeopardy for the same alleged misconduct after a final decision.

(4) Delineation of the powers of the faculty committee to make recommendations to the chancellor concerning disciplinary action, to recommend dismissal of the complaint, or to recommend referral of the complaint to the appropriate department or administrative officer.

(5) The decision by the chancellor on the recommendations of the committee, or on the complaint in the absence of committee recommendation, shall be final except that the board at its option might grant a review on the record.

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

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UW-Sup 6. 01 Complaints.

(1) The Chancellor shall receive all faculty-related complaints from whatever source and attempt to resolve each complaint either by dismissing the complaint, invoking appropriate disciplinary action, or referring the complaint to the Faculty Personnel Council. Should the complainant be dissatisfied with the resolution, he/she may refer the complaint to the Faculty Personnel Council.

(2) The Faculty Personnel Council as constituted by the Faculty Senate Constitution shall be the standing faculty committee to review all complaints. After reviewing the facts and allegations, the Faculty Personnel Council shall decide whether or not to proceed to a hearing. Upon deciding that a hearing is appropriate, the Council shall appoint an ad hoc hearing committee from the faculty as a whole to hear each case. The members shall be appointed from among those faculty not directly or professionally involved in the case.

(3) The faculty member and appropriate administrative officials shall receive written notice of the complaint, fair and complete hearing procedures, and a written statement of the findings (within days of completion of proceedings). Faculty are protected from further jeopardy for the same alleged misconduct after a final decision.

(4) The ad hoc hearing committee shall report its findings and recommendations directly to the Faculty Personnel Council. The Council shall review such findings of fact and recommendations, with changes as may seem appropriate, and report its own findings and recommendations directly to the Chancellor.

(5) The decision by the Chancellor on the recommendations of the Faculty Personnel Council, or on the complaint in the absence of Council recommendation, shall be final except that the Board of Regents at its option may grant a review on the record.

UWS 6.02 Grievances.

The faculty of each institution shall designate a committee or other appropriate faculty body to hear faculty grievances under rules and procedures established by the faculty of the institution in conjunction with the chancellor. The committee or faculty body shall have the power to conduct hearings and fact-finding related to the grievance and to recommend solutions to the grievance to the chancellor. If the committee or other body makes recommendations to the chancellor, the chancellor shall act on the recommendations within 30 days. The decision by the chancellor on the recommendation of the committee, or on the grievance in the absence of committee recommendation, shall be final except that the board, upon petition of a grievant or the committee or other faculty body, may grant a review on the record.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. Register, April, 1989, No. 400, eff. 5-1-89.

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(1) The Chancellor shall receive all grievances from faculty and attempt to resolve the matter either by dismissing the grievance, invoking appropriate disciplinary action, or referring the grievance to the Faculty Personnel Council. Should the faculty member be dissatisfied with the resolution, he/she may refer the grievance to the Faculty Personnel Council.

(2) The Faculty Personnel Council as constituted by the Faculty Senate Constitution shall be the standing faculty committee to review all grievances. After reviewing the facts and allegations, the Faculty Personnel Council shall decide whether or not to proceed to a hearing. Upon deciding that a hearing is appropriate, the Council shall appoint an ad hoc hearing committee from the faculty as a whole to hear each case. The members shall be appointed from among those faculty not directly or professionally involved in the case.

(3) The faculty member and appropriate administrative officials shall receive written notice of the grievance, fair and complete hearing procedures, and a written statement of the findings (within 30 days of completion of the proceedings). Faculty are protected from further jeopardy for the same alleged misconduct after a final decision.

(4) The ad hoc hearing committee shall report its findings and recommendations directly to the Faculty Personnel Council. The Council shall review such findings of fact and recommendations, with changes as may seem appropriate, and reports its own findings and recommendations directly to the Chancellor.

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(5) The decision by the Chancellor on the recommendations of the Faculty Personnel Council, or on the grievance in the absence of Council recommendation, shall be final except that the Board of Regents at its option may grant a review on the record.

Chapter UWS 7 Dismissal of Faculty in Special Cases

UWS 7.01 Declaration of policy. University faculty members are responsible for advancing the university's missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness, credibility, and ability to maintain public trust are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the university's ability to fulfill its missions, or that seriously impairs the faculty member's fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The board of regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct. History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.02 Serious criminal misconduct.

(1) In this chapter, "serious criminal misconduct" means:

(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:

1. Causing serious physical injury to another person.
2. Creating a serious danger to the personal safety of another person.
3. Sexual assault.
4. Theft, fraud or embezzlement.
5. Criminal damage to property.
6. Stalking or harassment.

(b) A substantial risk to the safety of members of the university community or others is posed.

(c) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.

(d) The faculty member's fitness or ability to fulfill the duties of his or her position is seriously impaired.

(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

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(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 7.03 to 7.06.

(4) Any act required or permitted by ss. UWS 7.03 to 7.06 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the board of regents under s. UWS 2.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.025 Definition. In this chapter, "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.03 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 or her term of appointment only by the board and only for just cause and only after due notice and hearing.

(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.04 Reporting responsibility. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.05 Expedited process.

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 7.04 or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, the chancellor shall:

(a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the chancellor as to whether to proceed under this section or ch. UWS 4.

(b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.

(2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.

(3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the faculty member in the manner specified in s. UWS 4.02 (3).

(a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within 2 working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. UWS 4, the chancellor receives a report under s. UWS 7.04 or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 6, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under sub. (3) (a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 4.05 to 4.06, except that the hearing shall be concluded, and written findings and a recommendation to the chancellor shall be prepared, within 15 working days of the filing of charges.

(5)

(a) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written recommendation on the matter.

- (b) If the recommendation is for dismissal, the chancellor shall transmit it to the board for review.
 - (c) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member.
 - (6) Upon receipt of the chancellor's recommendation, the full board shall review the record before the institutional hearing committee, and shall offer an opportunity for filing exceptions to the recommendation, and for oral argument. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor's recommendation.
 - (7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.
 - (8) The burden of proving just cause in this chapter shall be clear and convincing evidence.
 - (9) The chair of the faculty hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.
- History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.06 Temporary suspension without pay.

- (1) The chancellor, after consulting with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to his or her dismissal where:
 - (a) The faculty member has been charged with a felony of a type listed in s. UWS 7.02 (1) (a) and the chancellor, after following the provisions of s. UWS 7.05 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, and 2) that the faculty member has engaged in the conduct as alleged; or
 - (b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or
 - (c) The faculty member has pleaded guilty or no contest to or been convicted of a felony of a type listed in s. UWS 7.02 (1) (a) and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present.
- (2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.
- (3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:
 - (a) If the chancellor later determines that the faculty member should not be dismissed, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, and, except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.
 - (b) If the board later determines that the faculty member should not be dismissed, the board may order a lesser penalty and shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.
 - (c) If the chancellor or board later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the faculty member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the faculty member.
- (4) If, after affording the faculty member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

Chapter UWS 8 Unclassified Staff Code of Ethics

Found in Appendix D of the UW-Superior Unclassified Staff Handbook
 (<http://www.uwsuper.edu/hr/unclassified-staff/handbook/upload/Appendix-D-Code-of-Ethics.pdf>).

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In this document, UWS refers to University of Wisconsin System; UW-Sup references are University of Wisconsin-Superior specific.

University of Wisconsin System Faculty Personnel Rules
with local
University of Wisconsin - Superior Specifications¹

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¹ Approved, University Senate, Feb 22, 1977. Revisions approved, University Senate, Sept. 22, 1992, Board of Regents, Nov. 6, 1992, Faculty Senate, May 6, 1997, Board of Regents, June 5, 1998. [Revisions approved, Faculty Senate, May 20, 2014 and December 16, 2014.](#)

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Chapters 1 - 6 of the Wisconsin Administrative Code: Rules of the University of Wisconsin System Board of Regents (Faculty Personnel Rules)

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Chapter UWS 1 DEFINITIONS OF TERMS USED IN UWS 1 TO 6

UWS 1.01 Academic staff
UWS 1.02 Board of regents or board
UWS 1.03 Department
UWS 1.04 Faculty
UWS 1.05 Faculty status
UWS 1.06 Institution
UWS 1.07 University
UWS 1.08 Notice periods

UWS 1.01 Academic staff.

"Academic staff" means professional and administrative personnel, other than faculty and classified staff, with duties and types of appointments that are primarily associated with higher education institutions or their administration.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 1.02 Board of regents or board.

"Board of regents" or "board" means the board of regents of the University of Wisconsin System.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 1.03 Department.

"Department" means a group of faculty members recognized by the faculty and chancellor of the institution, and the board of regents, as dealing with a common field of knowledge or as having a common or closely related disciplinary or interdisciplinary interest.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UW-Sup 1.03 Department.

In those personnel matters that these Rules delegate to the Department, the Department has the prerogative of organizing its internal procedures for the implementation of Rules under Sections UW-Sup 3 through UW-Sup 8, consistent with the limitations of this document.

UWS 1.04 Faculty.

"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. The appointment of a member of the academic staff may be converted to a faculty appointment in accordance with s. UWS 3.01 (1) (c).
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 1.05. Faculty status.

By action of the appropriate faculty body and chancellor of an institution, members of the academic staff may be designated as having "faculty status." "Faculty status" means a right to participate in faculty governance of an institution in accordance with the rules of the institution. Faculty status does not confer rank or tenure, or convert an academic staff appointment into a faculty appointment.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 1.06 Institution.

"Institution" means any university, or an organizational equivalent designated by the board.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 1.07 University.

"University" means any baccalaureate or graduate degree granting institution.

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

UWS 1.08 Notice periods.

(1) When an act is required by these rules to be done within a specified number of days:

(a) Day shall mean calendar day.

(b) The first day shall be the day after the event, such as receipt of a notice or conclusion of a hearing.

(c) Each day after the first day shall be counted, except that a Sunday or legal holiday shall not be counted if it would be the final day of the period.

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

Chapter UWS 2 FACULTY RULES; COVERAGE AND DELEGATION

UWS 2.01 Rules

UWS 2.02 Delegation

UWS 2.01 Rules.

Rules in chs. UWS 2 and 3 apply to all faculty appointments made on or after the effective date of these rules. Any person who holds a tenure appointment under former chs. 36 and 37, Stats. 1971 and related rules shall continue to hold tenure as defined under those chapters and related rules. Any person who holds a probationary appointment under former chs. 36 and 37, Stats. 1971 and related rules 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 rules and procedures in effect at the time of consideration. The rules in chs. UWS 4 to 8 apply to all appointments to faculty positions regardless of whether the appointment preceded the adoption of these rules.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 2.02 Delegation.

Rules and procedures developed pursuant to chs. UWS 3, 4, 5, 6, and 8 by the faculty of each institution shall be forwarded by the chancellor to the president and by the president to the board for its approval prior to their taking effect. Such policies and procedures, unless disapproved or altered by the regents, shall be in force and effect as rules of the regents.

History: Register, January, 1975, No. 229, eff. 2-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

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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.

UW-Sup 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 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, and held by a faculty member during the period which may precede a decision on a tenure appointment.

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(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. Such faculty appointees shall enjoy all the rights and privileges of faculty.

(d) In accordance with the *Unclassified Staff Handbook* 1.05, members of the academic staff may be given faculty status.

(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.

(2) Definition of faculty peer: A faculty peer shall be defined as a ranked member (professor, associate professor, assistant professor, or instructor, as defined in Appendix A *UW-Sup* 7.4.4) with at least a half-time teaching, research, and/or Outreach appointment in the department. Department faculty with more than half-time administrative reassignment shall not be considered peer faculty for the duration of the assignment. Academic staff members designated as having faculty status and academic staff with back-up appointments are not faculty peers. The department chair shall be considered peer faculty as long as he or she meets the peer faculty definition.

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.

UW-Sup 3.02 Recruiting

(1) In this section, the personnel reporting line shall be as follows: Search and Screen Committee Chair, Department Chair, Vice Chancellor, and Chancellor. In addition, the approval of the Affirmative Action Officer shall be required prior to action by the Vice Chancellor at certain steps identified later in the process.

(21) The Provost is responsible for all faculty personnel functions. All tenure track positions must be authorized initially or re-authorized by the ChancellorProvost according to the campus hiring process. Attached to the departmental request for authorization should be a preliminary position description. The Provost may appoint or delegate a designee. The Provost, in consultation with the Affirmative Action Officer, will issue all formal processes consistent with the following procedures.

(32) When authorization to fill the vacancy has been received, the department faculty peers⁴ shall identify the members of the search and screen committee and the committee chair. If the vacancy is partially funded by UW Extension, the Director, Center for Continuing Education/Extension, or designee, shall be identified as one member of the Search and Screen Committee, without voting rights. The membership of the Search and Screen Committee shall be voted upon by the department faculty peers. The Search and Screen Committee shall be composed of some, if not all, of the Department faculty peers, and may include the Department Chair. At the discretion of the Department faculty peers, other staff, students, or individuals may be invited to serve on the Search and Screen Committee. The Provost and the

⁴-A peer shall be defined as a ranked member teaching at least half time in the Department or else one whose most recent appointment in the University as been made in the Department, except that administrators, including the Vice Chancellor, in the direct line of personnel recommendations originating at the Department level shall be excluded from participation in Department personnel recommendations originating with the peers. The Department Chair is a Department faculty peer.

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Affirmative Action Officer must approve the membership of the Search and Screen Committee in terms of gender and race.

- ~~(4) A final position description shall be developed by the Search and Screen committee prior to announcing the vacancy. If the vacancy occurs during the summer and must be announced during the summer, the Department Chair or his/her designee shall develop the final position description.~~
- ~~(5) The Chair of the Search and Screen Committee shall be responsible for advertising the position vacancy. If the position is to be advertised during the summer, the Department Chair will have this responsibility. Position announcements shall include the statement, "The University of Wisconsin Superior is an Affirmative Action/Equal Opportunity Employer". A copy of the announcement shall be forwarded to the Office of Human Resources.~~
- ~~(6) The Chair of the Search and Screen Committee shall receive all applications and nominations for the position and shall send the position description, other relevant information, and the Affirmative Action Verification Form to all applicants and nominees.~~
- ~~(7) The Chair of the Search and Screen Committee shall meet with the Affirmative Action Officer for instructions regarding the search and screen process. The Affirmative Action Officer will meet with the Search and Screen committee at its first meeting to provide information about affirmative action guidelines and procedures.~~
- (3) Following Search and Screen Committee membership approval, the Provost will initiate a meeting to explain the recruitment and hiring process.
- (4) The Search and Screen Committee will develop all questions and assessment criteria used in the process. This includes questions for the formal interview and questions from other venues if the responses will be used in the hiring decision. Other venues may include reference checks, telephone interviews, teaching demonstrations, presentations, social gatherings, department meetings, meetings with students, and conversations with members of other departments. All questions and assessment criteria will be submitted to the Provost and Affirmative Action Officer for approval. Questions not approved cannot be used in the hiring decision.
- ~~(85) The Search and Screen Committee will identify candidates to be interviewed for the position in terms of the approved position description and Affirmative Action guidelines. The Chair, Search and Screen Committee, will transmit those names according to the personnel reporting line to the Affirmative Action officer and the Vice Chancellor, along with the request for reimbursement of interview expenses. The Affirmative Action Officer certifies the pool prior to interviews. The names of the candidates to be interviewed will be submitted to the Provost for approval.~~
- ~~(9) Any telephone communications with the suitable candidates to be interviewed will be conducted by one or more members of the Search and Screen Committee. The Department Chair is authorized to speak to those candidates regarding salary, rank and other appointment details.~~
- ~~(406) The Search and Screen Committee will arrange the agenda for the campus interviews of the candidates schedule for the candidates according to campus protocol. The Search and Screen Committee will interview the candidates when they are on campus. Meetings or conversations outside this agenda cannot be used in the hiring decision except in unusual circumstances.~~
- ~~(447) The Search and Screen Committee will select the recommend candidate(s) to be appointed for appointment. The Chair of the Search and Screen Committee will communicate the name of the selected candidate to the Vice Chancellor through the personnel reporting line. The Department Chair, with the approval of the Vice Chancellor will make the position offer to the candidate. If the candidate accepts the offer, the Vice Chancellor shall issue the official letter of appointment to that candidate. The official letter of appointment will state that the~~

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~~appointee shall be responsible to the Department Chair. The Provost may select a candidate, reconvene the search committee, re-interview a candidate, or perform reference checks.~~

~~(8) The Provost will make the position offer to the candidate.~~

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.

~~UW-Sup 3.03 Appointments - General.~~

~~The Chancellor or designee shall provide the appointee with the information specified in section UWS 3.03, Wis. Adm. Code.~~

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(l) (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

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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.

UW-Sup 3.04 Probationary Appointments.

(1) The maximum probationary period in a full-time position shall be seven (7) years. In a part-time position of at least half-time, the maximum probationary period shall be ~~fourteen-ten~~ (10) years.

The probationary period may be shortened or eliminated for experience at other institutions or substantive reasons with the agreement of the department and the ~~Chancellor~~Provost.

(2) A leave of absence, ~~sabbatical~~, or teacher improvement assignment does not constitute a break in continuous service, ~~and but~~ shall not be included in the probationary period.

(3) Circumstances, in addition to a leave of absence, ~~sabbatical~~, or teacher improvement assignment 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.

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 the ~~Vice Chancellor~~Provost, who shall specify the length of additional time if the request is granted. ~~Notification that additional time has been sought under this section shall be made in a timely manner by the faculty member concerned to his or her department chair.~~

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 the ~~Vice Chancellor~~Provost, who shall grant a request in accordance with institutional policies ~~and in consultation with the faculty member's department chair~~. A denial of a request shall be in writing to the parties involved and shall be based upon clear and convincing reasons.

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.

In the event a request under this section is denied, the faculty member concerned shall have a right to appeal the decision to the Chancellor, who may refer the appeal to the Faculty ~~Senate~~ Personnel Council. The Chancellor's decision shall be final.

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.

UW-Sup 3.05 Periodic Review.

(1) Salary Adjustments and Post-Tenure Review

The periodic review of faculty performance for salary adjustments and ~~promotions-post-tenure review~~ shall be done at the Departmental level, ~~and, criteria-Criteria and procedures~~ for such evaluation(s) shall be

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determined by the peer faculty in the Department ~~after consultation with appropriate students~~ within guidelines and procedures approved by the Faculty Senate and the Chancellor.

(2) Promotion

(a) General

Early each fall semester, the Provost shall send a list containing the names of faculty who meet the minimum promotion requirements for each rank to department chairs and eligible faculty. Faculty members wishing to be considered for promotion in rank should contact their department chair regarding their eligibility and intent.

(b) Procedures

The Department Chair shall provide forms, guidelines, and other information to be used by the candidate in preparing materials for review. The Department Promotion Review Committee consists of the department tenured peer faculty holding at least the rank being considered. For example, someone requesting promotion to Associate Professor will be evaluated by Associate and Full Professors; someone requesting promotion to Full Professor will be evaluated by Full Professors.

If fewer than three (3) tenured peer faculty of the department hold the appropriate rank(s), tenured peer faculty member(s) from another department(s) holding the appropriate rank(s) must be included as a voting member(s) in the evaluation meeting. The "outside" tenured faculty member(s) is/are to be chosen by the Faculty Senate Personnel Council and from the Faculty Senate Personnel Council. The Committee must be composed of no less than three (3) tenured peer faculty voting members.

The Department Chair shall notify candidates in writing at least seven (7) days in advance of the date and time of the meeting. Candidates should make oral presentations to the Department Promotion Review Committee. The Committee shall notify the candidates of its decision in writing within seven (7) days of the meeting. In the case of a positive decision, the Committee shall also forward its recommendation to the Promotion Committee and the Provost (who chairs the Promotion Committee) within seven (7) days.

The Promotion Committee serves in an advisory capacity to the Chancellor. The Provost reviews recommendations advanced by departments and, using both general performance and achievement expectations [See Unclassified Staff Handbook 7.4.4.2], and specific department criteria, evaluates a candidate's accomplishments and makes promotion recommendations to the Chancellor within twenty-eight (28) days of receiving the recommendation from the department. Candidates are notified in writing within twenty-eight (28) calendar days of the Provost's recommendation.

After receiving the Provost's recommendation, the Chancellor makes his/her decision for promotion and forwards a positive recommendation to the Board of Regents. The Chancellor's disagreement with a positive department decision results in a non-promotion decision.

In the event of disagreement with the Department Promotion Review Committee decision, the Chancellor, in writing, shall inform the Department Promotion Review Committee, the Department Chair, and the Provost of the reasons for the disagreement. In addition, the Chancellor, in writing, shall notify the faculty member evaluated of the decision within twenty (20) days of receiving the Provost's recommendation.

(c) Materials Pertinent to the Decision

The areas of review shall include (1) teaching, (2) scholarship, and (3) professional and public service as well as contribution to the Institution.

(d) Reconsideration

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A candidate denied recommendation for promotion may file a written request with the Department or Provost asking for reasons for the recommendation. The Department or candidate may file a written request with the Provost for reconsideration of a denied promotion recommendation within thirty (30) days of written notice of the recommendation. Requests for consideration shall be based upon violations of specified procedures or failure to consider pertinent evidence. The Provost shall provide a written reconsideration decision to the Department Promotion Review Committee, the candidate, and the Chancellor.

As in all matters, faculty members who believe their case was not fairly considered may file a complaint or grievance under the provision of Appendix A UWS 6.01, Appendix A UWS 6.02, and Appendix A UW-Sup 6.02.

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.

UW-Sup 3.06 Renewal of Appointments and Granting of Tenure.

(1) General

The renewal of appointments and the granting of tenure may be granted only upon the affirmative recommendations of the appropriate Academic Department and the Chancellor of the University, after the Chancellor consults with the Provost.

~~In the case where a department declined to grant tenure and the department is found to have based its tenure decision on impermissible factors the Personnel Council will appoint an ad hoc committee of no fewer than three nor more than five persons knowledgeable or experienced in the individual's~~

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~~academic field or in a substantially similar academic field. This committee will make a tenure recommendation to the Board of Regents.~~³ [Moved to UW-Sup 3.08 4]

When specified by the Board, the University recommendation shall be transmitted by the President of the System with her/his recommendation to the Board for action. Tenure appointments may be granted to any ranked faculty member who holds or will hold a fifty percent 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 University, unless the faculty member is dismissed for just cause, pursuant to 36.13 (5), Wis. Stats., or is terminated or laid off pursuant to 36.21, Wis. Stats.

(2) Criteria

Decisions relating to renewal of appointments or recommending of tenure shall be made in accordance with University rules and procedures which shall require an evaluation of ~~(1) teaching, (2) research scholarship, (3) professional and public service, and as well as contributions to the University/Institution.~~ The relative importance of ~~the evaluation criteria~~ these three (3) functions in the evaluation process shall be ~~initially specified~~ decided by the Department faculty and the Faculty Senate. Written criteria for these decisions shall be developed ~~within~~ by the Department.

(3) Procedures

A meeting of the tenured peer faculty of the Department shall be held for the purpose of considering renewal of probationary appointments or the granting of tenure.

~~1-(a) Meeting Date~~

The date of this meeting shall be set by the Department Chair to allow sufficient time so that a written notice of non-renewal of appointment from the Chancellor shall be received by the faculty member in advance of the expiration of her/his appointment, as specified in Appendix A, UWS 3.09:

- ~~a1. Not later than March 1 of the first academic year of service~~ if the appointment expires at the end of ~~that an academic year,~~ written notice of renewal or non-renewal shall be made no later than March 1 of the first academic year of service; or, if a one-year appointment terminates during an academic year, the written notice of renewal or non-renewal shall be made at least three calendar months in advance of its termination.
- ~~b2. Not later than December 15 of the second academic year of service~~ if the appointment expires at the end of the second consecutive academic year of service, the written notice of renewal or non-renewal shall be made no later than December 15 of the second academic year that year; or, if an initial two-year appointment terminates during an academic year, the written notice of renewal or non-renewal shall be made at least six calendar months in advance of its termination.
- ~~C3. At least twelve months before the expiration of an appointment~~ after two or more years of continuous service, the written notice of renewal or non-renewal shall be made at least twelve calendar months before the expiration of the appointment.

- ~~2- 4.~~ At least twenty (20) calendar days prior to the Departmental evaluation meeting, each faculty member who is to be evaluated ~~or who is eligible to participate in the evaluation, and the tenured peer faculty of the department~~ shall be notified by the Department Chair in writing of the date of the meeting and the department procedures to be followed, ~~including which include~~ the opportunity to present material ~~in her/his on the faculty member's~~ behalf.

- ~~a. Students—at least one student chosen from those majoring or minoring in the Department, shall be invited to participate in the faculty evaluation. The tenured faculty~~

³ 1991 Wisconsin Act 118, Section 5, 36.13(2)(b)

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~~in each Department shall decide on the number of student representatives to be included in the evaluation and the method by which they are to be chosen. Students shall not vote in matters relating to renewal of appointments and the granting of tenure. (If no peer faculty are tenured, all untenured faculty shall be included in the student selection process.)~~

- b. ~~In the event that a faculty member or student who is eligible to participate in the evaluation process is unable to attend the meeting, he/she may submit a written evaluation to be read to the other participants. The absent faculty member shall be allowed a vote in the proceedings if he/she desires and must sign the evaluation form noting her/his absence from the meeting. [Moved to UW-Sup 3.06 (b) 4 below with revisions]~~

~~3(b).~~ Members present:

- a1. Tenured peer faculty of the department.
- b. ~~Other faculty—the tenured peer faculty members of the Department shall decide prior to the evaluation meeting whether or not untenured peer faculty shall be included in the evaluation process.~~
- c2. If fewer than three ~~(3)~~ peer faculty of the department are tenured, ~~one~~ tenured peer faculty member ~~(s)~~ from another department ~~(s)~~ must be included as a voting member ~~(s)~~ in the evaluation meeting. The "outside" tenured faculty member ~~(s)~~ is/are to be chosen by the ~~probationary faculty member being evaluated~~ Faculty Senate Personnel Council and from the Faculty Senate Personnel Council. ~~Notwithstanding anything herein to the contrary, a minimum of three faculty voting members must be allowed. The Retention/Tenure Committee must be composed of no less than three (3) tenured peer faculty voting members.~~
3. Only tenured peer faculty shall be present at the decision-making meeting unless the faculty member being evaluated requests an open meeting, subject to the provisions of the Wisconsin Open Meeting Law.
4. In the event that a tenured peer faculty member who is eligible to participate in the evaluation process is unable to attend the meeting, then he/she may participate and vote via teleconference or videoconference. he/she may submit a written evaluation to be read to the other participants. The absent faculty member shall be allowed a vote in the proceedings if he/she desires and then must sign the evaluation form, noting her/his absence from the meeting.

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4.(c) Materials Pertinent to the Decision

~~1. The faculty member being evaluated shall not be present during the decision-making unless he/she so requests, subject to the provisions of the Wisconsin Open Meeting Law. Before the decision making discussion commences, the faculty member shall have the opportunity to submit either written or oral information which he/she believes pertinent to her/his/her evaluation.~~

~~2. In addition to written or oral information submitted by the faculty members on their-his/her behalf, both the faculty members and the reviewing committee may solicit additional input, including, but not limited to, extending invitations to knowledgeable individuals to present pertinent information orally or in writing. If additional information is solicited in either oral or written form, such retrieved information will be shared with the faculty member in advance of the meeting.~~

~~3. A copy of all material pertinent to the decision, including the portfolio, shall be kept on record in the department and shall be made available at each review. When the decision is completed, all personal property, such as books, shall be returned to the faculty member.~~

5.(d) Standard Notification Form

~~A~~ The standard notification form that shall be used by all Departments is the Recommendation for Faculty Retention.

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a. This form must be signed by all persons involved in the decision, and concurrence or nonconcurrence must be noted.

b. All material pertinent to the decision shall be kept on record and be made available at each review. In the case of oral material a report of it shall be included. When the decision is completed all personal property shall be returned to the faculty member. [Moved under (c) 3 above with revisions]

c. The signed notification form shall be forwarded to the Vice Chancellor.

6.(e) Timeline after Department Decision

1. Within seven (7) days of the decision of the Departmental meeting of the tenured peers faculty, the Department Chair shall notify each provide the faculty member evaluated and the Provost in writing of the decision of the Department peers with a completed signed copy of the standard notification form indicating renewal, non-renewal, or tenure.

a. In the event that the Department peers decide to non-renew, the faculty member may request a reconsideration by the Department as specified in UW-Sup 3.07.

b. After receiving the decision of the peers, the Department Chair shall forward the decision to the Vice Chancellor.

c2. After receiving the decision of the department tenured peers faculty, the Vice Chancellor Provost, within seven (7) days, shall indicate agreement or disagreement with the decision on the standard notification form and so inform the Chancellor.

1. In the event of disagreement with the peers' decision, the Vice Chancellor shall so inform the peers through the Department Chair in writing of the reasons for the disagreement.

2. The Vice Chancellor shall notify the faculty member involved of her/his recommendation, in writing, within twenty days of receiving the decision of the Department.

(f) Chancellor's Recommendation to the Board of Regents

d1. After receiving the decision of the peers and the recommendation of completed signed copy of the standard notification form indicating renewal, non-renewal, or tenure from the Vice Chancellor Provost, the Chancellor shall approve or disapprove the decision make his/her recommendation for retention to the Board of Regents. The Chancellor's disagreement with a positive department decision results in a non-renewal decision. The Chancellor's disagreement with a negative department decision still results in a non-renewal decision. See Appendix A UW-Sup 3.06(1).

1. 2. In the event of disagreement with the department tenured peers' faculty decision and/or Vice Chancellor's recommendation, the Chancellor, in writing, shall inform the department tenured peers faculty, the Department Chair, and Vice Chancellor Provost in writing of the reasons for the disagreement.

2.3. The Chancellor, in writing, shall notify the faculty member involved evaluated of the decision, in writing, within twenty (20) days of receiving the recommendation of signed standard notification form from the Vice Chancellor Provost.

3.4. In the event that the Chancellor or the department recommends non-renewal, the faculty member may request a reconsideration by the Chancellor as specified in Appendix A UW-Sup 3.07.

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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 non-renewal decision, the procedures specified in s. UWS 3.08 shall be followed.

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

UW-Sup 3.07 ~~Non-Renewal of Probationary Appointments.~~

(1) ~~(a)~~ Rules and Procedures

~~The faculty member may, within thirty (30) fifteen (15) days of written notification of non-renewal, the faculty member may, in writing, request written reasons for such non-renewal. The Department or Chancellor initiating the decision to non-renew shall, within fifteen (15) days of the request, the department or Chancellor initiating the decision to non-renew shall~~ provide such written reasons for non-renewal. Such reasons shall become part of the personnel file of the ~~individual/faculty member~~. Further, the faculty member may make a written request for a reconsideration of the initial non-renewal decision within ~~fifteen (15) seven (7) days of receipt of the written reasons for non-renewal.~~

(2)

~~(b)~~ Reconsideration

The purpose of reconsideration of a non-renewal decision shall be to provide an opportunity for a fair and full consideration of the non-renewal decision, and to ~~ie~~nsure that all relevant material is considered.

~~1-(a)~~ Such reconsideration shall be undertaken by the ~~individual or body~~ Chancellor or department initiating the non-renewal decision. The faculty member involved must receive written notice of the date and time of the reconsideration of her/his non-renewal within seven (7) days of ~~her/his/her~~ written request for the reconsideration. There shall be at least seven (7) days, but not more than ten (10) days between the date the faculty member is notified of the reconsideration and the date of the reconsideration meeting.

In addition to proper notification, the reconsideration shall include, but not be limited to, an opportunity by the faculty member being evaluated to respond to the written reasons and to present any written or oral evidence or arguments relevant to the decision.

Written notification of the decision resulting from the reconsideration shall be given to the faculty member within five (5) days of the reconsideration meeting.

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2.(b) Reconsideration is not a hearing, or an appeal, ~~and shall; it should~~ be non-adversarial in nature.

3.(c) In the event that a reconsideration affirms the non-renewal decision, the faculty member may appeal the decision following the procedures specified in Appendix A, UW-Sup 3.08 shall be followed.

UWS 3.08 Appeal of a non-renewal decision.

- (1) The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for the appeal of a non-renewal decision. Such rules and procedures shall provide for the review of a non-renewal 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 non-renewal 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 that 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.

UW-Sup 3.08 **Written Appeal of a Non-Renewal Decision.**

(1) Review of Non-Renewal Decision

The Faculty Senate Personnel Council shall review a non-renewal decision upon written appeal by the faculty member concerned detailing the violations of policies and/or procedures that occurred within twenty (20) days of notice that the reconsideration has affirmed the non-renewal decision (twenty-five [25] days if notice is by first-class mail and publication). Such review shall be held not later than twenty (20) days after the request, except that this time limit may be enlarged by mutual consent of the parties, or by order of the Faculty Personnel Council. The faculty member shall be given at least ten (10) days notice of such review. The burden of proof in such anthe written appeal shall be on the

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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. The written appeal must address one or more of the following areas:~~

- (a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom as defined in the Unclassified Staff Handbook 6.2; ~~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:~~
because

- 1 The procedures required by rules of the faculty or Board of Regents 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.

The scope of the review shall be limited to the question of whether the decision for non-renewal was based upon violation(s) of the above outlined factors, which resulted in material prejudice to the faculty member concerned.

(2) Written Report on the Validity of Written Appeal

The Faculty Senate Personnel Council shall provide a written report on the validity of the written appeal to the ~~body or official decision-making members~~ making the non-renewal decision ~~and to~~ the Department Chair, the ~~Vice Chancellor~~ Provost, 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 Council, or a recommendation to the next higher appointing level. Cases shall be remanded for reconsideration by the decision maker in all instances unless the Council specifically finds that such a remand would serve no useful purpose. The Faculty Personnel Council shall retain jurisdiction during the pendency of any reconsideration. The decision of the Chancellor shall be final on such matters.~~

This report either recommends 1) the dismissal of the appeal because it lacks validity, or 2) reconsideration by the decision-making members under instructions from the Faculty Senate Personnel Council, or 3) reconsideration by the Chancellor or the Chancellor's designee under instructions from the Faculty Senate Personnel Council. The Faculty Senate Personnel Council shall retain jurisdiction during the pendency of any reconsideration. The decision of the Chancellor shall be final on such matters. 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 purpose.

(3) Notice Period

Notice Period is defined in Appendix A UWS 1.08. The written appeal by the faculty member must be received by the Faculty Senate Personnel Council within twenty (20) calendar days of written notice received by the faculty member that the reconsideration has affirmed the non-renewal decision (twenty-five [25] calendar days if notice is by first class mail and publication). A review of the written appeal by the Faculty Senate Personnel Council shall be held not later than twenty (20) calendar days after the request; this time limit may be enlarged by mutual consent of the parties or by order of the Faculty Senate Personnel Council. The faculty member shall be given at least ten (10) calendar days written notice of the review of the written appeal. The Faculty Senate Personnel Council must submit a written report within twenty (20) calendar days from the completion of the review process.

(4) Notestein Rule

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In the case where a department declined to grant tenure and the department is found to have based its tenure decision on impermissible factors, the Faculty Senate Personnel Council will appoint an ad hoc committee of no fewer than three (3) nor more than five (5) persons knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. This committee will make a tenure recommendation to the Board of Regents.

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 non-reappointment 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.

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

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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

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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 that he/she deems substantial and which, if true, might lead to dismissal under s. UWS 4.0 1, 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 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. 262.06 (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.

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. 227.12, 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.

UW-Sup 4.03. Standing Faculty Committee.

The Committee on Faculty Terminations of the Faculty Senate shall be the faculty standing committee to hear dismissal cases for tenured or probationary faculty prior to the end of their appointment and make recommendations to the Board of Regents.

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;

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- (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;

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

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 allegation 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, which case it shall be open (see s. 66.77, 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 procedures 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;

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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.

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

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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 hearing 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.

(3) 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 s. 66.77, 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.

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.

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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.

Chapter UWS 5 LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY

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UWS 5.02 Financial emergency

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UWS 5.01 General.

Notwithstanding s. 36.13 Stats., the board may lay off or terminate a tenured faculty member, or lay off or terminate a probationary faculty member prior to the end of his or her appointment, in the event of a financial emergency. Such layoffs or terminations may be made only in accord with the provisions of this chapter, and imply the retention of rights indicated herein. A nonrenewal, regardless of reasons, is not a layoff or termination under this section.

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

UWS 5.02 Financial emergency.

(1) For the purposes of this chapter, "financial emergency" is a state which may be declared by the board to exist for an institution if and only if the board finds that the following conditions exist:

(a) The total general program operations (GPR/fee) budget of the institution, excluding adjustments for salary/wage increases and for inflationary impact on non-salary budgets, has been reduced;

(b) Institutional operation within this reduced budget requires a reduction in the number of faculty positions such that tenured faculty must be laid off, or probationary faculty must be laid off prior to the end of their respective appointments. Such a reduction in faculty positions shall be deemed required only if in the board's judgment it will have an effect substantially less detrimental to the institution's ability to fulfill its mission than would other forms of budgetary curtailment available to the institution; and

(c) The procedures described in ss. UWS 5.05 and 5.06 have been followed.

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

UWS 5.03 Layoff and termination.

For the purposes of this chapter "layoff" is the indefinite suspension or an involuntary reduction in services and compensation of a faculty member's employment by the university of Wisconsin system. A laid off faculty member retains the rights specified in ss. UWS 5.16 through 5.21, inclusive. For the purposes of this chapter, "termination" is

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the permanent elimination of a faculty member's employment by the university of Wisconsin system. A terminated faculty member retains rights specified in ss. UWS 5.18 and 5.19.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.04 Faculty consultative committee.

The faculty of each institution shall, promptly after February 1, 1975, designate or create a standing faculty committee to consult with the chancellor if at any time a declaration of financial emergency is to be considered. The committee shall consist of faculty members of the institution chosen' by the faculty in a manner to be determined by the faculty. It is the right and responsibility of this committee to represent the faculty before the board if a declaration of a state of financial emergency for the institution is being considered, and to assure that the procedures of ss. UWS 5.05 and 5.06 are followed.

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

UW-Sup 5.04. Faculty Consultative Committee.

(1) The Faculty Consultative Committee shall be the Faculty Personnel Council. Faculty members elected at large shall be elected by the same procedures as those followed by the Faculty Senate elections-at-large.

(2) The Chairperson of the Faculty Consultative Committee shall be elected by and from the membership of the Committee.

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UWS 5.05 Consultation.

(1) In the event that a declaration of financial emergency is contemplated, the chancellor of the affected institution shall consult with and seek advice from the faculty committee provided for in s. UWS 5.04 at least 3 months before the matter is taken to the board. The chancellor and committee shall:

- (a) Consider identifiable alternative methods of budget reduction;
- (b) Determine whether reductions in faculty positions under the provisions of this chapter can be made with less detriment to the institution's ability to fulfill its mission than would follow from reasonable alternative courses of action;
- (c) Determine from which colleges, schools, departments, or programs faculty positions should be eliminated;
- (d) Consult with faculties of colleges, schools, departments and programs potentially involved; and
- (e) Consult with such other individuals and groups as they feel may be able to provide valuable advice.
- (f) The committee shall prepare a report, with supporting documents, for submission to the chancellor, the faculty senate, or institutional equivalent, and the board.

(2) It shall be the primary responsibility of the faculty of the institution to establish criteria to be used by the chancellor and committee for academic program evaluations and priorities. A decision to curtail or discontinue an academic program for reasons of financial emergency shall be made in accordance with the best interests of students and the overall ability of the institution to fulfill its mission.

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

UW-Sup 5.05 Consultation.

(1) Both quantitative and qualitative data and considerations shall serve as criteria for the evaluation of programs and the establishment of priorities among departments or programs.

(2) Quantitative data employed to evaluate departments or programs should include, where applicable, but not be limited to, the following measurements:

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- (a) The up-or-down trend as well as the average number of credit hours produced each year during the immediately preceding five-year period, including credit hours produced during each term.
- (b) The up-or-down trend as well as the average number of contact hours produced each year during the immediately preceding five-year period, including contact hours produced during each term.
- (c) Measurement of the degree of expansion or contraction in terms of credit and contact hours during the immediately preceding two years.
- (d) The percentage of total university credit and contact hours produced by a department or program during the immediately preceding five-year and two-year periods.
- (e) The up-or-down trend as well as the average number of majors enrolled in a department or program during the immediately preceding two-, three-, and five-year periods.
- (f) The up-or-down trend as well as the average number of minors enrolled in a department or program during the immediately preceding two-, three-, and five-year periods.
- (g) Percentage of total university majors produced by a department or program during the immediately preceding two-, three-, and five-year periods.
- (h) Percentage of total university minors produced by a department or program during the immediately preceding two-, three-, and five-year periods.
- (i) Number of undergraduate degrees produced by a department or program during the immediately preceding five-year period.
- (j) Number of graduate degrees produced by a department or program during the immediately preceding five-year period.

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- (k) Number of majors who earn under-graduate degrees in a department or program in comparison with the number of freshman majors in the department or program each year during the immediately preceding five-year period.
- (l) Credit and contact hours produced by a department or program per FTE faculty teaching position in the program.
- (m) Cost per credit and/or contact hours per FTE student and FTE faculty member in the department or program (both including and excluding faculty salaries as such).
- (n) Contact hours produced by a department or program's non-course activities per FTE faculty member in the department or program--e.g., in drama, music and sports.
- (o) Contact hours and other efforts related to the recruitment of new students, including field contacts with high school students, sponsorship of on-campus or off-campus departments or programs, and the production of letters, brochures, and other written materials.
- (p) The dollar amount of extramural funding attracted by a department or program.
- (3) The University, in reviewing departments or programs, places substantial emphasis on the gathering of evidence on the relative quality of departments or programs, and the qualitative measurement shall include, but not be limited to, the following:
 - (a) Evaluation by current majors in a department or program as well as by all other students, who have taken one or more courses offered by the department or program.
 - (b) Evaluation of a department or program by its graduates of the immediately preceding five years.
 - (c) Percentage of those students receiving undergraduate degrees in a department or program who successfully completed graduate and professional degrees during the immediately preceding ten years.

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- (d) The impact of a department or program on the mission of the University.
- (e) The extent to which a department or program services those of other Departments.
- (f) Professional qualifications of each faculty member involved in a department or program: experience; degrees, research and publications; creative output, e.g., fine and applied arts; public service; professional growth; and teaching in areas of primary preparation.
- (g) Standards or academic expectations (minimum-module ingredients of a viable department or program) recognized by the profession, represented by the professional associations of each discipline, and the judgment of accreditation agencies.
- (h) Comparison with the thrust of similar departments or programs on other campuses of similar size and mission.
- (i) The extent to which "liberal arts" majors are required to take courses in other disciplines.
- (j) The degree to which a department's or program's course offerings duplicate or approximate those offered by other Departments and the qualifications of the instructors who teach these "duplicative" courses to offer instruction in these areas.
- (k) Identification of the contribution to special programmatic needs by faculty members with highly specialized or unique training or experience.
- (l) The extent to which the quality of a department or program is affected by academic support or noninstructional costs.
- (m) Use of formal University evaluation instruments to assess the quality of all courses and instructors in a department or program.

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UWS 5.06 Recommendation to the system president and the board.

(1) If the chancellor decides to recommend that the board declare a state of financial emergency for the chancellor's institution, the recommendation to the system president and the board shall be accompanied by a report which shall include the following:

- (a) A statement of the procedures followed in arriving at the recommendation, showing compliance with s. UWS 5.05;
- (b) Data clearly demonstrating the need for a reduction of faculty positions in accord with the provisions of this chapter;
- (c) An identification of the colleges, schools, departments or program areas in which reductions will be made, with data indicating the appropriateness of such choices;
- (d) The report of the faculty committee, expressing its views on these matters; and
- (e) A report of any action of the faculty senate or institutional equivalent on this matter.

(2) The chancellor and the chairman of the faculty committee, or their designees, and representatives of affected colleges, schools, departments and programs, may appear before the board at the time the recommendation is considered. Other interested parties may submit in writing alternative recommendations or challenges to any part of the report.

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

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UWS 5.07 Individual designations.

Once the board has declared a state of financial emergency it shall be the primary responsibility of the tenured members of the affected department(s) to recommend which individuals are to be laid off. These recommendations shall follow seniority, as provided in s. UWS 5.08, unless a clear and convincing case is made that program needs dictate other considerations, e.g., the need to maintain diversity of specializations within a department. The department may seek the advice of other groups or individuals in formulating its recommendations. The departmental recommendation shall be forwarded to the chancellor, and the chancellor shall prepare recommendations for the system president and the board, as provided in s. UWS 5.14.

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

UW-Sup 5.07 Individual Designations.

(1) In making a "clear and convincing case" in support of the layoff of a tenured faculty member as an exception to the institutional rule of seniority, the affected Department(s) shall substantiate its (their) recommendations to the Chancellor by offering, among others, the following pieces of evidence:

(a) Citations from professional literature and/or the criteria established by professional associations within the discipline, demonstrating the fundamental elements in a viable department or program.

(b) Detailed documentation to the effect that another (or no other) individual faculty member in the department or program is qualified to teach the affected courses and that another (or no other) faculty member in the department or program could be retrained to offer instruction in these courses without a prolonged leave of absence and/or a substantial impact on the alternative uses of university resources.

(c) The extent to which each faculty member in the department or program might be retrained to teach courses vital to the department or program.

(d) Analysis of the extent to which there are closely equivalent courses available in other Departments.

(e) Documentation showing the need to maintain the Affirmative Action Plan.

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UWS 5.08 Seniority.

The faculty of each institution shall promptly after February 1, 1975, determine the form of seniority that is to be considered. Such a determination shall be effective uniformly throughout the institution. Seniority may be, but is not limited to, the following definitions:

(1) Without regard to rank, with seniority established by total years of service in the institution;

(2) By rank, and within rank according to total years of service in the institution; or

(3) By rank, and within rank, according to length of service in the institution at that rank.

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

UW-Sup 5.08 Seniority

Seniority shall be determined by total years of service (academic year) at the University of Wisconsin-Superior, or in the former Wisconsin State Universities System, as appropriate in individual cases, without regard to academic rank. Faculty who have been employed part-time during any academic year shall have such part-time service prorated. Authorized leaves of absence shall be counted in the determination of length of service.

UWS 5.09 Notification.

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Each faculty member whose position is recommended for elimination shall receive prompt written notification from the chancellor. This statement of notification shall include:

- (1) A summary of the reasons and evidence supporting the declaration of a state of financial emergency and of the reasons and data leading to the choice of the colleges, schools, departments or programs in which reductions are to be made;
 - (2) A statement of the basis on which the individual position was selected for elimination (if on the basis of seniority, the criterion used and data supporting the choice; if on another basis, the data and reasons supporting that choice);
 - (3) A statement of the date on which the layoff is to be effective (this must be consistent with the provisions of s. UWS 5. 10); and
 - (4) A copy of these rules and such other information or procedural regulations as the chancellor or faculty hearing committee shall deem appropriate.
- History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.10 Notification Period.

(1) For an academic year appointment the effective date of layoff must coincide with the end of an academic year. For an annual appointment it shall be June 30. In either case notification must be given at least 12 months in advance of the effective date. The notification referred to here is that specified in s. UWS 5.09 informing the faculty member that his or her position has been recommended for elimination.

(2) During this period, and prior to entering layoff status (see s. UWS 5.16), the chancellor may offer as appropriate, and the faculty member may accept:

- (a) Terminal leave and early retirement
- (b) Relocation leave accompanied by resignation

(3) Acceptance of either of these options will terminate the faculty members association with the university of Wisconsin system at the end of the leave period.

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

UWS 5.11 Faculty hearing committee.

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The faculty of each institution shall, promptly after February 1, 1975, establish a committee or designate an existing committee to serve as a hearing committee for the purposes of this chapter. The committee shall consist of faculty members of the institution chosen by the faculty in a manner to be determined by the faculty. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.12, 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 5.14

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

UW-Sup 5. 11 Faculty Hearing Committee.

The Standing Committee of Terminations constituted by the Constitution of the Faculty Senate shall also function as the Faculty Hearing Committee in cases of faculty layoffs for reasons of financial emergency, except that the Faculty Hearing Committee shall not include an individual bearing the title higher than Department Chair. The Individual shall be replaced for purposes of this Chapter by one additional faculty member elected by and from the tenured members of the Faculty Senate.

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UWS 5.12 Review hearing.

(1) A faculty member whose position is recommended for elimination is entitled to a hearing before the faculty hearing committee as to the appropriateness of the decision to lay off that particular individual. The existence of a state of financial emergency and the designation of the colleges, schools, departments or programs in which faculty positions are to be eliminated are not subject to review in the hearing.

(2) A hearing must be requested within 20 days of the receipt by the faculty member of notification of recommended layoff. The request shall state with particularity the grounds to be relied upon in establishing the impropriety of the decision. Relevant information supplementary to that contained in the notification statement may be requested. The question to be considered in the review is whether one or more of the following improper factors entered into the decision to lay off.

(a) Conduct, expressions, or beliefs on the faculty member's part 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 selection of the individual to be laid off. For the purposes of this section, "improper selection" occurs if material prejudice resulted from 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 role of the faculty member in the institution were not considered; or

3. Unfounded or arbitrary assumptions of fact were made; or

4. Immaterial or improper factors other than those specified above entered into the decision.

(3) The faculty member shall present evidence on whether one or more of the improper factors specified above entered into the decision to lay off. The committee shall then consider whether the evidence presented establishes a prima facie case that such factor or factors did enter significantly into the layoff decision. If the committee finds that a prima facie case has not been established, the layoff decision shall be found to have been proper and the hearing shall be ended. The committee shall report this finding to the chancellor and faculty member.

(4) If the committee finds that a prima facie case has been established, the chancellor or designee shall be entitled to present evidence to support the layoff decision, and, thereafter, the faculty member may present evidence in rebuttal. On the basis of all the evidence presented, the committee shall make its determination as follows:

(a) The committee shall first consider whether one or more of the above specified improper factors entered significantly into the decision to lay off. Unless the committee is convinced that such factors did significantly enter into that decision, the committee shall find the decision to have been proper.

(b) If the committee believes that improper factors may have entered into the decision, but is convinced that the same decision would have been reached had the error(s) not occurred, it shall find the decision to have been proper.

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(c) If the committee is convinced that improper factors entered significantly into and affected the decision, it shall be found to be improper.

(5) The committee shall report its findings and recommendations to the chancellor and the faculty member.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.13 Hearing procedure.

(1) If the faculty hearing committee requests, the chancellor shall provide legal counsel to the committee. The hearing shall be closed unless the faculty member whose position has been recommended for

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elimination requests an open hearing, in which case it shall be open (see s. 66.77, Stats., Open Meeting Law).

(2) 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 procedures adopted by the faculty establishing the standing committee under s. UWS 5.11. No faculty member who participated in the decision to lay off or who is a material witness may sit in on the hearing committee.

(3) The faculty member shall be given at least 10 days notice of the hearing; 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 committee.

(4) The faculty member shall have access to the evidence on which the administration intends to rely to support the decision to lay off, and shall be guaranteed the following minimal procedural safeguards at the hearing:

- (a) A right to be heard in his or her own behalf,
- (b) A right to counsel and/or other representatives, and to offer witnesses;
- (c) A right to confront and cross-examine adverse witnesses;
- (d) A verbatim record of the hearing, which might be a sound recording, provided at no cost;
- (e) Written findings of fact and decision based on the hearing record; and
- (f) Admissibility of evidence governed by s. 227. 10, Stats.

(5) Adjournments 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.

UWS 5.14 Recommendations and review by the board.

The recommendations of the chancellor and the recommendations, if any, of the faculty hearing committee, shall be transmitted to the president of the university of Wisconsin system and to the board and acted upon as follows:

(1) If the faculty member has not requested a hearing before the faculty hearing committee, the recommendation shall be deemed proper and shall be reported for information to the system president and the board.

(2) If the faculty member has requested a hearing and the faculty hearing committee has found the decision to be proper, the report of the faculty hearing committee shall be forwarded to the system president and board by the chancellor with a recommendation. The faculty member may request a review by the board, and the board review panel may at its option grant a review. Unless the board review panel grants the request for review, the recommended findings of fact and decision of the standing faculty committee shall be the final decision of the board of regents.

(3) If after a hearing, the faculty hearing committee's recommended finding of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the

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committee's finding. If the chancellor accepts the committee's findings the chancellor's decision shall be final. If the chancellor contests the recommended findings that the decision was improper, the verbatim record, a summary of the evidence and the recommended findings of law and decision shall be forwarded to the board review panel (see s. UWS 5.15). The chancellor and the faculty member shall be furnished with copies of this material and shall have a

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reasonable opportunity to file written exceptions to such summary and proposed findings and decision and to argue with respect to them orally and in writing before the board review panel. The board review panel shall hear and decide the case in accordance with s. 227.12, Stats. The decision of the board review panel shall be final.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.15 Board review.

A review panel shall be appointed by the president of the board of regents, and shall include 3 members of the board, and 2 nonvoting staff members from the academic affairs office of the university system. The panel shall review the criteria and reasoning of the chancellor and the findings and recommendations of the faculty hearing committee in each case forwarded for its review, and shall reach a decision on the recommendation to be approved. The decision shall be final and binding upon the chancellor and the faculty member affected unless one or more of the regent members of the review panel request that the decision be reviewed by the full board of regents, in which case the record shall be reviewed and a decision reached by the full board.
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.16 Layoff status.

(1) A faculty member whose position has been eliminated or reduced in accordance with the provisions of this chapter shall, at the end of the appropriate notice period, be placed on layoff status, unless the layoff notice has been rescinded prior to that time.

(2) The faculty member whose notice period has expired, and who is placed on layoff status shall remain on layoff status until:

(a) For probationary faculty, the probationary appointment would have expired under its own terms;

(b) For tenured faculty, one of the following occurs:

1. Reappointment to the position from which laid off. Failure to accept such reappointment would terminate the faculty member's association with the university of Wisconsin system.

2. Acceptance of an alternative continuing position in the university of Wisconsin system. Failure to accept an alternate appointment would not terminate the faculty member's association with the university of Wisconsin system.

3. Resignation.

4. Failure by the affected faculty member to notify the chancellor not later than December 1, of each year while on layoff status as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notice of desire to remain on layoff status shall terminate the faculty member's association with the university of Wisconsin system.

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

UWS 5.17 Alternative employment.

Each institution shall devote its best efforts to securing alternative appointments within the institution in position for which faculty laid off under this chapter are qualified under existing criteria. In addition, the university of Wisconsin system shall provide financial assistance for one year for faculty who are designated for layoff to readapt within the department or within another department of the institution, where such readaptation is feasible. Further, the University of Wisconsin System shall devote its best efforts to insure that faculty members laid off or terminated in any institution shall be made aware of openings within the system.

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

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UW-Sup 5.17 Alternative Employment.

The Chancellor shall inform the chairperson of the Faculty Personnel Council and, at the request of the faculty member involved, the chairperson of the Council shall inform the principal officer of any independent faculty association duly organized at the University of Wisconsin-Superior concerning the specific steps taken to explore the alternatives for reassignment of a laid-off faculty member within the institution or, as appropriate, for relocation elsewhere in the University of Wisconsin System.

UWS 5.18 Reappointment rights.

Each institution shall establish administrative procedures and policies to: insure that where layoff or terminations occur for reasons of financial emergency, no person may be employed at that institution within 3 years to perform reasonably comparable duties to those of the faculty member laid off or terminated without first offering the laid off or terminated faculty member reappointment without loss of tenure, seniority and other rights. The 3 year period shall be computed from the effective date of layoff as specified in the original notice.

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

UW-Sup 5.18 Reappointment Rights.

(1) The Vice Chancellor shall inform the chairperson of the Faculty Personnel Council and, at the request of the faculty member involved, the chairperson of the Council shall inform the principal officer of any independent faculty association duly organized at the University of Wisconsin-Superior concerning the professional qualifications of any person to whom a position might be offered by any Department in which a layoff has occurred.

(3) On the basis of information so received, the Faculty Personnel Council and/or any independent faculty association duly organized at the University of Wisconsin-Superior shall have the right to question the consideration of any particular candidate to fill a vacant faculty position entailing teaching responsibilities similar to those of a laid-off faculty member.

UWS 5.19 Retention of rank and salary.

Any faculty member reappointed within 3 years after layoff or termination shall be reappointed with a rank and salary at least equivalent to the rank and salary when laid off or terminated, together with such other rights and privileges which may have accrued at that time; any faculty member relocated within an institution or within the university of Wisconsin system shall not have either rank or salary adversely affected except by consent at the time of relocation.

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

UWS 5.20 Rights of faculty members on layoff.

A faculty member on layoff status in accord with the provisions of this chapter has the reemployment rights guaranteed by ss. UWS 5.18 and 5.19, and has the following minimal rights:

(1) Such participation in fringe benefit programs as is allowed by state regulations governing rights of laid off state employees;

(2) Such continued use of campus facilities as is allowed by policies and procedures established by the department and institution; and

(3) Such participation in departmental and institutional activities as is allowed by guidelines established by the department and institution.

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

UW-Sup 5.20 Rights of Faculty Members on Layoff

Faculty on layoff status shall be entitled to make use of campus facilities, including office space as available, and to participate fully in University governance and other faculty activities.

UWS 5.21 System-wide tenure.

The commitment to system-wide tenure within the former chapter 37 institutions shall be honored by those institutions for those eligible under s. 36.13 (4), Stats., 1973 in the event of layoff or termination under the provisions of this chapter.

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

UWS 5.22 Lack of faculty action.

If the faculty of an institution is given due notice of its rights and responsibilities under this chapter, and does not act, the chancellor may act as follows in lieu of the faculty action:

(1) If a faculty committee provided for in s. UWS 5.04 is not established, the chancellor may consult those members or representatives of the faculty he considers appropriate to satisfy the intent of s. UWS 5.05. All departments potentially involved shall be consulted and representatives of the faculty may dispute the chancellor's recommendation for a state of financial emergency before the board.

(2) If the faculty does not act to determine the form of seniority to be followed, the chancellor may designate the form. Such designation shall be effective campuswide and shall be made prior to the declaration by the board of a state of financial emergency.

(3) If an affected department or program does not recommend individuals for layoff or termination following declaration of a state of financial emergency, the chancellor shall determine the individuals to be affected, using such advice as is deemed of value.

(4) If a faculty hearing committee provided for in s. UWS 5.11 is not established by the faculty, the chancellor may appoint a committee of faculty members to provide this function.

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

Chapter UWS 6 COMPLAINTS AND GRIEVANCES

UWS 6.01 Complaints

UWS 6.02 Grievances

UWS 6.01 Complaints.

The faculty of each institution, with the approval of the chancellor, shall establish rules and procedures to deal with allegations by the administration, students, academic staff members, other faculty members, classified staff members, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 4. Such rules and procedures shall include, but not necessarily be limited to, the following:

(1) Review of and administrative action on the complaint by the chancellor. Administrative action may include dismissing the complaint, invoking an appropriate disciplinary action, or referring the complaint to the standing faculty committee created under sub. (2).

(2) Provision for a hearing before a standing faculty committee selected by the faculty of each institution in such manner as they shall determine. Such hearing shall be held at the request of the chancellor or, if the chancellor invokes a disciplinary action, at the request of the faculty member concerned.

(3) Guarantee of adequate due process to include, but not limited to, written notification of the complaint, fair and complete hearing procedures, written statement of findings, transmittal of findings to the faculty member involved and appropriate administrative officials within a reasonable period of time, and prohibition of further jeopardy for the same alleged misconduct after a final decision.

(4) Delineation of the powers of the faculty committee to make recommendations to the chancellor concerning disciplinary action, to recommend dismissal of the complaint, or to recommend referral of the complaint to the appropriate department or administrative officer.

(5) The decision by the chancellor on the recommendations of the committee, or on the complaint in the absence of committee recommendation, shall be final except that the board at its option might grant a review on the record.

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

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UW-Sup 6. 01 Complaints.

- (1) The Chancellor shall receive all faculty-related complaints from whatever source and attempt to resolve each complaint either by dismissing the complaint, invoking appropriate disciplinary action, or referring the complaint to the Faculty Personnel Council. Should the complainant be dissatisfied with the resolution, he/she may refer the complaint to the Faculty Personnel Council.
- (2) The Faculty Personnel Council as constituted by the Faculty Senate Constitution shall be the standing faculty committee to review all complaints. After reviewing the facts and allegations, the Faculty Personnel Council shall decide whether or not to proceed to a hearing. Upon deciding that a hearing is appropriate, the Council shall appoint an ad hoc hearing committee from the faculty as a whole to hear each case. The members shall be appointed from among those faculty not directly or professionally involved in the case.
- (3) The faculty member and appropriate administrative officials shall receive written notice of the complaint, fair and complete hearing procedures, and a written statement of the findings (within days of completion of proceedings). Faculty are protected from further jeopardy for the same alleged misconduct after a final decision.
- (4) The ad hoc hearing committee shall report its findings and recommendations directly to the Faculty Personnel Council. The Council shall review such findings of fact and recommendations, with changes as may seem appropriate, and report its own findings and recommendations directly to the Chancellor.
- (5) The decision by the Chancellor on the recommendations of the Faculty Personnel Council, or on the complaint in the absence of Council recommendation, shall be final except that the Board of Regents at its option may grant a review on the record.

UWS 6.02 Grievances.

The faculty of each institution shall designate a committee or other appropriate faculty body to hear faculty grievances under rules and procedures established by the faculty of the institution in conjunction with the chancellor. The committee or faculty body shall have the power to conduct hearings and fact-finding related to the grievance and to recommend solutions to the grievance to the chancellor. If the committee or other body makes recommendations to the chancellor, the chancellor shall act on the recommendations within 30 days. The decision by the chancellor on the recommendation of the committee, or on the grievance in the absence of committee recommendation, shall be final except that the board, upon petition of a grievant or the committee or other faculty body, may grant a review on the record.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. Register,; April, 1989, No. 400, eff. 5-1-89.

UW-Sup 6.02 Grievances.

- (1) The Chancellor shall receive all grievances from faculty and attempt to resolve the matter either by dismissing the grievance, invoking appropriate disciplinary action, or referring the grievance to the Faculty Personnel Council. Should the faculty member be dissatisfied with the resolution, he/she may refer the grievance to the Faculty Personnel Council.
- (2) The Faculty Personnel Council as constituted by the Faculty Senate Constitution shall be the standing faculty committee to review all grievances. After reviewing the facts and allegations, the Faculty Personnel Council shall decide whether or not to proceed to a hearing. Upon deciding that a hearing is appropriate, the Council shall appoint an ad hoc hearing committee from the faculty as a whole to hear each case. The members shall be appointed from among those faculty not directly or professionally involved in the case.
- (3) The faculty member and appropriate administrative officials shall receive written notice of the grievance, fair and complete hearing procedures, and a written statement of the findings (within 30 days of completion of the proceedings). Faculty are protected from further jeopardy for the same alleged misconduct after a final decision.
- (4) The ad hoc hearing committee shall report its findings and recommendations directly to the Faculty Personnel Council. The Council shall review such findings of fact and recommendations, with changes as may seem appropriate, and reports its own findings and recommendations directly to the Chancellor.

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(5) The decision by the Chancellor on the recommendations of the Faculty Personnel Council, or on the grievance in the absence of Council recommendation, shall be final except that the Board of Regents at its option may grant a review on the record.

~~Chapter UWS 7 OUTSIDE ACTIVITIES~~

~~History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; r. Register, January 1986, No. 361, eff. 2-1-86.~~

~~Note: "r." denotes repeal. Outside Activities now appear in UWS 8.025.~~

~~Chapter UWS 7 Dismissal of Faculty in Special Cases~~

~~UWS 7.01 Declaration of policy.~~ University faculty members are responsible for advancing the university's missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness, credibility, and ability to maintain public trust are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the university's ability to fulfill its missions, or that seriously impairs the faculty member's fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The board of regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.
~~History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.~~

~~UWS 7.02 Serious criminal misconduct.~~

~~(1) In this chapter, "serious criminal misconduct" means:~~

~~(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:~~

- ~~1. Causing serious physical injury to another person.~~
- ~~2. Creating a serious danger to the personal safety of another person.~~
- ~~3. Sexual assault.~~
- ~~4. Theft, fraud or embezzlement.~~
- ~~5. Criminal damage to property.~~
- ~~6. Stalking or harassment.~~

~~(b) A substantial risk to the safety of members of the university community or others is posed.~~

~~(c) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.~~

~~(d) The faculty member's fitness or ability to fulfill the duties of his or her position is seriously impaired.~~

~~(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.~~

~~(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.~~

~~(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 7.03 to 7.06.~~

~~(4) Any act required or permitted by ss. UWS 7.03 to 7.06 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the board of regents under s. UWS 2.02.~~

~~History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.~~

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UWS 7.025 Definition. In this chapter, "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.03 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 or her term of appointment only by the board and only for just cause and only after due notice and hearing.

(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.04 Reporting responsibility. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.05 Expedited process.

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 7.04 or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, the chancellor shall:

(a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the chancellor as to whether to proceed under this section or ch. UWS 4.

(b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.

(2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.

(3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the faculty member in the manner specified in s. UWS 4.02 (3).

(a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within 2 working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. UWS 4, the chancellor receives a report under s. UWS 7.04 or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 6, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under sub. (3) (a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 4.05 to 4.06, except that the hearing shall be concluded, and written findings and a recommendation to the chancellor shall be prepared, within 15 working days of the filing of charges.

(5)

(a) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written recommendation on the matter.

(b) If the recommendation is for dismissal, the chancellor shall transmit it to the board for review.

(c) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member.

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(6) Upon receipt of the chancellor's recommendation, the full board shall review the record before the institutional hearing committee, and shall offer an opportunity for filing exceptions to the recommendation, and for oral argument. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor's recommendation.

(7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.

(8) The burden of proving just cause in this chapter shall be clear and convincing evidence.

(9) The chair of the faculty hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.06 Temporary suspension without pay.

(1) The chancellor, after consulting with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to his or her dismissal where:

(a) The faculty member has been charged with a felony of a type listed in s. UWS 7.02 (1) (a) and the chancellor, after following the provisions of s. UWS 7.05 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, and 2) that the faculty member has engaged in the conduct as alleged; or

(b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or

(c) The faculty member has pleaded guilty or no contest to or been convicted of a felony of a type listed in s. UWS 7.02 (1) (a) and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present.

(2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.

(3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:

(a) If the chancellor later determines that the faculty member should not be dismissed, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, and, except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.

(b) If the board later determines that the faculty member should not be dismissed, the board may order a lesser penalty and shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.

(c) If the chancellor or board later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the faculty member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the faculty member.

(4) If, after affording the faculty member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

Chapter UWS 8 Unclassified Staff Code of Ethics

Found in Appendix D of the UW-Superior Unclassified Staff Handbook
(<http://www.uwsuper.edu/hr/unclassified-staff/handbook/upload/Appendix-D-Code-of-Ethics.pdf>).

In this document, UWS refers to University of Wisconsin System; UW-Sup references are University of Wisconsin-Superior specific.

APPENDIX A
University of Wisconsin System Faculty Personnel Rules
with local
University of Wisconsin - Superior Specifications¹

¹ Approved, University Senate, Feb 22, 1977. Revisions approved, University Senate, Sept. 22, 1992, Board of Regents, Nov. 6, 1992, Faculty Senate, May 6, 1997, Board of Regents, June 5, 1998. Revisions approved, Faculty Senate, May 20, 2014 and December 16, 2014.

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APPENDIX A-2

**Chapters 1 - 6 of the Wisconsin Administrative Code:
Rules of the University of Wisconsin System Board of Regents
(Faculty Personnel Rules)**

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APPENDIX A-3

Chapter UWS 1 DEFINITIONS OF TERMS USED IN UWS 1 TO 6

UWS 1.01 Academic staff

UWS 1.02 Board of regents or board

UWS 1.03 Department

UWS 1.04 Faculty

UWS 1.05 Faculty status

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UWS 1.08 Notice periods

UWS 1.01 Academic staff.

"Academic staff" means professional and administrative personnel, other than faculty and classified staff, with duties and types of appointments that are primarily associated with higher education institutions or their administration.

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

UWS 1.02 Board of regents or board.

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

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

UWS 1.03 Department.

"Department" means a group of faculty members recognized by the faculty and chancellor of the institution, and the board of regents, as dealing with a common field of knowledge or as having a common or closely related disciplinary or interdisciplinary interest.

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

UW-Sup 1.03 Department.

In those personnel matters that these Rules delegate to the Department, the Department has the prerogative of organizing its internal procedures for the implementation of Rules under Sections UW-Sup 3 through UW-Sup 8, consistent with the limitations of this document.

UWS 1.04 Faculty.

"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. The appointment of a member of the academic staff may be converted to a faculty appointment in accordance with s. UWS 3.01 (1) (c).

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

UWS 1.05. Faculty status.

By action of the appropriate faculty body and chancellor of an institution, members of the academic staff may be designated as having "faculty status." "Faculty status" means a right to participate in faculty governance of an institution in accordance with the rules of the institution. Faculty status does not confer rank or tenure, or convert an academic staff appointment into a faculty appointment.

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

UWS 1.06 Institution.

"Institution" means any university, or an organizational equivalent designated by the board.

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

UWS 1.07 University.

"University" means any baccalaureate or graduate degree granting institution.

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

UWS 1.08 Notice periods.

(1) When an act is required by these rules to be done within a specified number of days:

(a) Day shall mean calendar day.

- (b) The first day shall be the day after the event, such as receipt of a notice or conclusion of a hearing,
 (c) Each day after the first day shall be counted, except that a Sunday or legal holiday shall not be counted if it would be the final day of the period.

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

Chapter UWS 2 FACULTY RULES; COVERAGE AND DELEGATION

UWS 2.01 Rules

UWS 2.02 Delegation

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UWS 2.01 Rules.

Rules in chs. UWS 2 and 3 apply to all faculty appointments made on or after the effective date of these rules. Any person who holds a tenure appointment under former chs. 36 and 37, Stats. 1971 and related rules shall continue to hold tenure as defined under those chapters and related rules. Any person who holds a probationary appointment under former chs. 36 and 37, Stats. 1971 and related rules 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 rules and procedures in effect at the time of consideration. The rules in chs. UWS 4 to 8 apply to all appointments to faculty positions regardless of whether the appointment preceded the adoption of these rules.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 2.02 Delegation.

Rules and procedures developed pursuant to chs. UWS 3, 4, 5, 6, and 8 by the faculty of each institution shall be forwarded by the chancellor to the president and by the president to the board for its approval prior to their taking effect. Such policies and procedures, unless disapproved or altered by the regents, shall be in force and effect as rules of the regents.

History: Register, January, 1975, No. 229, eff. 2-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

Chapter UWS 3 FACULTY APPOINTMENTS

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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.

UW-Sup 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 via the President of the System.

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- (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, 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. Such faculty appointees shall enjoy all the rights and privileges of faculty.
- (d) In accordance with the *Unclassified Staff Handbook* 1.05, members of the academic staff may be given faculty status.
- (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.
- (2) Definition of faculty peer: A faculty peer shall be defined as a ranked member (professor, associate professor, assistant professor, or instructor, as defined in Appendix A *UW-Sup 7.4.4*) with at least a half-time teaching, research, and/or Outreach appointment in the department. Department faculty with more than half-time administrative reassignment shall not be considered peer faculty for the duration of the assignment. Academic staff members designated as having faculty status and academic staff with back-up appointments are not faculty peers. The department chair shall be considered peer faculty as long as he or she meets the peer faculty definition.

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.

UW-Sup 3.02 Recruiting

- (1) **The Provost is responsible for all faculty personnel functions. All tenure track positions must be authorized initially or re-authorized by the Provost according to the campus hiring process.** The Provost may appoint or delegate a designee. The Provost, in consultation with the Affirmative Action Officer, will issue all formal processes consistent with the following procedures.
- (2) **When authorization to fill the vacancy has been received, the department faculty peers shall identify the members of the search and screen committee and the committee chair. If the vacancy is partially funded by UW Extension, the Director, Center for Continuing Education/Extension, or designee, shall be identified as one member of the Search and Screen Committee.** The membership of the Search and Screen Committee shall be voted upon by the department faculty peers. **It shall be composed of some, if not all, of the Department faculty peers. At the discretion of the Department faculty peers, other staff, students, or individuals may be invited to serve on the Search and Screen Committee. The Provost and the Affirmative Action Officer must approve the membership of the Search and Screen Committee.**
- (3) **Following Search and Screen Committee membership approval, the Provost will initiate a meeting to explain the recruitment and hiring process.**

- (4) **The Search and Screen Committee will develop all questions and assessment criteria used in the process. This includes questions for the formal interview and questions from other venues if the responses will be used in the hiring decision. Other venues may include reference checks, telephone interviews, teaching demonstrations, presentations, social gatherings, department meetings, meetings with students, and conversations with members of other departments. All questions and assessment criteria will be submitted to the Provost and Affirmative Action Officer for approval. Questions not approved cannot be used in the hiring decision.**
- (5) **The Search and Screen Committee will identify candidates to be interviewed for the position in terms of the approved position description and Affirmative Action guidelines.** The Affirmative Action Officer certifies the pool prior to interviews. The names of the candidates to be interviewed will be submitted to the Provost for approval.

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- (6) **The Search and Screen Committee will arrange the agenda for the campus interviews of the candidates. Meetings or conversations outside this agenda cannot be used in the hiring decision except in unusual circumstances.**
- (7) **The Search and Screen Committee will recommend candidate(s) for appointment.** The Provost may select a candidate, reconvene the search committee, re-interview a candidate, or perform reference checks.
- (8) The Provost will make the position offer to the candidate.

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(l) (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.

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UW-Sup 3.04 Probationary Appointments.

- (1) **The maximum probationary period in a full-time position shall be seven (7) years. In a part-time position of at least half-time, the maximum probationary period shall be ten (10) years.**

The probationary period may be shortened or eliminated for experience at other institutions or substantive reasons with the agreement of the department and the Provost.

- (2) **A leave of absence, sabbatical, or teacher improvement assignment does not constitute a break in continuous service but shall not be included in the probationary period.**
- (3) **Circumstances, in addition to a leave of absence, sabbatical, or teacher improvement assignment 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.**

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 the Provost, who shall specify the length of additional time if 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 the Provost, who shall grant a request in accordance with institutional policies. A denial of a request shall be in writing to the parties involved and shall be based upon clear and convincing reasons.

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.

In the event a request under this section is denied, the faculty member concerned shall have a right to appeal the decision to the Chancellor, who may refer the appeal to the Faculty Senate Personnel Council. The Chancellor's decision shall be final.

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.

UW-Sup 3.05 Periodic Review.**(1) Salary Adjustments and Post-Tenure Review**

The periodic review of faculty performance for salary adjustments and post-tenure review shall be done at the Department level. Criteria for such evaluation(s) shall be determined by the peer faculty in the Department within guidelines and procedures approved by the Faculty Senate and the Chancellor.

(2) Promotion**(a) General**

Early each fall semester, the Provost shall send a list containing the names of faculty who meet the minimum promotion requirements for each rank to department chairs and eligible faculty. Faculty members wishing to be considered for promotion in rank should contact their department chair regarding their eligibility and intent.

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(b) Procedures

The Department Chair shall provide forms, guidelines, and other information to be used by the candidate in preparing materials for review. The Department Promotion Review Committee consists of the department tenured peer faculty holding at least the rank being considered. For example, someone requesting promotion to Associate Professor will be evaluated by Associate and Full Professors; someone requesting promotion to Full Professor will be evaluated by Full Professors.

If fewer than three (3) tenured peer faculty of the department hold the appropriate rank(s), tenured peer faculty member(s) from another department(s) holding the appropriate rank(s) must be included as a voting member(s) in the evaluation meeting. The "outside" tenured faculty member(s) is/are to be chosen by the Faculty Senate Personnel Council and from the Faculty Senate Personnel Council. The Committee must be composed of no less than three (3) tenured peer faculty voting members.

The Department Chair shall notify candidates in writing at least seven (7) days in advance of the date and time of the meeting. Candidates should make oral presentations to the Department Promotion Review Committee. The Committee shall notify the candidates of its decision in writing within seven (7) days of the meeting. In the case of a positive decision, the Committee shall also forward its recommendation to the Promotion Committee and the Provost (who chairs the Promotion Committee) within seven (7) days.

The Promotion Committee serves in an advisory capacity to the Chancellor. The Provost reviews recommendations advanced by departments and, using both general performance and achievement expectations [See Unclassified Staff Handbook 7.4.4.2], and specific department criteria, evaluates a candidate's accomplishments and makes promotion recommendations to the Chancellor within twenty-eight (28) days of receiving the recommendation from the department. Candidates are notified in writing within twenty-eight (28) calendar days of the Provost's recommendation.

After receiving the Provost's recommendation, the Chancellor makes his/her decision for promotion and forwards a positive recommendation to the Board of Regents. The Chancellor's disagreement with a positive department decision results in a non-promotion decision.

In the event of disagreement with the Department Promotion Review Committee decision, the Chancellor, in writing, shall inform the Department Promotion Review Committee, the Department Chair, and the Provost of the reasons for the disagreement. In addition, the Chancellor, in writing, shall notify the faculty member evaluated of the decision within twenty (20) days of receiving the Provost's recommendation.

(c) Materials Pertinent to the Decision

The areas of review shall include (1) teaching, (2) scholarship, and (3) professional and public service as well as contribution to the Institution.

(d) Reconsideration

A candidate denied recommendation for promotion may file a written request with the Department or Provost asking for reasons for the recommendation. The Department or candidate may file a written request with the Provost for reconsideration of a denied promotion recommendation within thirty (30) days of written notice of the recommendation. Requests for consideration shall be based upon violations of specified procedures or failure to consider pertinent evidence. The Provost shall provide a written reconsideration decision to the Department Promotion Review Committee, the candidate, and the Chancellor.

As in all matters, faculty members who believe their case was not fairly considered may file a complaint or grievance under the provision of Appendix A UWS 6.01, Appendix A UWS 6.02, and Appendix A UW-Sup 6.02.

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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.

UW-Sup 3.06 *Renewal of Appointments and Granting of Tenure.*

(1) General

The renewal of appointments and the granting of tenure may be granted only upon the affirmative recommendations of the appropriate Academic Department and the Chancellor of the University, after the Chancellor consults with the Provost.

[Moved to UW-Sup 3.08 4]

When specified by the Board, the University recommendation shall be transmitted by the President of the System with her/his recommendation to the Board for action. Tenure appointments may be granted to any ranked faculty member who holds or will hold a fifty percent 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 University, unless the faculty member is dismissed for just cause, pursuant to 36.13 (5), Wis. Stats., or is terminated or laid off pursuant to 36.21, Wis. Stats.

(2) Criteria

Decisions relating to renewal of appointments or recommending of tenure shall be made in accordance with University rules and procedures which shall require an evaluation of (1) teaching, (2) scholarship, (3) professional and public service as well as contribution to the Institution. The UW-Superior Unclassified Staff Handbook APPENDIX A-10

relative importance of these three (3) functions in the evaluation process shall be decided by the Department faculty and the Faculty Senate. Written criteria for these decisions shall be developed by the Department.

(3) Procedures

A meeting of the tenured peer faculty of the Department shall be held for the purpose of considering renewal of probationary appointments or the granting of tenure.

(a) Meeting Date

The date of this meeting shall be set by the Department Chair to allow sufficient time so that a written notice of non-renewal of appointment from the Chancellor shall be received by the faculty member in advance of the expiration of her/his appointment, as specified in Appendix A, UWS 3.09:

1. If the appointment expires at the end of an academic year, written notice of renewal or non-renewal shall be made no later than March 1 of the first academic year of service; or, if a one-year appointment terminates during an academic year, the written notice of renewal or non-renewal shall be made at least three calendar months in advance of its termination.
2. If the appointment expires at the end of the second consecutive academic year of service, the written notice of renewal or non-renewal shall be made no later than December 15 of the second academic year; or, if an initial two-year appointment terminates during an academic year, the written notice of renewal or non-renewal shall be made at least six calendar months in advance of its termination.
3. After two or more years of continuous service, the written notice of renewal or non-renewal shall be made at least twelve calendar months before the expiration of the appointment.
4. At least twenty (20) calendar days prior to the Department evaluation meeting, each faculty member who is to be evaluated and the tenured peer faculty of the department shall be notified by the Department Chair in writing of the date of the meeting and the department procedures to be followed which include the opportunity to present material on the faculty member's behalf.

b. [Moved to UW-Sup 3.06 (b) 4 below with revisions]

(b) Members present:

1. Tenured peer faculty of the department.
2. If fewer than three (3) peer faculty of the department are tenured, tenured peer faculty member(s) from another department(s) must be included as a voting member(s) in the evaluation meeting. The "outside" tenured faculty member(s) is/are to be chosen by the Faculty Senate Personnel Council and from the Faculty Senate Personnel Council. The Retention/Tenure Committee must be composed of no less than three (3) tenured peer faculty voting members.
3. Only tenured peer faculty shall be present at the decision-making meeting unless the faculty member being evaluated requests an open meeting, subject to the provisions of the Wisconsin Open Meeting Law.
4. In the event that a tenured peer faculty member who is eligible to participate in the evaluation process is unable to attend the meeting, then he/she may participate and vote via teleconference or videoconference

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(c) Materials Pertinent to the Decision

1. Before the decision -making discussion commences, the faculty member shall have the opportunity to submit either written or oral information which he/she believes pertinent to his/her evaluation.
2. In addition to written or oral information submitted by the faculty member on his/her behalf, both the faculty member and the reviewing committee may solicit additional input, including, but not limited to, extending invitations to knowledgeable individuals to present pertinent information orally or in writing. If additional information is solicited in either oral or written form, such retrieved information will be shared with the faculty member in advance of the meeting.
3. A copy of all material pertinent to the decision, including the portfolio, shall be kept on record in the department and shall be made available at each review. When the decision is completed, all personal property, such as books, shall be returned to the faculty member.

(d) Standard Notification Form

The standard notification form that shall be used by all Departments is the Recommendation for Faculty Retention.

This form must be signed by all persons involved in the decision, and concurrence or nonconcurrence must be noted.

[Moved under (c) 3 above with revisions]

(e) Timeline after Department Decision

1. Within twenty (20) days of the decision of the Department tenured peer faculty, the Department Chair shall provide the faculty member evaluated and the Provost with a completed signed copy of the standard notification form indicating renewal, non-renewal, or tenure.

2. After receiving the decision of the department tenured peer faculty, the Provost, within seven (7) days, shall indicate agreement or disagreement with the decision on the standard notification form and inform the Chancellor.

(f) Chancellor's Recommendation to the Board of Regents

1. After receiving the completed signed copy of the standard notification form indicating renewal, non-renewal, or tenure from the Provost, the Chancellor shall make his/her recommendation for retention to the Board of Regents. The Chancellor's disagreement with a positive department decision results in a non-renewal decision. The Chancellor's disagreement with a negative department decision still results in a non-renewal decision. See Appendix A UW-Sup 3.06(1).
2. In the event of disagreement with the department tenured peer faculty decision, the Chancellor, in writing, shall inform the department tenured peer faculty, the Department Chair, and Provost of the reasons for the disagreement.
3. The Chancellor, in writing, shall notify the faculty member evaluated of the decision within twenty (20) days of receiving the signed standard notification form from the Provost.
4. In the event that the Chancellor or the department recommends non-renewal, the faculty member may request reconsideration as specified in Appendix A, UW-Sup 3.07.

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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 non-renewal decision, the procedures specified in s. UWS 3.08 shall be followed.

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

UW-Sup 3.07 Non-Renewal of Probationary Appointments.

(1) Rules and Procedures

within fifteen (15) days of written notification of non-renewal, the faculty member may, in writing, request written reasons for such non-renewal. within fifteen (15) days of the request, the department or Chancellor initiating the decision to non-renew shall provide such written reasons for non-renewal. Such reasons shall become part of the personnel file of the faculty member. Further, the faculty member may make a written request for a reconsideration of the initial non-renewal decision within seven (7) days of receipt of the written reasons for non-renewal.

(2) Reconsideration

The purpose of reconsideration of a non-renewal decision shall be to provide an opportunity for a fair and full consideration of the non-renewal decision, and to ensure that all relevant material is considered.

- (a) Such reconsideration shall be undertaken by the Chancellor or department initiating the non-renewal decision. The faculty member involved must receive written notice of the date and time of the reconsideration of her/his non-renewal within seven (7) days of his/her written request for the reconsideration. There shall be at least seven (7) days, but not more than ten (10) days between the date the faculty member is notified of the reconsideration and the date of the reconsideration meeting.

In addition to proper notification, the reconsideration shall include, but not be limited to, an opportunity by the faculty member being evaluated to respond to the written reasons and to present any written or oral evidence or arguments relevant to the decision.

Written notification of the decision resulting from the reconsideration shall be given to the faculty member within five (5) days of the reconsideration meeting.

- (b) Reconsideration is not a hearing or an appeal; it should be non-adversarial in nature.

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- (c) In the event that reconsideration affirms the non-renewal decision, the faculty member may appeal the decision following the procedures specified in Appendix A, UW-Sup 3.08.

UWS 3.08 Appeal of a non-renewal decision.

- (1) The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for the appeal of a non-renewal decision. Such rules and procedures shall provide for the review of a non-renewal 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 non-renewal 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 that 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.

UW-Sup 3.08 Written Appeal of a Non-Renewal Decision.

(1) Review of Non-Renewal Decision

The Faculty Senate Personnel Council shall review a non-renewal decision upon written appeal by the faculty member concerned detailing the violations of policies and/or procedures that occurred. The burden of proof in the written appeal shall be on the faculty member. The written appeal must address one or more of the following areas:

- (a) Conduct, expressions, or beliefs which are constitutionally protected or protected by the principles of academic freedom as defined in the Unclassified Staff Handbook 6.2;
- (b) Factors proscribed by applicable state or federal law regarding fair employment practices;
- (c) Improper consideration of qualifications for reappointment or renewal because
 - 1. The procedures required by rules of the faculty or Board of Regents 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.

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The scope of the review shall be limited to the question of whether the decision for non-renewal was based upon violation(s) of the above outlined factors, which resulted in material prejudice to the faculty member concerned.

(2) Written Report on the Validity of Written Appeal

The Faculty Senate Personnel Council shall provide a written report on the validity of the written appeal to the decision-making members making the non-renewal decision, the Department Chair, the Provost, and the Chancellor.

This report either recommends 1) the dismissal of the appeal because it lacks validity, or 2) reconsideration by the decision-making members under instructions from the Faculty Senate Personnel Council, or 3) reconsideration by the Chancellor or the Chancellor's designee under instructions from the Faculty Senate Personnel Council. The Faculty Senate Personnel Council shall retain jurisdiction during the pendency of any reconsideration. The decision of the Chancellor shall be final on such matters. 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 purpose.

(3) Notice Period

Notice Period is defined in Appendix A UWS 1.08. The written appeal by the faculty member must be received by the Faculty Senate Personnel Council within twenty (20) calendar days of written notice received by the faculty member that the reconsideration has affirmed the non-renewal decision (twenty-five [25] calendar days if notice is by first class mail and publication). A review of the written appeal by the Faculty Senate Personnel Council shall be held not later than twenty (20) calendar days after the request; this time limit may be enlarged by mutual consent of the parties or

by order of the Faculty Senate Personnel Council. The faculty member shall be given at least ten (10) calendar days written notice of the review of the written appeal. The Faculty Senate Personnel Council must submit a written report within twenty (20) calendar days from the completion of the review process.

(4) Notestein Rule

In the case where a department declined to grant tenure and the department is found to have based its tenure decision on impermissible factors, the Faculty Senate Personnel Council will appoint an ad hoc committee of no fewer than three (3) nor more than five (5) persons knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. This committee will make a tenure recommendation.

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 non-reappointment 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.

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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.

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 that 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. 262.06 (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.

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. 227.12, 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.

UW-Sup 4.03. Standing Faculty Committee.

The Committee on Faculty Terminations of the Faculty Senate shall be the faculty standing committee to hear dismissal cases for tenured or probationary faculty prior to the end of their appointment and make recommendations to the Board of Regents.

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. 10, Stats.

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

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 allegation 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, which case it shall be open (see s. 66.77, 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 procedures 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;

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- (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;

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.

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 hearing 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.

- (3) 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 s. 66.77, 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.

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.

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Chapter UWS 5 LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY

UWS 5.01 General

UWS 5.02 Financial emergency

UWS 5.03 Layoff and termination

UWS 5.04 Faculty consultative committee

UWS 5.05 Consultation

UWS 5.06 Recommendation to the system president and the board

UWS 5.07 Individual designations

UWS 5.08 Seniority

UWS 5.09 Notification

UWS 5.10 Notification period

UWS 5.11 Faculty hearing committee

UWS 5.12 Review hearing

UWS 5.13 Hearing procedure

UWS 5.14 Recommendations and review by the board

UWS 5.15 Board review

UWS 5.16 Layoff status

UWS 5.17 Alternative employment
 UWS 5.18 Reappointment rights
 UWS 5.19 Retention of rank and salary
 UWS 5.20 Rights of faculty members on layoff
 UWS 5.21 System-wide tenure
 UWS 5.22 Lack of faculty action

UWS 5.01 General.

Notwithstanding s. 36.13 Stats., the board may lay off or terminate a tenured faculty member, or lay off or terminate a probationary faculty member prior to the end of his or her appointment, in the event of a financial emergency. Such layoffs or terminations may be made only in accord with the provisions of this chapter, and imply the retention of rights indicated herein. A nonrenewal, regardless of reasons, is not a layoff or termination under this section.
 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.02 Financial emergency.

- (1) For the purposes of this chapter, "financial emergency" is a state which may be declared by the board to exist for an institution if and only if the board finds that the following conditions exist:
 - (a) The total general program operations (GPR/fee) budget of the institution, excluding adjustments for salary/wage increases and for inflationary impact on non-salary budgets, has been reduced;
 - (b) Institutional operation within this reduced budget requires a reduction in the number of faculty positions such that tenured faculty must be laid off, or probationary faculty must be laid off prior to the end of their respective appointments. Such a reduction in faculty positions shall be deemed required only if in the board's judgment it will have an effect substantially less detrimental to the institution's ability to fulfill its mission than would other forms of budgetary curtailment available to the institution; and
 - (c) The procedures described in ss. UWS 5.05 and 5.06 have been followed.

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

UWS 5.03 Layoff and termination.

For the purposes of this chapter "layoff" is the indefinite suspension or an involuntary reduction in services and compensation of a faculty member's employment by the university of Wisconsin system. A laid off faculty member retains the rights specified in ss. UWS 5.16 through 5.21, inclusive. For the purposes of this chapter, "termination" is the permanent elimination of a faculty member's employment by the university of Wisconsin system. A terminated faculty member retains rights specified in ss. UWS 5.18 and 5.19.

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

UWS 5.04 Faculty consultative committee.

The faculty of each institution shall, promptly after February 1, 1975, designate or create a standing faculty committee to consult with the chancellor if at any time a declaration of financial emergency is to be considered. The committee shall consist of faculty members of the institution chosen by the faculty in a manner to be determined by the faculty. It is the right and responsibility of this committee to represent the faculty before the board if a declaration of a state of financial emergency for the institution is being considered, and to assure that the procedures of ss.

UWS 5.05 and 5.06 are followed.

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

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UW-Sup 5.04. Faculty Consultative Committee.

- (1) The Faculty Consultative Committee shall be the Faculty Personnel Council. Faculty members elected at large shall be elected by the same procedures as those followed by the Faculty Senate elections-at-large.
- (2) The Chairperson of the Faculty Consultative Committee shall be elected by and from the membership of the Committee.

UWS 5.05 Consultation.

- (1) In the event that a declaration of financial emergency is contemplated, the chancellor of the affected institution shall consult with and seek advice from the faculty committee provided for in s. UWS 5.04 at least 3 months before the matter is taken to the board. The chancellor and committee shall:
 - (a) Consider identifiable alternative methods of budget reduction;

- (b) Determine whether reductions in faculty positions under the provisions of this chapter can be made with less detriment to the institution's ability to fulfill its mission than would follow from reasonable alternative courses of action;
 - (c) Determine from which colleges, schools, departments, or programs faculty positions should be eliminated;
 - (d) Consult with faculties of colleges, schools, departments and programs potentially involved; and
 - (e) Consult with such other individuals and groups as they feel may be able to provide valuable advice.
 - (f) The committee shall prepare a report, with supporting documents, for submission to the chancellor, the faculty senate, or institutional equivalent, and the board.
- (2) It shall be the primary responsibility of the faculty of the institution to establish criteria to be used by the chancellor and committee for academic program evaluations and priorities. A decision to curtail or discontinue an academic program for reasons of financial emergency shall be made in accordance with the best interests of students and the overall ability of the institution to fulfill its mission.

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

UW-Sup 5.05 Consultation.

- (1) Both quantitative and qualitative data and considerations shall serve as criteria for the evaluation of programs and the establishment of priorities among departments or programs.
- (2) Quantitative data employed to evaluate departments or programs should include, where applicable, but not be limited to, the following measurements:
 - (a) The up-or-down trend as well as the average number of credit hours produced each year during the immediately preceding five-year period, including credit hours produced during each term.
 - (b) The up-or-down trend as well as the average number of contact hours produced each year during the immediately preceding five-year period, including contact hours produced during each term.
 - (c) Measurement of the degree of expansion or contraction in terms of credit and contact hours during the immediately preceding two years.
 - (d) The percentage of total university credit and contact hours produced by a department or program during the immediately preceding five-year and two-year periods.
 - (e) The up-or-down trend as well as the average number of majors enrolled in a department or program during the immediately preceding two-, three-, and five-year periods.
 - (f) The up-or-down trend as well as the average number of minors enrolled in a department or program during the immediately preceding two-, three-, and five-year periods.
 - (g) Percentage of total university majors produced by a department or program during the immediately preceding two-, three-, and five-year periods.

- (h) Percentage of total university minors produced by a department or program during the immediately preceding two-, three-, and five-year periods.
- (i) Number of undergraduate degrees produced by a department or program during the immediately preceding five-year period.
- (j) Number of graduate degrees produced by a department or program during the immediately preceding five-year period.
- (k) Number of majors who earn under-graduate degrees in a department or program in comparison with the number of freshman majors in the department or program each year during the immediately preceding five-year period.

- (l) Credit and contact hours produced by a department or program per FTE faculty teaching position in the program.
 - (m) Cost per credit and/or contact hours per FTE student and FTE faculty member in the department or program (both including and excluding faculty salaries as such).
 - (n) Contact hours produced by a department or program's non-course activities per FTE faculty member in the department or program--e.g., in drama, music and sports.
 - (o) Contact hours and other efforts related to the recruitment of new students, including field contacts with high school students, sponsorship of on-campus or off-campus departments or programs, and the production of letters, brochures, and other written materials.
 - (p) The dollar amount of extramural funding attracted by a department or program.
- (3) The University, in reviewing departments or programs, places substantial emphasis on the gathering of evidence on the relative quality of departments or programs, and the qualitative measurement shall include, but not be limited to, the following:
- (a) Evaluation by current majors in a department or program as well as by all other students, who have taken one or more courses offered by the department or program.
 - (b) Evaluation of a department or program by its graduates of the immediately preceding five years.
 - (c) Percentage of those students receiving undergraduate degrees in a department or program who successfully completed graduate and professional degrees during the immediately preceding ten years.
 - (d) The impact of a department or program on the mission of the University.
 - (e) The extent to which a department or program services those of other Departments.
 - (f) Professional qualifications of each faculty member involved in a department or program: experience; degrees, research and publications; creative output, e.g., fine and applied arts; public service; professional growth; and teaching in areas of primary preparation.
 - (g) Standards or academic expectations (minimum-module ingredients of a viable department or program) recognized by the profession, represented by the professional associations of each discipline, and the judgment of accreditation agencies.
 - (h) Comparison with the thrust of similar departments or programs on other campuses of similar size and mission.
 - (i) The extent to which "liberal arts" majors are required to take courses in other disciplines.
 - (j) The degree to which a department's or program's course offerings duplicate or approximate those offered by other Departments and the qualifications of the instructors who teach these "duplicative" courses to offer instruction in these areas.
 - (k) Identification of the contribution to special programmatic needs by faculty members with highly specialized or unique training or experience.

- (l) The extent to which the quality of a department or program is affected by academic support or noninstructional costs.
- (m) Use of formal University evaluation instruments to assess the quality of all courses and instructors in a department or program.

UWS 5.06 Recommendation to the system president and the board.

- (1) If the chancellor decides to recommend that the board declare a state of financial emergency for the chancellor's institution, the recommendation to the system president and the board shall be accompanied by a report which shall include the following:

- (a) A statement of the procedures followed in arriving at the recommendation, showing compliance with s. UWS 5.05;
 - (b) Data clearly demonstrating the need for a reduction of faculty positions in accord with the provisions of this chapter;
 - (c) An identification of the colleges, schools, departments or program areas in which reductions will be made, with data indicating the appropriateness of such choices;
 - (d) The report of the faculty committee, expressing its views on these matters; and
 - (e) A report of any action of the faculty senate or institutional equivalent on this matter.
- (2) The chancellor and the chairman of the faculty committee, or their designees, and representatives of affected colleges, schools, departments and programs, may appear before the board at the time the recommendation is considered. Other interested parties may submit in writing alternative recommendations or challenges to any part of the report.

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

UWS 5.07 Individual designations.

Once the board has declared a state of financial emergency it shall be the primary responsibility of the tenured members of the affected department(s) to recommend which individuals are to be laid off. These recommendations shall follow seniority, as provided in s. UWS 5.08, unless a clear and convincing case is made that program needs dictate other considerations, e.g., the need to maintain diversity of specializations within a department. The department may seek the advice of other groups or individuals in formulating its recommendations. The departmental recommendation shall be forwarded to the chancellor, and the chancellor shall prepare recommendations for the system president and the board, as provided in s. UWS 5.14.

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

UW-Sup 5.07 Individual Designations.

- (1) In making a "clear and convincing case" in support of the layoff of a tenured faculty member as an exception to the institutional rule of seniority, the affected Department(s) shall substantiate its (their) recommendations to the Chancellor by offering, among others, the following pieces of evidence:
 - (a) Citations from professional literature and/or the criteria established by professional associations within the discipline, demonstrating the fundamental elements in a viable department or program.
 - (b) Detailed documentation to the effect that another (or no other) individual faculty member in the department or program is qualified to teach the affected courses and that another (or no other) faculty member in the department or program could be retrained to offer instruction in these courses without a prolonged leave of absence and/or a substantial impact on the alternative uses of university resources.
 - (c) The extent to which each faculty member in the department or program might be retrained to teach courses vital to the department or program.
 - (d) Analysis of the extent to which there are closely equivalent courses available in other Departments.
 - (e) Documentation showing the need to maintain the Affirmative Action Plan.

UWS 5.08 Seniority.

The faculty of each institution shall promptly after February 1, 1975, determine the form of seniority that is to be considered. Such a determination shall be effective uniformly throughout the institution. Seniority may be, but is not limited to, the following definitions:

- (1) Without regard to rank, with seniority established by total years of service in the institution;

- (2) By rank, and within rank according to total years of service in the institution; or
- (3) By rank, and within rank, according to length of service in the institution at that rank.

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

UW-Sup 5.08 Seniority

Seniority shall be determined by total years of service (academic year) at the University of Wisconsin-Superior, or in the former Wisconsin State Universities System, as appropriate in individual cases, without regard to academic rank. Faculty who have been employed part-time during any academic year shall have such part-time service prorated. Authorized leaves of absence shall be counted in the determination of length of service.

UWS 5.09 Notification.

Each faculty member whose position is recommended for elimination shall receive prompt written notification from the chancellor. This statement of notification shall include:

- (1) A summary of the reasons and evidence supporting the declaration of a state of financial emergency and of the reasons and data leading to the choice of the colleges, schools, departments or programs in which reductions are to be made;
- (2) A statement of the basis on which the individual position was selected for elimination (if on the basis of seniority, the criterion used and data supporting the choice; if on another basis, the data and reasons supporting that choice);
- (3) A statement of the date on which the layoff is to be effective (this must be consistent with the provisions of s. UWS 5. 10); and
- (4) A copy of these rules and such other information or procedural regulations as the chancellor or faculty hearing committee shall deem appropriate.

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

UWS 5.10 Notification Period.

- (1) For an academic year appointment the effective date of layoff must coincide with the end of an academic year. For an annual appointment it shall be June 30. In either case notification must be given at least 12 months in advance of the effective date. The notification referred to here is that specified in s. UWS 5.09 informing the faculty member that his or her position has been recommended for elimination.
- (2) During this period, and prior to entering layoff status (see s. UWS 5.16), the chancellor may offer as appropriate, and the faculty member may accept:
 - (a) Terminal leave and early retirement
 - (b) Relocation leave accompanied by resignation
- (3) Acceptance of either of these options will terminate the faculty members association with the university of Wisconsin system at the end of the leave period.

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

UWS 5.11 Faculty hearing committee.

The faculty of each institution shall, promptly after February 1, 1975, establish a committee or designate an existing committee to serve as a hearing committee for the purposes of this chapter. The committee shall consist of faculty members of the institution chosen by the faculty in a manner to be determined by the faculty. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.12, 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 5.14
History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UW-Sup 5. 11 Faculty Hearing Committee.

The Standing Committee of Terminations constituted by the Constitution of the Faculty Senate shall also function as the Faculty Hearing Committee in cases of faculty layoffs for reasons of financial emergency, except that the Faculty Hearing Committee shall not include an individual bearing the title higher than Department Chair. The Individual shall be replaced for purposes of this Chapter by one additional faculty member elected by and from the tenured members of the Faculty Senate.

UWS 5.12 Review hearing.

- (1) A faculty member whose position is recommended for elimination is entitled to a hearing before the faculty hearing committee as to the appropriateness of the decision to lay off that particular individual. The existence of a state of financial emergency and the designation of the colleges, schools, departments or programs in which faculty positions are to be eliminated are not subject to review in the hearing.
- (2) A hearing must be requested within 20 days of the receipt by the faculty member of notification of recommended layoff. The request shall state with particularity the grounds to be relied upon in establishing the impropriety of the decision. Relevant information supplementary to that contained in the notification statement may be requested. The question to be considered in the review is whether one or more of the following improper factors entered into the decision to lay off.
 - (a) Conduct, expressions, or beliefs on the faculty member's part 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 selection of the individual to be laid off. For the purposes of this section, "improper selection" occurs if material prejudice resulted from 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 role of the faculty member in the institution were not considered; or
 3. Unfounded or arbitrary assumptions of fact were made; or
 4. Immaterial or improper factors other than those specified above entered into the decision.
- (3) The faculty member shall present evidence on whether one or more of the improper factors specified above entered into the decision to lay off. The committee shall then consider whether the evidence presented establishes a prima facie case that such factor or factors did enter significantly into the layoff decision. If the committee finds that a prima facie case has not been established, the layoff decision shall be found to have been proper and the hearing shall be ended. The committee shall report this finding to the chancellor and faculty member.
- (4) If the committee finds that a prima facie case has been established, the chancellor or designee shall be entitled to present evidence to support the layoff decision, and, thereafter, the faculty member may present evidence in rebuttal. On the basis of all the evidence presented, the committee shall make its determination as follows:
 - (a) The committee shall first consider whether one or more of the above specified improper factors entered significantly into the decision to lay off. Unless the committee is convinced that such factors did significantly enter into that decision, the committee shall find the decision to have been proper.
 - (b) If the committee believes that improper factors may have entered into the decision, but is convinced that the same decision would have been reached had the error(s) not occurred, it shall find the decision to have been proper.
 - (c) If the committee is convinced that improper factors entered significantly into and affected the decision, it shall be found to be improper.

- (5) The committee shall report its findings and recommendations to the chancellor and the faculty member.

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

UWS 5.13 Hearing procedure.

- (1) If the faculty hearing committee requests, the chancellor shall provide legal counsel to the committee. The hearing shall be closed unless the faculty member whose position has been recommended for elimination requests an open hearing, in which case it shall be open (see s. 66.77, Stats., Open Meeting Law).
- (2) 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 procedures adopted by the faculty establishing the standing committee under s. UWS 5.11. No faculty member who participated in the decision to lay off or who is a material witness may sit in on the hearing committee.
- (3) The faculty member shall be given at least 10 days notice of the hearing; 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 committee.
- (4) The faculty member shall have access to the evidence on which the administration intends to rely to support the decision to lay off, and shall be guaranteed the following minimal procedural safeguards at the hearing:
 - (a) A right to be heard in his or her own behalf,
 - (b) A right to counsel and/or other representatives, and to offer witnesses;
 - (c) A right to confront and cross-examine adverse witnesses;
 - (d) A verbatim record of the hearing, which might be a sound recording, provided at no cost;
 - (e) Written findings of fact and decision based on the hearing record; and
 - (f) Admissibility of evidence governed by s. 227. 10, Stats.
- (5) Adjournments 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.

UWS 5.14 Recommendations and review by the board.

The recommendations of the chancellor and the recommendations, if any, of the faculty hearing committee, shall be transmitted to the president of the university of Wisconsin system and to the board and acted upon as follows:

- (1) If the faculty member has not requested a hearing before the faculty hearing committee, the recommendation shall be deemed proper and shall be reported for information to the system president and the board.
- (2) If the faculty member has requested a hearing and the faculty hearing committee has found the decision to be proper, the report of the faculty hearing committee shall be forwarded to the system president and board by the chancellor with a recommendation. The faculty member may request a review by the board, and the board review panel may at its option grant a review. Unless the board review panel grants the request for review, the recommended findings of fact and decision of the standing faculty committee shall be the final decision of the board of regents.
- (3) If after a hearing, the faculty hearing committee's recommended finding of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the committee's finding. If the chancellor accepts the committee's findings the chancellor's decision shall be final. If the chancellor contests the recommended findings that the decision was improper, the verbatim record, a summary of the evidence and the recommended findings of law and decision shall be forwarded to the board review panel (see s. UWS 5.15). The chancellor and the faculty member shall be furnished

with copies of this material and shall have a reasonable opportunity to file written exceptions to such summary and proposed findings and decision and to argue with respect to them orally and in writing before the board review panel. The board review panel shall hear and decide the case in accordance with s. 227.12, Stats. The decision of the board review panel shall be final.

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

UWS 5.15 Board review.

A review panel shall be appointed by the president of the board of regents, and shall include 3 members of the board, and 2 nonvoting staff members from the academic affairs office of the university system. The panel shall review the criteria and reasoning of the chancellor and the findings and recommendations of the faculty hearing committee in each case forwarded for its review, and shall reach a decision on the recommendation to be approved. The decision shall be final and binding upon the chancellor and the faculty member affected unless one or more of the regent members of the review panel request that the decision be reviewed by the full board of regents, in which case the record shall be reviewed and a decision reached by the full board.

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

UWS 5.16 Layoff status.

- (1) A faculty member whose position has been eliminated or reduced in accordance with the provisions of this chapter shall, at the end of the appropriate notice period, be placed on layoff status, unless the layoff notice has been rescinded prior to that time.
- (2) The faculty member whose notice period has expired, and who is placed on layoff status shall remain on layoff status until:
 - (a) For probationary faculty, the probationary appointment would have expired under its own terms;
 - (b) For tenured faculty, one of the following occurs:
 1. Reappointment to the position from which laid off. Failure to accept such reappointment would terminate the faculty member's association with the university of Wisconsin system.
 2. Acceptance of an alternative continuing position in the university of Wisconsin system. Failure to accept an alternate appointment would not terminate the faculty member's association with the university of Wisconsin system.
 3. Resignation.
 4. Failure by the affected faculty member to notify the chancellor not later than December 1, of each year while on layoff status as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notice of desire to remain on layoff status shall terminate the faculty member's association with the university of Wisconsin system.

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

UWS 5.17 Alternative employment.

Each institution shall devote its best efforts to securing alternative appointments within the institution in position for which faculty laid off under this chapter are qualified under existing criteria. In addition, the university of Wisconsin system shall provide financial assistance for one year for faculty who are designated for layoff to readapt within the department or within another department of the institution, where such readaptation is feasible. Further, the UW-

University of Wisconsin System shall devote its best efforts to insure that faculty members laid off or terminated in any institution shall be made aware of openings within the system.

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

UW-Sup 5.17 Alternative Employment.

The Chancellor shall inform the chairperson of the Faculty Personnel Council and, at the request of the faculty member involved, the chairperson of the Council shall inform the principal officer of any independent faculty association duly organized at the University of Wisconsin-Superior concerning the specific steps taken to explore the alternatives for reassignment of a laid-off faculty member within the institution or, as appropriate, for relocation elsewhere in the University of Wisconsin System.

UWS 5.18 Reappointment rights.

Each institution shall establish administrative procedures and policies to: insure that where layoff or terminations occur for reasons of financial emergency, no person may be employed at that institution within 3 years to perform reasonably comparable duties to those of the faculty member laid off or terminated without first offering the laid off or terminated faculty member reappointment without loss of tenure, seniority and other rights. The 3 year period shall be computed from the effective date of layoff as specified in the original notice.

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

UW-Sup 5.18 Reappointment Rights.

- (1) The Vice Chancellor shall inform the chairperson of the Faculty Personnel Council and, at the request of the faculty member involved, the chairperson of the Council shall inform the principal officer of any independent faculty association duly organized at the University of Wisconsin-Superior concerning the professional qualifications of any person to whom a position might be offered by any Department in which a layoff has occurred.
- (3) On the basis of information so received, the Faculty Personnel Council and/or any independent faculty association duly organized at the University of Wisconsin-Superior shall have the right to question the consideration of any particular candidate to fill a vacant faculty position entailing teaching responsibilities similar to those of a laid-off faculty member.

UWS 5.19 Retention of rank and salary.

Any faculty member reappointed within 3 years after layoff or termination shall be reappointed with a rank and salary at least equivalent to the rank and salary when laid off or terminated, together with such other rights and privileges which may have accrued at that time; any faculty member relocated within an institution or within the university of Wisconsin system shall not have either rank or salary adversely affected except by consent at the time of relocation.

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

UWS 5.20 Rights of faculty members on layoff.

A faculty member on layoff status in accord with the provisions of this chapter has the reemployment rights guaranteed by ss. UWS 5.18 and 5.19, and has the following minimal rights:

- (1) Such participation in fringe benefit programs as is allowed by state regulations governing rights of laid off state employees;
- (2) Such continued use of campus facilities as is allowed by policies and procedures established by the department and institution; and
- (3) Such participation in departmental and institutional activities as is allowed by guidelines established by the department and institution.

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

UW-Sup 5.20 Rights of Faculty Members on Layoff

Faculty on layoff status shall be entitled to make use of campus facilities, including office space as available, and to participate fully in University governance and other faculty activities.

UWS 5.21 System-wide tenure.

The commitment to system-wide tenure within the former chapter 37 institutions shall be honored by those institutions for those eligible under s. 36.13 (4), Stats., 1973 in the event of layoff or termination under the provisions of this chapter.

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

UWS 5.22 Lack of faculty action.

If the faculty of an institution is given due notice of its rights and responsibilities under this chapter, and does not act, the chancellor may act as follows in lieu of the faculty action:

- (1) If a faculty committee provided for in s. UWS 5.04 is not established, the chancellor may consult those members or representatives of the faculty he considers appropriate to satisfy the intent of s. UWS 5.05. All departments potentially involved shall be consulted and representatives of the faculty may dispute the chancellor's recommendation for a state of financial emergency before the board.

- (2) If the faculty does not act to determine the form of seniority to be followed, the chancellor may designate the form. Such designation shall be effective campuswide and shall be made prior to the declaration by the board of a state of financial emergency.

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- (3) If an affected department or program does not recommend individuals for layoff or termination following declaration of a state of financial emergency, the chancellor shall determine the individuals to be affected, using such advice as is deemed of value.
- (4) If a faculty hearing committee provided for in s. UWS 5.11 is not established by the faculty, the chancellor may appoint a committee of faculty members to provide this function.

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

Chapter UWS 6 COMPLAINTS AND GRIEVANCES

UWS 6.01 Complaints

UWS 6.02 Grievances

UWS 6.01 Complaints.

The faculty of each institution, with the approval of the chancellor, shall establish rules and procedures to deal with allegations by the administration, students, academic staff members, other faculty members, classified staff members, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 4. Such rules and procedures shall include, but not necessarily be limited to, the following:

- (1) Review of and administrative action on the complaint by the chancellor. Administrative action may include dismissing the complaint, invoking an appropriate disciplinary action, or referring the complaint to the standing faculty committee created under sub. (2).
- (2) Provision for a hearing before a standing faculty committee selected by the faculty of each institution in such manner as they shall determine. Such hearing shall be held at the request of the chancellor or, if the chancellor invokes a disciplinary action, at the request of the faculty member concerned.
- (3) Guarantee of adequate due process to include, but not limited to, written notification of the complaint, fair and complete hearing procedures, written statement of findings, transmittal of findings to the faculty member involved and appropriate administrative officials within a reasonable period of time, and prohibition of further jeopardy for the same alleged misconduct after a final decision.
- (4) Delineation of the powers of the faculty committee to make recommendations to the chancellor concerning disciplinary action, to recommend dismissal of the complaint, or to recommend referral of the complaint to the appropriate department or administrative officer.
- (5) The decision by the chancellor on the recommendations of the committee, or on the complaint in the absence of committee recommendation, shall be final except that the board at its option might grant a review on the record.

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

UW-Sup 6. 01 Complaints.

- (1) The Chancellor shall receive all faculty-related complaints from whatever source and attempt to resolve each complaint either by dismissing the complaint, invoking appropriate disciplinary action, or referring the complaint to the Faculty Personnel Council. Should the complainant be dissatisfied with the resolution, he/she may refer the complaint to the Faculty Personnel Council.
- (2) The Faculty Personnel Council as constituted by the Faculty Senate Constitution shall be the standing faculty committee to review all complaints. After reviewing the facts and allegations, the Faculty Personnel Council shall decide whether or not to proceed to a hearing. Upon deciding that a hearing is appropriate, the Council shall appoint an ad hoc hearing committee from the faculty as a whole to hear each case. The members shall be appointed from among those faculty not directly or professionally involved in the case.

- (3) The faculty member and appropriate administrative officials shall receive written notice of the complaint, fair and complete hearing procedures, and a written statement of the findings (within days of completion of proceedings). Faculty are protected from further jeopardy for the same alleged misconduct after a final decision.

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- (4) The ad hoc hearing committee shall report its findings and recommendations directly to the Faculty Personnel Council. The Council shall review such findings of fact and recommendations, with changes as may seem appropriate, and report its own findings and recommendations directly to the Chancellor.
- (5) The decision by the Chancellor on the recommendations of the Faculty Personnel Council, or on the complaint in the absence of Council recommendation, shall be final except that the Board of Regents at its option may grant a review on the record.

UWS 6.02 Grievances.

The faculty of each institution shall designate a committee or other appropriate faculty body to hear faculty grievances under rules and procedures established by the faculty of the institution in conjunction with the chancellor.

The committee or faculty body shall have the power to conduct hearings and fact-finding related to the grievance and to recommend solutions to the grievance to the chancellor. If the committee or other body makes recommendations to the chancellor, the chancellor shall act on the recommendations within 30 days. The decision by the chancellor on the recommendation of the committee, or on the grievance in the absence of committee recommendation, shall be final except that the board, upon petition of a grievant or the committee or other faculty body, may grant a review on the record.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. Register, April, 1989, No. 400, eff. 5-1-89.

UW-Sup 6.02 Grievances.

- (1) The Chancellor shall receive all grievances from faculty and attempt to resolve the matter either by dismissing the grievance, invoking appropriate disciplinary action, or referring the grievance to the Faculty Personnel Council. Should the faculty member be dissatisfied with the resolution, he/she may refer the grievance to the Faculty Personnel Council.
- (2) The Faculty Personnel Council as constituted by the Faculty Senate Constitution shall be the standing faculty committee to review all grievances. After reviewing the facts and allegations, the Faculty Personnel Council shall decide whether or not to proceed to a hearing. Upon deciding that a hearing is appropriate, the Council shall appoint an ad hoc hearing committee from the faculty as a whole to hear each case. The members shall be appointed from among those faculty not directly or professionally involved in the case.
- (3) The faculty member and appropriate administrative officials shall receive written notice of the grievance, fair and complete hearing procedures, and a written statement of the findings (within 30 days of completion of the proceedings). Faculty are protected from further jeopardy for the same alleged misconduct after a final decision.
- (4) The ad hoc hearing committee shall report its findings and recommendations directly to the Faculty Personnel Council. The Council shall review such findings of fact and recommendations, with changes as may seem appropriate, and reports its own findings and recommendations directly to the Chancellor.
- (5) The decision by the Chancellor on the recommendations of the Faculty Personnel Council, or on the grievance in the absence of Council recommendation, shall be final except that the Board of Regents at its option may grant a review on the record.

Chapter UWS 7 Dismissal of Faculty in Special Cases

UWS 7.01 Declaration of policy. University faculty members are responsible for advancing the university's missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness, credibility, and ability to maintain public trust are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the university's ability to fulfill its missions, or that seriously impairs the faculty member's fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university

is able to advance its missions. The board of regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.
History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.02 Serious criminal misconduct.

(1) In this chapter, "serious criminal misconduct" means:

- (a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:

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- 1. Causing serious physical injury to another person.
- 2. Creating a serious danger to the personal safety of another person.
- 3. Sexual assault.
- 4. Theft, fraud or embezzlement.
- 5. Criminal damage to property.
- 6. Stalking or harassment.

(b) A substantial risk to the safety of members of the university community or others is posed.

(c) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.

(d) The faculty member's fitness or ability to fulfill the duties of his or her position is seriously impaired.

(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 7.03 to 7.06.

(4) Any act required or permitted by ss. UWS 7.03 to 7.06 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the board of regents under s. UWS 2.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.025 Definition. In this chapter, "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.03 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 or her term of appointment only by the board and only for just cause and only after due notice and hearing.

(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.04 Reporting responsibility. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.05 Expedited process.

- (1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 7.04 or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, the chancellor shall:

- (a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the chancellor as to whether to proceed under this section or ch. UWS 4.

- (b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The

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faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.

- (2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.

- (3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the faculty member in the manner specified in s. UWS 4.02 (3).

- (a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within 2 working days of reaching the decision.

- (b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. UWS 4, the chancellor receives a report under s. UWS 7.04 or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.

- (c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 6, and implementing institutional policies, shall be followed.

- (4) If charges seeking dismissal are filed under sub. (3) (a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 4.05 to 4.06, except that the hearing shall be concluded, and written findings and a recommendation to the chancellor shall be prepared, within 15 working days of the filing of charges.

(5)

- (a) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written recommendation on the matter.

- (b) If the recommendation is for dismissal, the chancellor shall transmit it to the board for review.

- (c) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member.

- (6) Upon receipt of the chancellor's recommendation, the full board shall review the record before the institutional hearing committee, and shall offer an opportunity for filing exceptions to the recommendation, and for oral argument. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor's recommendation.

- (7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.
- (8) The burden of proving just cause in this chapter shall be clear and convincing evidence.
- (9) The chair of the faculty hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.06 Temporary suspension without pay.

- (1) The chancellor, after consulting with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to his or her dismissal where:

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- (a) The faculty member has been charged with a felony of a type listed in s. UWS 7.02 (1) (a) and the chancellor, after following the provisions of s. UWS 7.05 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, and 2) that the faculty member has engaged in the conduct as alleged; or
 - (b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or
 - (c) The faculty member has pleaded guilty or no contest to or been convicted of a felony of a type listed in s. UWS 7.02 (1) (a) and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present.
- (2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.
 - (3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:
 - (a) If the chancellor later determines that the faculty member should not be dismissed, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, and, except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.
 - (b) If the board later determines that the faculty member should not be dismissed, the board may order a lesser penalty and shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.
 - (c) If the chancellor or board later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the faculty member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the faculty member.
 - (4) If, after affording the faculty member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

Chapter UWS 8 Unclassified Staff Code of Ethics

Found in Appendix D of the UW-Superior Unclassified Staff Handbook

Agenda Item I.1.a.(2)

APPENDIX C: Clean New Version

(<http://www.uwsuper.edu/hr/unclassified-staff/handbook/upload/Appendix-D-Code-of-Ethics.pdf>).

The University of Wisconsin-Milwaukee
Charter School Contract
La Casa de Esperanza

EDUCATION COMMITTEE

Resolution I.1.a.(3):

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 charter school contract with La Casa de Esperanza, Inc., maintaining a charter school known as La Casa de Esperanza.

**UNIVERSITY OF WISCONSIN-MILWAUKEE
APPROVAL OF LA CASA DE ESPERANZA CHARTER SCHOOL
PREPARED BY THE OFFICE OF CHARTER SCHOOLS AT UW-MILWAUKEE**

BACKGROUND

In 1997, the Wisconsin Legislature authorized the University of Wisconsin-Milwaukee (UWM) to grant charters under section 118.40(2)(r), Wis. Stats. A school so authorized and approved by the UW System Board of Regents is eligible to receive public funds to operate a public charter school. These public schools, frequently referred to as “2r” charter schools, based on the legislation section that defines them, are independent schools with their own board of directors and are not charters associated with public school districts. In addition to the “2r” charters, section 118, Wis. Stats., also authorizes school districts to grant charters, which comprise the vast majority of the 244 charter schools in Wisconsin.

The UWM Office of Charter Schools is responsible for review of applications, charter oversight, accountability as prescribed in the contract, and contract reviews and renewals. Additionally, the Office of Charter Schools maintains a significant set of data and accountability measures that are reviewed yearly, and utilized at the time of a contract renewal application. The Office is funded by an administrative fee paid by the charter school and the fee is tied to the enrollment of the school. Currently, the fee varies from 1.25% to 1.50% of a school’s budget.

UWM public charter schools are required to participate in the statewide assessment system, submit annual audits, report enrollment and fiscal claims information to the Department of Public Instruction, are eligible to participate in the wide array of federal programs, and must report data as required by these programs. To be eligible to apply for a charter, the organization must be incorporated in Wisconsin and eligible for not-for-profit status with the Internal Revenue Service. By statute, charter contracts are for a period of time not to exceed five years and in practice, a contract renewal recommendation of less than five years represents expression of concern about the school's progress in attaining its goals.

Since the inception of the Office of Charter Schools, 85 prospectuses have been submitted by individuals or organizations and upon approval of the prospectus, 25 charter applications have been submitted. The UW System Board of Regents and the Chancellor of UW-Milwaukee have approved 17 charter schools, involving a variety of public and private partnerships working to improve educational opportunity and achievement for Milwaukee school children. Today, 12 UW-Milwaukee public charter schools are operational. Five schools were closed or withdrew from the charter.

In the 2013 session of the Wisconsin Legislature, UWM’s chartering authority was expanded from the geographic boundaries of the City of Milwaukee only, to a new boundary area defined as “only Milwaukee county and adjacent counties.” This change now means that UWM’s chartering authority extends to Milwaukee, Racine, Waukesha, Washington, and Ozaukee Counties.

The UWM Office of Charter Schools, in concert with the Charter School Advisory Committee and Chancellor, has determined that given the new expanded geographic boundaries, it would continue with the original guidelines applied to reviewing applications for charter school status, and include consideration of charter applications from outside of the City of Milwaukee only if one of the following criteria exists:

1. The district in which the school is to be located has schools that received overall accountability ratings of “Meets Few Expectations” or “Fails to Meet Expectations” on the Wisconsin Department of Public Instruction School Report Card for at least two consecutive years. Consideration would only be given to prospectuses which target the same grade levels of the district school(s) that received ratings of “Meets Few Expectations” or “Fails to Meet Expectations.”
2. The existence of a new and innovative program that presents educational options to address specific needs (i.e. at- risk populations, dropouts, and other educational needs) that are not being served within the district.

With the change in legislation, the UWM Office of Charter Schools received three prospectuses from applicants desiring to open a charter school outside of the City of Milwaukee. All prospectuses submitted were to open charter schools in the City of Waukesha. Continuing to follow the same comprehensive process for evaluating charter applications, the UWM Office of Charter Schools Application Review Committee recommended to the Director of the UWM Office of Charter Schools approval of the charter application submitted by La Casa de Esperanza, Inc. This recommendation was also approved by the UWM Chancellor.

La Casa de Esperanza, Inc. (La Casa, Inc.) is a community-based, nonprofit educational and social services agency providing services to people in need in Waukesha County since 1966. Historically, La Casa, Inc., has had a primary focus on serving the Hispanic community in Waukesha and providing bilingual, culturally-competent social services to Waukesha’s fast-growing Hispanic population. However, with a strong commitment to serving all people in need, La Casa, Inc., has grown and evolved to reach well beyond the Hispanic population. Today, La Casa, Inc., offers programs and services to meet the needs of a broad and diverse community that includes low-income people of all races and ethnicities.

La Casa, Inc., is requesting authorization to create a charter school named La Casa de Esperanza that would open in the fall of 2015. The charter would be for five years, with renewal by the Board of Regents required by June 30, 2020. The intent is for the charter school to provide, beginning at an early age, the educational and social opportunities to prepare each child for full participation in the social and economic life of the community, consistent with the mission of La Casa, Inc., of creating opportunities for low-income people to achieve full social and economic participation in society.

The proposed charter school will be closely linked with the other programs and services of La Casa, Inc., and other community partners, and will promote the readiness of these children to learn. The school will bring the research-based full-service school model to the City of Waukesha. The unique potential of the La Casa, Inc., full-service model lies in its interactive

elements, which facilitate comprehensive, collaborative, and coordinated support for children and their families. This model will assure the primary focus is on education.

REQUESTED ACTION

Adoption of Resolution I.1.a.(3), approving the charter school contract with La Casa de Esperanza, Inc., to operate a public charter school known as La Casa de Esperanza Charter School, effective July 1, 2015, for a period of five years, until June 30, 2020.

DISCUSSION

School Profile and Design

The proposed La Casa de Esperanza Charter School will serve approximately 88 students in K-4 and K-5 during the initial year, expanding to 264 students in K-4 to fourth grade by the fifth year of the contract. The following mission statement has been established to reflect the commitment to children and families:

The La Casa de Esperanza Charter School will, in collaboration with families and community partners, provide learning experiences of the highest quality that significantly increase academic achievement of all students. The success of the full-service approach contributes to the elimination of the achievement gap in the community.

The mission and core beliefs of the school incorporate an environment of high expectations and "no-excuses mentality," excellence in mission, and cultural competence in all aspects of the school leading to the establishment of a sense of family and community. Although schools traditionally have supplemented students' education by providing limited social services such as health screenings, immunization, and meals, implementation of the La Casa, Inc., full-service school model calls for an expanded vision of support services goals linked directly to student educational outcomes. The charter school draws upon the knowledge and experience gained by the pioneering work of Joy Dryfoos, author of *Inside Full-Service Community Schools*. The school will bring the research based full-service school model to the City of Waukesha.

La Casa, Inc., is in a unique position to create such a school because of the broad array of services it currently offers and because of its long-standing relationships with children and families in the community. This full-service school will be the center of La Casa, Inc., where the following services are co-located on La Casa de Esperanza's campus and available to enrolled children and their families, depending on their individual needs:

- Early Childhood Education programs for younger siblings of students
- Workforce Development - employment and training, job search, resume writing, and success coaching
- Financial literacy
- Volunteer Income Tax Assistance (VITA)
- Children and Youth Programs - Before-and-after school programs, summer programs, summer meal program, free-and-reduced meal program, tutoring

- Senior Services - La Casa Village I & II, seniors program, meals program
- Weatherization
- Special Events
- Services available through La Casa's comprehensive referral network

La Casa de Esperanza Charter School will provide quality education designed to meet the unique needs of the Hispanic and economically disadvantaged populations. This will include extended day programs for students. Students in K-4 will participate in full-day programming including enrichment activities that extend learning beyond the 2.5-hour academic schedule. Kindergarten through fifth grade students will receive full day instruction. In addition, approximately 20 tutors will provide homework assistance and tutoring during a 2.5-hour after-school program focused on supporting the academic goals of students and will be closely aligned with the instruction being provided during the school day. Similarly, families will commit to a six-week summer program consisting of academic and enrichment activities.

Finally, a high level of cultural competence and cultural sensitivity to the needs and aspirations of the Hispanic and low-income communities, and a true understanding of the issues they face will be combined with the best educational practices in the charter school, while also meeting the needs of its students that may not fall into the targeted demographics.

Educational Program

The La Casa de Esperanza Charter School will provide a traditionally-based academic program to students from K-4 through 4th grade during the first five years of operation. Academic instruction will be delivered in English to ensure that every student has proficiency in the English language, while continuing to celebrate diversity and the Hispanic culture. The Wisconsin Common Core State Standards will be used as a guideline for curriculum design.

Instructional methods used at the La Casa de Esperanza Charter School will be direct instruction, small group instruction, flexible grouping, whole group instruction, mastery learning, practice, and homework.

Table 1: Curriculum

GRADES	CURRICULUM
K-4, K-5	<p>Reading and Language Arts: Creative Curriculum, <i>SRA Language for Learning and Reading</i>, <i>Houghton Mifflin Reading</i>, <i>Words Their Way</i>, <i>Handwriting Without Tears</i>, and Guided Reading with trade books</p> <p>Mathematics: Creative Curriculum, <i>Saxon Mathematics</i>, and <i>Math Connects</i></p> <p>Science: Creative Curriculum, <i>Foss</i>, and Carolina STEM Science Curriculum: Science and Technology Concepts (STC)</p> <p>Social Studies: <i>Houghton Mifflin</i></p>
Grades 1 & 2	<p>Reading and Language Arts: <i>SRA Language for Learning</i>, <i>SRA Reading Mastery</i>, <i>Houghton Mifflin Reading</i>, <i>Words</i></p>

	<i>Their Way, Handwriting Without Tears</i> , and Guided Reading with trade books Mathematics: <i>Saxon Mathematics</i> and <i>Math Connects</i> Science: <i>Foss</i> , and Carolina STEM Science Curriculum: Science and Technology Concepts (STC) Social Studies: <i>Houghton Mifflin</i>
Grades 3 & 4	Reading and Language Arts: SRA Language for Learning, <i>SRA Reading Mastery</i> , <i>Houghton Mifflin Reading</i> , <i>Words Their Way</i> , <i>Handwriting Without Tears</i> , and Guided Reading with trade books Mathematics: <i>Saxon Mathematic</i> and <i>Math Connects</i> Science: <i>Foss</i> and Carolina STEM Science Curriculum: Science and Technology Concepts (STC) Social Studies: <i>Houghton Mifflin</i>

In addition to those curricula noted in the Table 1 above, the La Casa de Esperanza Charter School will include a financial literacy component. This will be infused into academic subject areas and will be a specific component of the after-school curriculum.

La Casa, Inc., will provide an after school program and summer program that will include tutorial and intervention education in core subject areas and balance academic support with engaging, fun, and structured extracurricular activities which promote youth development in real-world contexts. The curriculum, as well as academic intervention, will be determined from analysis of standardized test results as well as individual needs.

Student Recruitment Plan and Demographics

La Casa, Inc., will inform the community about the opportunity for students to attend La Casa de Esperanza Charter School through its annual special events, which provide audiences of community members and leaders. It will also utilize the network of service providers in the Waukesha community and distribute information at locations at which the families of potential students of La Casa de Esperanza Charter School are likely to be.

The goal of La Casa de Esperanza Charter School is to ensure a diverse student body. While the school will seek to serve students from the neighborhood as its primary focus, as well as meet the unique needs of Hispanic and economically disadvantaged students, the school is being designed to appeal to families of all ethnic and socioeconomic backgrounds who seek for their children education of the highest quality offered in a rich, multicultural learning environment. Only students who reside in Milwaukee County or an adjacent county may attend the school. The only preferences given will be for siblings of existing students (however, this preference will not apply during the first year of operation) and for children of faculty and staff members. La Casa de Esperanza will employ a blind admission policy and if there is an oversubscription in any grade, a lottery will be held for those grade levels. When all available seats have been filled via the lottery process, an ongoing waiting list will be established and maintained.

Assessment

La Casa de Esperanza Charter School will administer all assessments required by the Office of Charter Schools and the Department of Public Instruction (DPI), and other assessments, as necessary, to meet public and parent reporting requirements. The Office of Charter Schools currently requires that the *Measures of Academic Progress* testing program developed by the Northwest Evaluation Association (NWEA) be administered. La Casa de Esperanza Charter School will also meet the DPI requirements for highly-qualified teachers.

The UWM Office of Charter Schools will evaluate the performance of La Casa de Esperanza Charter School in the areas of leadership; strategic planning; student, stakeholder, and market focus; information and analysis; process management; and organizational performance results, as set forth in the *Educational Criteria for Performance Excellence* of the Baldrige National Quality Program.

Governance and Staffing

The La Casa de Esperanza Charter School will be operated by La Casa Inc., which is governed by a 15-member Board of Directors. La Casa Inc., is led by Mr. Anselmo Villarreal, Ph.D., who reports to the Board of Directors.

The La Casa de Esperanza Board of Directors will ultimately be responsible for ensuring compliance with all applicable laws and regulations related to the School. The Board of Directors includes a Chairperson, Chairperson-elect, Secretary, and Treasurer. The current composition of the Board includes members with expertise in areas of education, legal, finance, business, human resources, medical, and marketing, as well as parent representation. The composition will be further examined, and the number of members potentially expanded, to ensure that expertise in all areas necessary for governance of a charter school is represented.

The Board holds regular meetings six times per year and holds its annual meeting in November. The Board also utilizes four committees including executive, governance and personnel, education, finance and risk management. Current ad-hoc committees include public policy, audit, and investment. In addition to regular board meetings, each committee meets seven times per year, with the exception of the ad hoc committees, which meet quarterly or as needed. All minutes of committee meetings are approved by the Board of Directors.

The La Casa, Inc., Board of Directors will delegate general school oversight to the Education Committee, a subcommittee of the Board of Directors. The Education Committee will be responsible for reviewing, advising, and ensuring achievement. Further, the Education Committee will be responsible for monitoring the school's programs and services, and developing, reviewing, and recommending financial and educational policies of the school. The Education Committee is responsible for providing the La Casa, Inc., Board of Directors with regular reports about its activities and the status of the school. Members of the Education Committee will be appointed by the Board of Directors of La Casa, Inc.

Table 2: La Casa, Inc., Board of Directors

Name	Professional Affiliation
Marcos Ramos Chairperson	Business Analyst Trissential
Bradley Piazza Chairperson-Elect	Dean, Business Division Waukesha County Technical College
Maria Trainor Secretary	School Psychologist/Bilingual Education School District of Waukesha
Chuck Pavlik Treasurer	Shareholder Vrakas/Blum CPAs and Business Advisors
Scott Bower Member	Director of North American Operations HUSCO International
Jesus Cabrera Member	Ecclesiastical Judge Archdiocese of Milwaukee
Sandra Dempsey Member	Account Executive Weigel Broadcasting Co.
Nancy File Member	Associate Professor – Curriculum & Instruction UWM
Margaret Braatz Parent Member	Parent and community member
Rudy Gutierrez Member	Market President US Bank
John McGee Member	Financial Consultant
Carlos Pastrana Member	Attorney Michael Best & Friedrich
Laura Reyes Member	Diversity & Engagement Leader GE Healthcare
Dave Rosenwald Member	Senior Vice President – Commercial Banking First Federal Bank
Julie Schuller Member	Executive Vice President/Vice President, Clinical Affairs Sixteenth Street Community Health Center

Table 3: Education Committee Members

Name	Professional Affiliation
Bradley Piazza Chairperson	Dean, Business Division Waukesha County Technical College
Shari Campbell	VP of Education Services La Casa , Inc.
Don Cohen	VP of Community Development and Lending Landmark Credit Union
Larry Dulek	Community Member
Nancy File	Associate Professor – Curriculum & Instruction UWM
Joan Hader	Associate Dean of Family and Consumer Education Waukesha County Technical College
Lawrence Pesch	Development Director Brookfield Academy
Anselmo Villarreal	President & CEO La Casa, Inc.
Principal – TBD	La Casa de Esperanza Charter School

The La Casa de Esperanza Charter Contract

The contract negotiated with La Casa, Inc., meets all requirements of the UW-Milwaukee model charter school contract. La Casa, Inc., is prepared to operate La Casa de Esperanza Charter School in accordance with all applicable state and federal requirements for charter schools. The full contract is available at the web link below:

https://pantherfile.uwm.edu/xythoswfs/webui/_xy-e40539486_1-t_37iIwmMS

RECOMMENDATION

The UWM Office of Charter Schools, Chancellor Mone, and Provost Britz believe that La Casa de Esperanza Charter School has the potential to make a positive difference in the educational lives of Waukesha's children and is worthy of UWM charter status. UW System Administration also recommends approval for the period from fall 2015 to the first Board of Regents review by June 30, 2020.

RELATED REGENT POLICIES

Regent Resolution 7905 (May 7, 1999)

The University of Wisconsin-Milwaukee
Charter School Contract Renewal
Milwaukee Scholars Charter School

EDUCATION COMMITTEE

Resolution I.1.a.(4):

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 renewal of the charter school contract with Milwaukee Scholars Charter Schools, Inc., maintaining a charter school known as Milwaukee Scholars Charter School.

**UNIVERSITY OF WISCONSIN-MILWAUKEE
OFFICE OF CHARTER SCHOOLS
MILWAUKEE SCHOLARS CHARTER SCHOOL
CHARTER RENEWAL**

PREPARED BY THE OFFICE OF CHARTER SCHOOLS AT UW-MILWAUKEE

BACKGROUND

As explained in more detail in Agenda Item I.1.a.(3), in 1997, the Wisconsin Legislature authorized the University of Wisconsin-Milwaukee (UWM) to grant charters under section 118.40 (2) (r), Wis. Stats. A school so authorized and approved by the UW System Board of Regents is eligible to receive public funds to operate a public charter school. UWM charters are required to participate in the statewide assessment system, submit annual audits, and report enrollment and fiscal claims information to the Department of Public Instruction. Requests for renewals of contracts for existing charter schools take place in the fifth year of their operation and renewals are granted by the Board of Regents for five years except in special circumstances, most often performance issues. The Board of Regents has repeatedly approved charter school renewals for fewer than five years.

The UWM Office of Charter Schools, Chancellor Mone, and Provost Britz recommend Milwaukee Scholars Charter School, Inc., be granted a contract renewal for three years, effective July 1, 2016 to June 30, 2019, to operate a public charter school known as Milwaukee Scholars Charter School (MSCS).

The initial charter for MSCS was granted by the Board of Regents in February 2011 under a contract with Milwaukee Scholars Charter School, Inc., a Wisconsin, non-stock, not-for-profit corporation in good standing under section 118.40 (2) (r), Wis. Stats., and section 501(c) (3) of the Internal Revenue Code. MSCS has one campus located on 7000 W. Florist Avenue, within the city of Milwaukee. The UWM Office of Charter Schools undertook an extensive review process that began with the submission of a renewal application by MSCS in September of 2014, and a UWM Charter School Office evaluation team site visit and assessment in November of 2014. The results of this review are detailed in the discussion below. This charter contract would be considered for renewal by the Board of Regents by June 30, 2019.

REQUESTED ACTION

Approval of Resolution I.1.a.(4) approving the renewal of the charter school contract with Milwaukee Scholars Charter School, Inc., to continue the operation of a public charter school known as Milwaukee Scholars Charter School, effective July 1, 2016 for three years, until June 30, 2019.

DISCUSSION**School Profile and Design**

The founding Board of Milwaukee Scholars Charter School, Inc., came together in 2010 with a shared commitment for education and for ensuring that Milwaukee's children have access to high-quality education. In particular, they wanted to provide educational choice in the

Havenwoods area, a working class, mostly African-American neighborhood on Milwaukee's north side, centered near Silver Spring Drive and 60th Street. Approved by the Board of Regents on February 10, 2011, the contract was executed July 1, 2011. In collaboration with National Heritage Academies, a new state-of-the art building was constructed and MSCS opened in the fall of 2011. The school opened its doors serving 360 students in grades K-4 through 5th and has added one grade each year. Beginning with the 2014-15 school year, the school has been serving students in grades K-4 through 8th. Milwaukee Scholars Charter School, Inc. has partnered with National Heritage Academies (NHA) to provide a comprehensive K-8 college-preparatory educational program for their students. The partnership requires NHA to provide a broad range of services relating to the school's operations, including:

- Curriculum development
- Educational best practices
- Human resources
- Teacher training and development
- Financial management
- Information technology
- Facilities management
- Purchasing and procurement
- Legal and regulatory compliance
- Marketing, communications, crisis management

Below is the mission statement for MSCS:

The MSCS mission is to be a force for positive change in the Havenwoods neighborhood of the City of Milwaukee. Our intent is to build an organization that sets high academic standards and promotes fundamental values, such as integrity, achievement, excellence and accountability. We offer K-8 students a rigorous educational program that prepares them for success in high school, college and throughout life. We make college graduation the expectation, not the exception for students and families.

The school is designed to serve the educational needs of students, with a focus on closing the achievement gap for populations that have been historically less served and less successful in college preparation programs. The program is organized to promote the academic and social growth of students through a challenging, values-based college preparatory curriculum focused on literature, language, history, mathematics, science, and art.

The beliefs guiding the school include: (1) student learning is first and foremost an adult responsibility; (2) a K-8 school design will foster the necessary learning in early years of a child's educational experience; (3) teaching virtues and morals is an equally important piece of a child's education; and (4) all students can learn in an environment with high expectations.

Student Demographics

During the 2014-15 school year, MSCS is providing educational services to 614 students. The enrollment history of MSCS is presented below.

Table 1: Student Enrollment

2011-12	2012-13	2013-14	2014-15
359	464	548	614

Table 2: Special Education Enrollment

2011-12	2012-13	2013-14	2014-15
33	63	58	62

The student body of MSCS is predominantly African American, reflecting the demographics of the immediate neighborhood. The ethnic makeup of the school is 95.6% African American, 1.6% Asian, 1.0% Hispanic, 0.8% White, 0.8% two or more races, and 0.2% American Indian. Eighty-eight percent (88%) of the students qualified for free and/or reduced lunches in 2013-14. The 2012-13 attendance rate was 93.3%. During the 2012-13 school year, 107 students were suspended. One student was expelled during the 2012-13 school year. Year-to-year, approximately 61% of the students who attended MSCS the previous year, return to the school the next year.

Educational Program

The standards of MSCS's educational program are those identified with its curriculum, i.e. essential learning goals for all students. These learning goals, aligned with the Wisconsin Common Core State Standards and Wisconsin Model Academic Standards are structured through four organizational categories: language arts, mathematics, science, and social studies. They also include character development, art, music, and physical education.

The NHA educational program is characterized by common practices called "Simple Rules." The "Simple Rules" represent best practices that have been refined and codified through NHA's experience of managing charter schools. These rules are as follows: measure results, behave with care, calendarize priorities, manage instruction, provide essential learning goals for all students, teach virtues, utilize a formative assessment process and common curriculum tools, engage students and parents, clarify instructional intent, and demand rigor.

GRADES	CURRICULUM
K-4 through 5th	Reading and Language Arts: <i>SRA Imagine It!</i> Mathematics: Houghton Mifflin <i>Math Expressions</i> Science: Delta Science Social Studies: <i>Scott Forman Social Studies</i> and <i>History Alive</i>
Grades 6th through 8th	Reading and Language Arts: <i>Holt Literature</i> Mathematics: <i>Big Ideas Math</i> Science: <i>Foss Kits</i> Social Studies: <i>Journey Across Time</i> , <i>Exploring Our World People Places and Culture Eastern Hemisphere</i> , <i>Our World People Places and Culture Western Hemisphere</i> , and <i>History Alive</i>

Co-curricular offerings include art, music, physical education, and library and educational technology. Additionally, a character development curriculum is implemented to foster a culture that emphasizes strong personal character and accountability.

Faculty and Staff

The MSCS faculty and staff is comprised of a principal, four deans, an instructional coach, 33 licensed teachers including three academic specialists and one art, one music, one physical education, and one library/educational technology teacher. The school also has four paraprofessionals. The racial composition of the teaching staff is 79% white and 21% African American; 82% of the staff is female.

Governance and Leadership

The MSCS Board of Directors performs all governing functions and is responsible for its fiscal and academic policies and for meeting the requirements of applicable laws. Additionally, the MSCS Board of Directors manages the relationship with NHA and accountability reporting. The school is a Local Education Agency (LEA) for federal purposes and acts as its own school district. Table 3 below lists the current seven board members by name, position, and professional associations and affiliations.

Table 3: Current Board Members

Board Member	Board Position	Other Affiliation
Paul Sweeney	President	Founding Partner at PS Capital Partners
Stephanie Harling	Vice President	Executive Director at Havenwoods Economic Development Corporation
Cynthia Marino	Secretary	Associate Vice President at Cardinal Stritch University
Patrick Ray	Treasurer	Store Manager at Sprint
Andrew Davis	Director	Legislative Director at Metropolitan Milwaukee Association of Commerce
Suzanne Terry, Ed.D	Director	Retired Associate Professor at Cardinal Stritch University
Angela Colbert	Director	Business Owner and former lawyer at Quarles and Brady, LLP

MSCS operates under a distributed leadership model. The school is led by a principal with responsibility for instructional leadership. Deans serve as direct managers of assigned grade levels and assist the principal with leadership responsibilities. The leadership team establishes a positive learning environment with specific expectations, rules, procedures, and structures that help students feel welcome, supported, and safe. Specific staff development is provided to help staff members build positive, productive, and trusting relationships with students. Table 4 below lists MSCS administrative team members.

Table 4: Administrative Team Members

Administrator	Administrative Position
Taneka Smith	Principal
Amanda Sauer	Lower Elementary Dean
Wendy Whitley	Upper Elementary Dean
Angela Ceyphes	Middle School Dean

Financial Condition and Compliance

MSCS is in compliance with its audits and remains financially sound. MSCS has finished each year with a positive cash balance, has received an unqualified audit every year, and has no debt. Under MSCS's Services Agreement, NHA's compensation for its services is all revenue received from all sources. In return, NHA has met all obligations to bring significant resources to the school: facilities, real estate, and start-up and ongoing operating capital, as needed. Due to the relationship with NHA, the MSCS Board of Directors do not have to focus on fundraising, real estate, construction, or other aspects of school operations. MSCS has been in compliance with all contract provisions, state, and federal regulations for the past three years and submits accountability reports, as required by the contract.

Academic Performance

Achievement of Mission

As results on the Wisconsin Knowledge and Concepts Examination (shown below under Proficiency Levels) show, academic performance at MSCS trails the Milwaukee Public Schools (MPS) and the state in Reading. In Mathematics it surpasses MPS but trails the state. When looking at only African American students, academic performance in Reading at Milwaukee Scholars Charter School exceeds MPS but trails the state and exceeds both the state and MPS in Mathematics.

When the academic performance of MSCS is compared to neighborhood demographically comparable MPS schools, MSCS performance in both Reading and Mathematics generally exceeds the performance in the comparable schools. Measures of student growth are generally very favorable for all grade levels in both Reading and Mathematics on both Measures of Academic Progress (MAP) assessments and the WKCE.

MSCS received Overall Accountability Scores of 55.3 and 59.5 on the Department of Public Instruction's (DPI) School Report Cards in 2012-13 and 2013-14, respectively. Both of these scores fall within the Meets Few Expectations Overall Accountability Rating range. These scores take into account student achievement, student growth, and on-track and postsecondary readiness (with the latter including attendance rate and 3rd grade Reading achievement).

Proficiency Level

Below, in Figures 1 and 2, achievement in Reading and Mathematics over two consecutive years at Milwaukee Scholars Charter School will be compared to MPS, the state, and MPS schools that are similar to Milwaukee Scholars Charter School in terms of their location and demographic composition.

Figure 1: Two-year comparison of combined (grades 3-6 in 2012-13 and grades 3-7 in 2013-14) Wisconsin Knowledge and Concept Examination (WKCE) Reading results for MSCS, MPS, and the state.

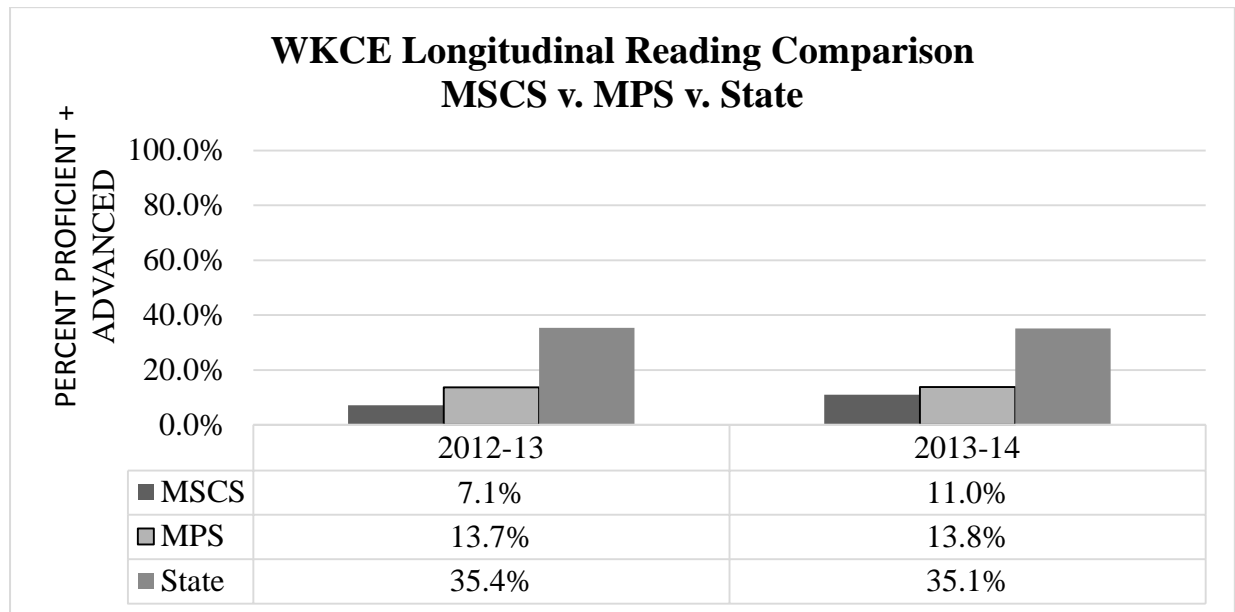
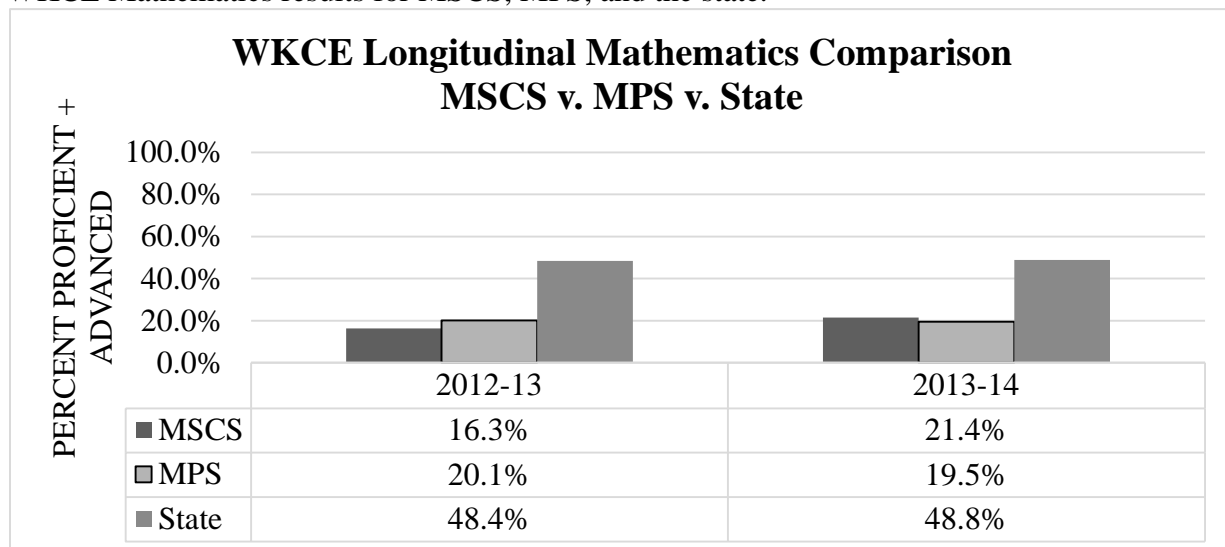


Figure 2: Two-year comparison of combined (grades 3-6 in 2012-13 and grades 3-7 in 2013-14) WKCE Mathematics results for MSCS, MPS, and the state.



MSCS has shown increasing academic performance in both Reading and Mathematics over the last two years. In Reading, MSCS still lags behind both MPS and the state. However, in Mathematics, it has now surpassed MPS yet still lags behind the state.

Figures 3 and 4 below present two-year comparisons of Reading and Mathematics results for African American students only.

Figure 3: Two-year comparison of combined (grades 3-6 in 2012-13 and grades 3-7 in 2013-14) WKCE Reading results for African American students in MSCS, MPS, and the state.

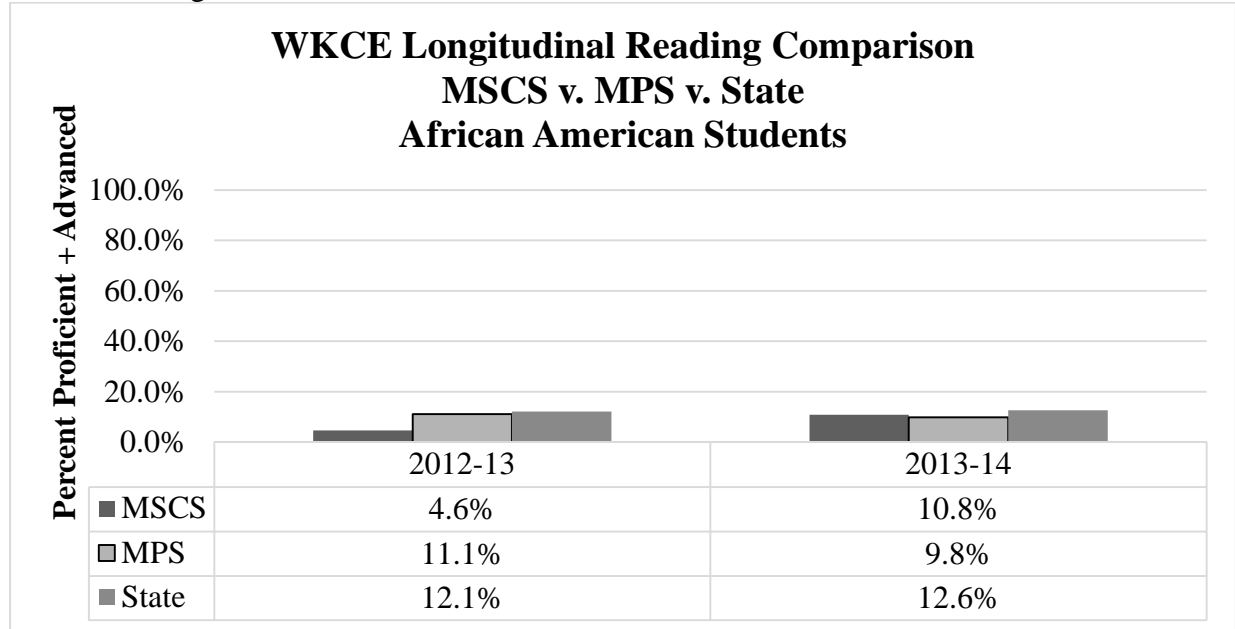
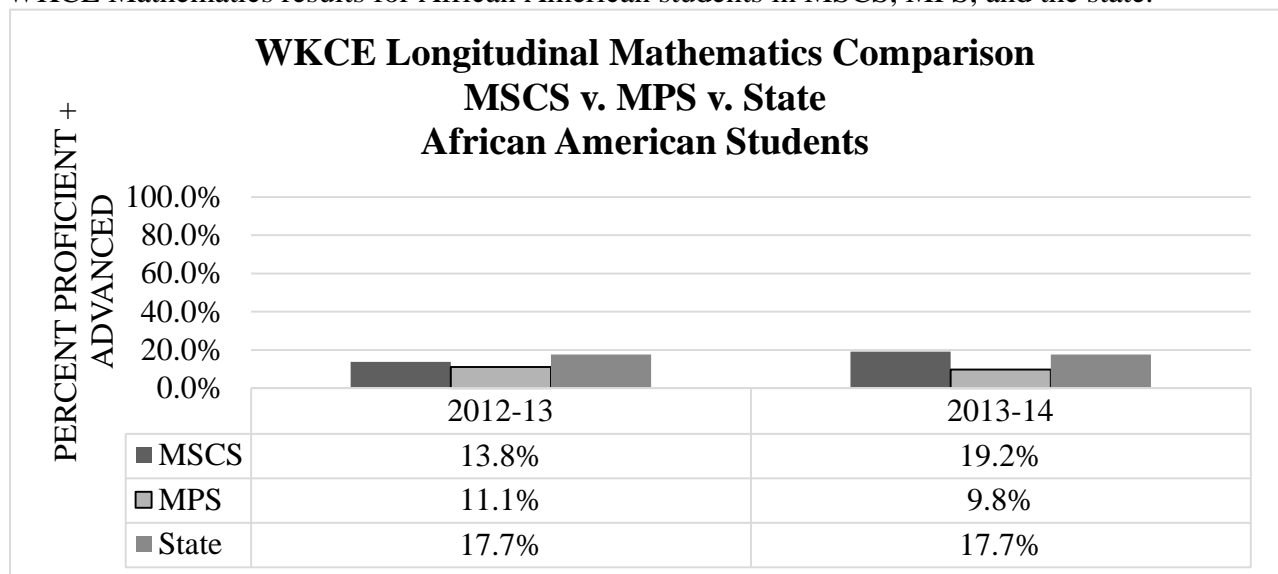


Figure 4: Two-year comparison of combined (grades 3-6 in 2012-13 and grades 3-7 in 2013-14) WKCE Mathematics results for African American students in MSCS, MPS, and the state.



When looking at data from MSCS, MPS, and the state for African American students, the academic performance of MSCS in Reading in 2013-14 nearly reaches the academic performance of the state, and exceeds the academic performance of MPS African American students. In Mathematics, in 2013-14, the performance of MSCS African American students exceeded the performance of African American students in both MPS and the state.

Figures 5 and 6 below depict two-year comparisons of Reading and Mathematics results for economically-disadvantaged students only.

Figure 5: Two-year comparison of combined (grades 3-6 in 2012-13 and grades 3-7 in 2013-14) WKCE Reading results for Economically Disadvantaged students in MSCS, MPS, and the state.

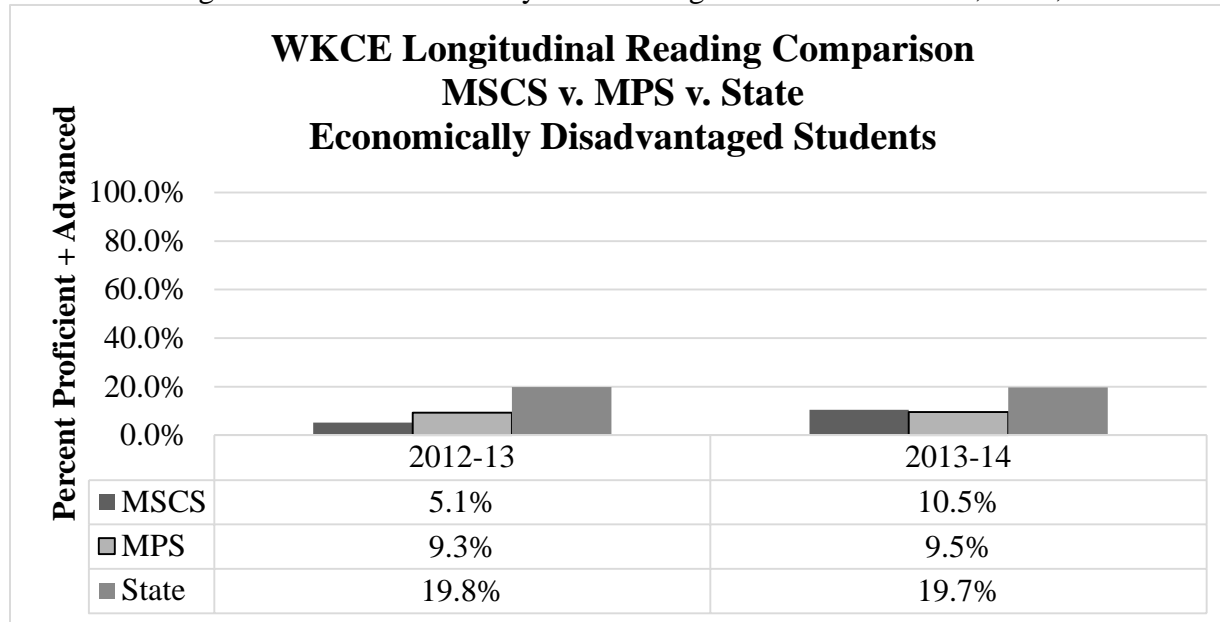
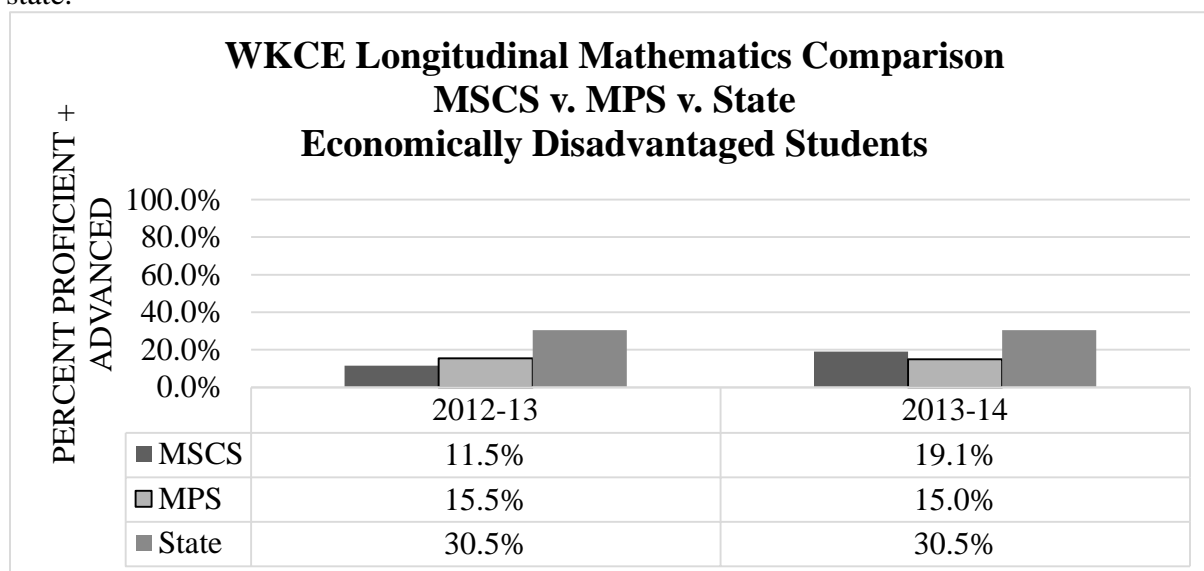


Figure 6: Two-year comparison of combined (grades 3-6 in 2012-13 and grades 3-7 in 2013-14) WKCE Mathematics results for Economically Disadvantaged students in MSCS, MPS, and the state.



When looking at data from MSCS, MPS, and the state for economically-disadvantaged students, the academic performance of MSCS in Reading and Mathematics in 2013-14 exceeds the academic performance of MPS but falls short of the state.

Figures 7 and 8 below depict a comparison of Reading and Mathematics results for neighborhood/demographically comparable schools only. Also shown in Figures 9 and 10 are the minority and low-income percentages for each comparable school.

Figure 7: Comparison of combined (grades 3-6 in 2012-13 and grades 3-7 in 2013-14) WKCE Reading results for MSCS and neighborhood/demographically comparable MPS schools.

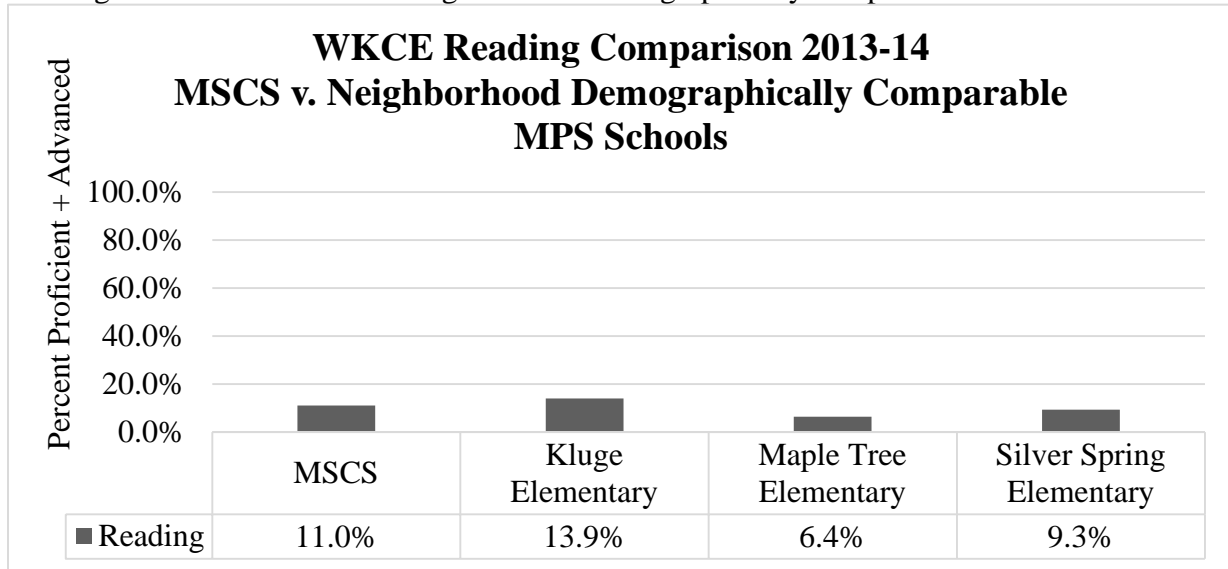


Figure 8: Comparison of combined (grades 3-6 in 2012-13 and grades 3-7 in 2013-14) WKCE Mathematics results for MSCS and neighborhood/demographically comparable MPS schools.

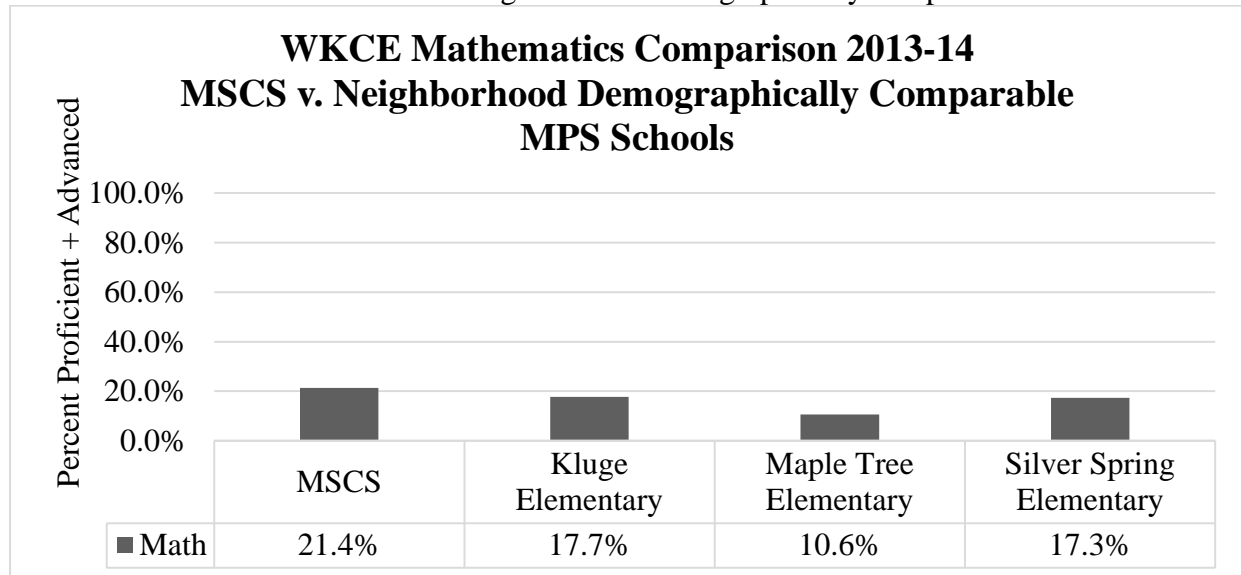


Figure 9: Minority and Low-Income Percentages of Students in MSCS and Neighborhood and Demographically Comparable MPS Schools.

	MSCS	Kluge	Maple Tree	Silver Spring
Percent Minority	98.5%	96.1%	95.0%	99.1%
Percent Low Income	88.3%	96.9%	93.4%	95.6%

Figure 10: Minority and Low-income Percentages of Students in MSCS Neighborhood and Comparable MPS Schools.

	MSCS	Kluge	Maple Tree	Silver Spring
Percent Minority	98.5%	96.1%	95.0%	99.1%
Percent Low Income	88.3%	96.9%	93.4%	95.6%

In summary, academic performance at MSCS trails MPS and the state in Reading and surpasses MPS but trails the state in Mathematics. When looking at only African American students, academic performance at MSCS exceeds MPS but trails the state in Reading and exceeds both the state and MPS in Mathematics. When the academic performance of MSCS is compared to neighborhood/ demographically comparable MPS schools, the performance of MSCS in both Reading and Mathematics generally exceeds the performance in the comparable schools.

Value Added Growth Measures

Figures 11 and 12 below depict percentages of students meeting or exceeding fall to spring average growth targets in Reading and Mathematics on the MAP assessments.

Figure 11: Percentage of Students Meeting or Exceeding Fall to Spring Average Growth Targets in Reading on the MAP Assessments.

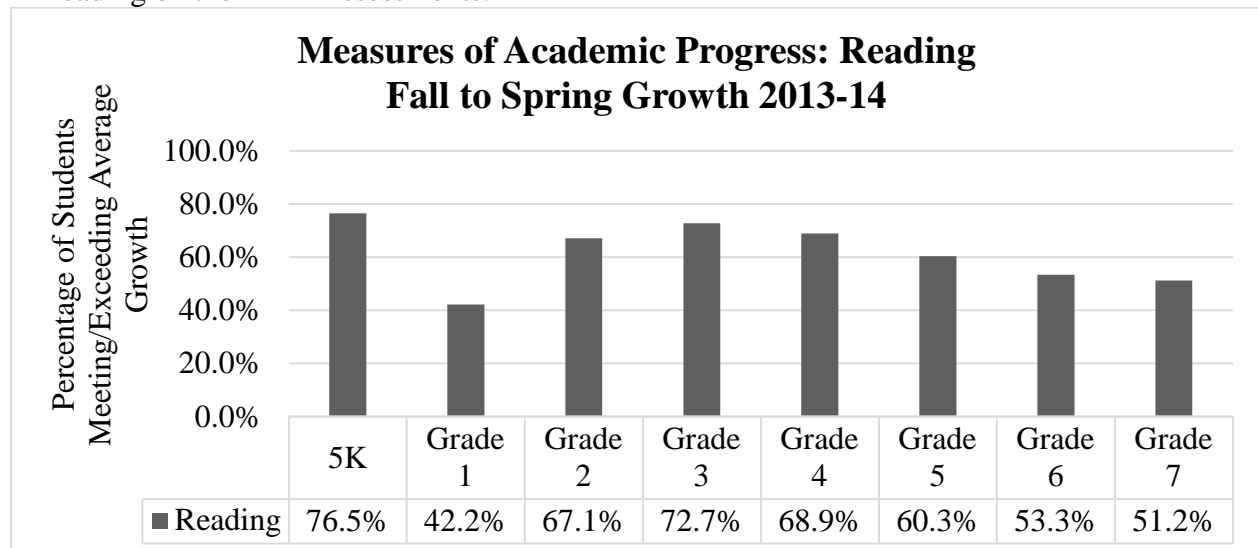
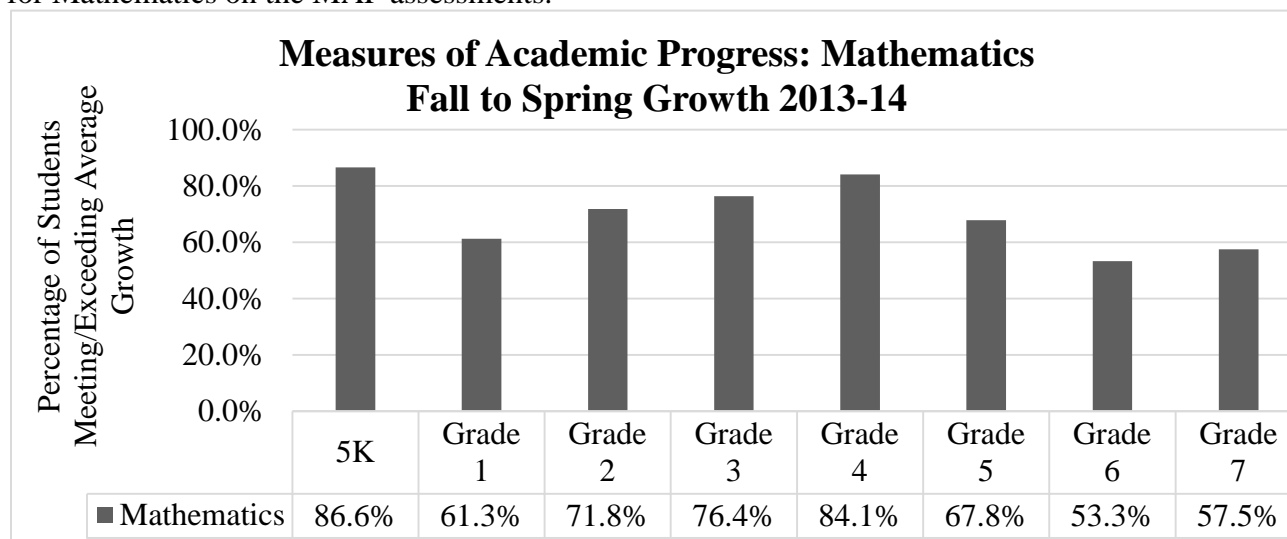


Figure 12: Percentage of Students Meeting or Exceeding Fall to Spring Average Growth Targets for Mathematics on the MAP assessments.



Figures 13 and 14 show the change in WKCE Reading and Mathematics scale scores for grades three to seven of MSCS, MPS, and all Wisconsin students in State between Fall 2012 and Fall 2013

Figure 13: Comparison of the change in WKCE Reading scale scores for MSCS students and all MPS and Wisconsin students taking the WKCE between Fall 2012 and Fall 2013.

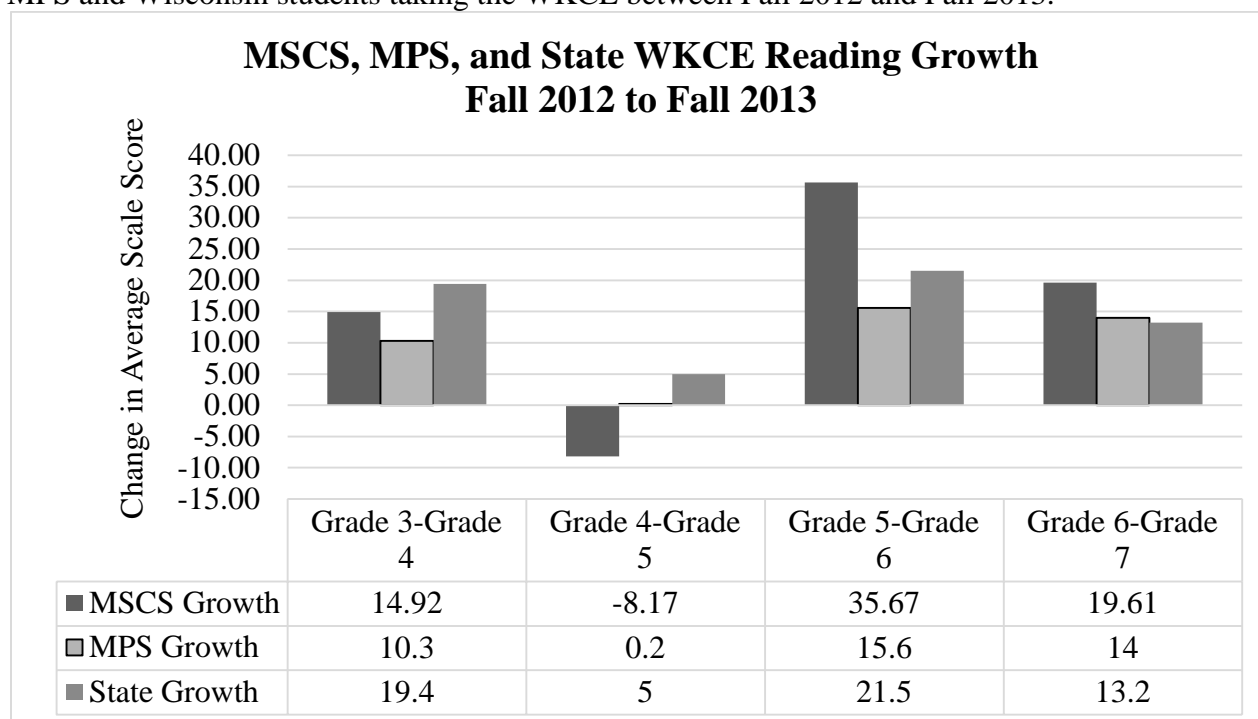
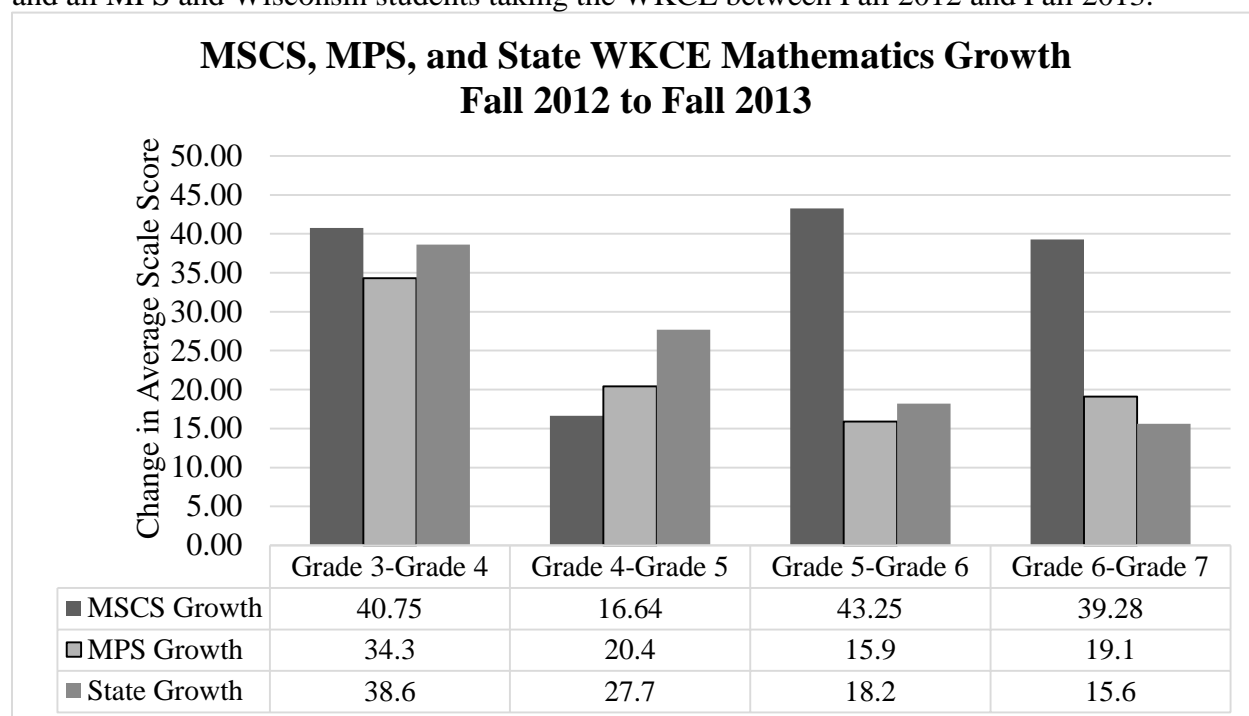


Figure 14: Comparison of the change in WKCE Mathematics scale scores for MSCS students and all MPS and Wisconsin students taking the WKCE between Fall 2012 and Fall 2013.



The UWM Office of Charter Schools recommends that value-added growth should continue to be the focus of MSCS's academic efforts. The use of the MPA from the Northwest Evaluation Association is critical to making the maximum amount of progress. MSCS should use data analysis to determine specifically which students are not making appropriate gains and the reasons the gains are not being made. For example, the relatively lower growth between 4th grade and 5th grade in Reading and Mathematics on the WKCE should be specifically examined, as should the lower percentage of students meeting/exceeding the average fall to spring growth targets in Reading in 1st grade on the Measures of Academic Progress.

Satisfaction

Faculty members report high satisfaction with MSCS as measured by annual UWM Office of Charter Schools surveys. MSCS scores on the faculty surveys in the areas of Student, Stakeholder, and Market Focus; Measurement, Analysis, and Knowledge Management; and Process Management were all higher than the UWM Office of Charter Schools' average for the 2013-14 school year. Other strong indicators of satisfaction with the school are increases in attendance rates, students' general disposition towards school, and parents' general satisfaction with the school.

In the view of the Office of Charter Schools, MSCS can be proud of the level of satisfaction shown by faculty. However, faculty ratings of Leadership, Strategic Planning, and Faculty and Staff Focus are below UWM Office of Charter Schools' averages. Student and parent survey ratings in all areas are below UWM averages. The Office of Charter Schools concludes that that Milwaukee Scholars Charter School must work to improve these areas.

REQUEST FOR CHARTER RENEWAL FOR 3 YEARS

Summary

Academic performance at MSCS generally exceeds that of neighborhood and demographically comparable MPS schools, with 11.0% of its students performing at the Proficient or Advanced level in Reading, 21.4% in Mathematics, 31.3% in Language Arts, 53.1% in Science, and 90.6% in Social Studies. It is important to note that the Reading and Mathematics percentages are based on the college- and career- ready cut scores that were released in the 2012-13 school year, while the Language Arts, Science, and Social Studies percentages are based on Wisconsin's traditional cut scores. Student daily attendance is 93.3% and over sixty percent of the students return to the school year after year. MSCS has high levels of satisfaction by faculty. MSCS has complied with all state and federal regulations and is in full compliance with its charter agreement with the University of Wisconsin-Milwaukee.

Recommendations

The Office of Charter Schools' evaluation team visited the school in November of 2014 and conducted an evaluation per the UWM Office of Charter Schools Guidelines. The team reviewed the school's self-evaluation, visited classrooms, and interviewed teachers, students, parents, as well as school leadership. The team's summarized findings are below:

1. The school appears to be making progress and is showing signs of positive growth for students specifically in Math and Reading, as the school has exceeded the state K-8 average in student growth for last two years on state report card.
2. Improvement has occurred with student behavioral issues which positively impacts the school culture.
3. The current principal clearly has a positive impact on the school culture.
4. The implementation of teacher mentors is a plus and will likely help with teacher retention.
5. There is a sense of growing ownership in the school by teachers, parents and students.
6. The classroom visits indicated teaching and learning were occurring and positive relationships are being developed.
7. Teachers interviewed seemed to value and appreciate the support they receive from the leadership team.
8. The current instruction is very intentional and direct. Teachers appear to have the necessary resources to provide high quality instruction.
9. Curriculum effects will be increased with consistency of staff.

The team made the following recommendations:

1. A clear plan must be devised and executed to stabilize student enrollment and retention of staff and administrative leadership, which is crucial to the success of the school.
2. Improve communication with staff to create consistency with school policies and contribute to positive school culture.
3. Create a parent advisory group to give parents a role in decision-making around school policy.

4. The local board, as well as teachers and parents, needs a voice in the hiring of administrators.
5. There needs to be a formalized system to provide guidance to students as they prepare to choose high schools.
6. Ensure that focus on discipline doesn't create an environment where students can't have positive social interactions.
7. Devise a plan or enhance current plan to increase student attendance.

RECOMMENDATION

The three-year contract recommendation from the UWM Office of Charter Schools' evaluation team indicates that the team expressed concerns over the current achievement of students in math and Reading, though student growth is evident each year. Additionally, the concern related to leadership and staff turnover in the initial years, as well as stability in the future, are factors considered when making a recommendation.

Based on the findings and recommendations of the UWM Office of Charter Schools' evaluation team, the director of the Office of Charter Schools, Chancellor Mone, and Provost Britz recommend that the renewal of the charter for Milwaukee Scholars Charter School, Inc., be approved by the Regents for a three-year contract renewal beginning on July 1, 2016, and ending on June 30, 2019. During that time period, MSCS should address the recommendations made in this report and continue to comply with all legal and contractual requirements. The charter contract for Milwaukee Scholars Charter School, Inc., may be found at the link below:

https://pantherfile.uwm.edu/xythoswfs/webui/xy-e38271951_1-t_P6louQxB

RELATED REGENT POLICIES

Regent Resolution 7905 (May 7, 1999)

Revised Mission Statement (Approval)
UW-Superior

EDUCATION COMMITTEE

Resolution I.1.b.

That, upon recommendation of the Chancellor of the University of Wisconsin-Superior and the President of the University of Wisconsin System, the Board of Regents approves the University of Wisconsin-Superior's revised mission statement.

**REVISED MISSION STATEMENT
UNIVERSITY OF WISCONSIN-SUPERIOR
(SECOND READING AND APPROVAL)**

EXECUTIVE SUMMARY

BACKGROUND

Section 36.09 (1)(b), Wis. Stats., requires that "the Board, after public hearing at each institution, shall establish for each institution a mission statement delineating specific program responsibilities and types of degrees to be granted."

The University of Wisconsin-Superior requests approval for its proposed revised mission statement. The revised statement is the result of the development of a five-year strategic plan which makes more visible the commitment of university resources to the community and the region.

The Education Committee considered the proposed revision at a first reading on August 21, 2014 and had no comments. On December 9, 2014, Regent Manydeeds presided over a public hearing at the UW-Superior campus. At this hearing, the purpose of the hearing was described, the changes were reviewed, and an opportunity for feedback was provided. There were ten people in attendance. There were no requests for changes to the proposed revisions.

REQUESTED ACTION

Adoption of Resolution I.1.b, approving UW-Superior's revised mission statement.

DISCUSSION

Below in Appendix A please find UW-Superior's original mission with the proposed changes redlined and tracked in the text. The new and final version of the UW-Superior mission is included in Appendix B.


RECOMMENDATION

UW System Administration recommends approval of UW-Superior's revised mission statement.



MEMORANDUM

TO: President Ray Cross
University of Wisconsin System Administration

FROM: Renée Wachter
Chancellor 

RE: Revised Mission Approval

DATE: January 14, 2015

I am writing to request your formal approval of our revised Mission Statement. Regent Ed Manydeeds presided over our December 9, 2014 public hearing and all went well.

The purpose of the meeting was described, the changes were reviewed and an opportunity for feedback was provided. There were ten people in attendance. We received no feedback. Regent Manydeeds then adjourned the open meeting.

We are motivated about our campus mission as this will increase our relationships and community partnerships along the way.

If there is anything further you wish, please contact me.

c: David Ward (*via email w/attachments*)
Carmen Faymonville (*via email w/attachments*)

Attachments: - Mission Statement (*redline approved*)
- Mission Statement (*final*)



Revised Mission Statement

The University of Wisconsin-Superior fosters intellectual growth and career preparation within a liberal arts tradition that emphasizes individual attention, embodies respect for diverse cultures and multiple voices, **and engages the community and region.**

To accomplish these ends, the University will:

1. Provide students with a carefully articulated and comprehensive foundation in liberal studies as a base for all degree programs.
2. Award associate and baccalaureate degrees ~~and pre-professional programs~~ in selected fields in education, ~~the~~ arts, ~~and the~~ humanities, ~~the~~ sciences, ~~and~~ social sciences, ~~pre-professional programs~~ ~~and~~ business, and pre-professional programs.
3. Offer graduate programs in areas associated with its undergraduate emphases and strengths.
4. Extend its undergraduate and graduate resources beyond the boundaries of the campus through ~~distance learning~~ alternative delivery of programs.
5. Expect scholarly activity, including research, scholarship and creative endeavor, that supports its programs at the associate and baccalaureate degree levels, its selected graduate programs, and its special mission.
- 6. Maintain an inclusive campus community that challenges students to develop their intellectual, personal, cultural, and social competencies.**
7. Engage in appropriate inter-institutional relationships **and community partnerships** to enhance educational and service opportunities.
8. Foster, with University of Wisconsin-Extension, the development of cooperative and general outreach programming and the integration of the Extension function with that of this institution.



Revised Mission Statement

The University of Wisconsin-Superior fosters intellectual growth and career preparation within a liberal arts tradition that emphasizes individual attention, embodies respect for diverse cultures and multiple voices, and engages the community and region.

To accomplish these ends, the University will:

1. Provide students with a carefully articulated and comprehensive foundation in liberal studies as a base for all degree programs.
2. Award associate and baccalaureate degrees in selected fields in education, arts, humanities, sciences, social sciences, business, and pre-professional programs.
3. Offer graduate programs in areas associated with its undergraduate emphases and strengths.
4. Extend its undergraduate and graduate resources beyond the boundaries of the campus through alternative delivery of programs.
5. Expect scholarly activity, including research, scholarship and creative endeavor, that supports its programs at the associate and baccalaureate degree levels, its selected graduate programs, and its special mission.
6. Maintain an inclusive campus community that challenges students to develop their intellectual, personal, cultural, and social competencies.
7. Engage in appropriate inter-institutional relationships and community partnerships to enhance educational and service opportunities.
8. Foster, with University of Wisconsin-Extension, the development of cooperative and general outreach programming and the integration of the Extension function with that of this institution.

The University of Wisconsin-Superior
Academic Programs as of 2014-15
Academic Year

Degrees Approved by Type and Level											
Unit	2010 CIP Code	Major Code	Major Name	Major Abbrev	Associate	Bachelors	Masters	Education Specialist	Clinical/ Professional Practice Doctorate	Doctorate	Professional
SUP	520301	05021	ACCOUNTING	ACCOUNT		BS	BA				
SUP	260101	04011	BIOLOGY	BIOLOGY		BS	BA				
SUP	520201	05061	BUSINESS ADMINISTRATION	BUS ADM		BS	BA				
SUP	400501	19051	CHEMISTRY	CHEM		BS	BA				
SUP	090101	15061	COMMUNICATING ARTS	COMM ART		BS	BA	MA			
SUP	110101	07011	COMPUTER SCIENCE	CMPT SCI		BS	BA				
SUP	450601	22041	ECONOMICS	ECONOMIC		BS	BA				
SUP	130401	08271	EDUCATIONAL ADMINISTRATION	ED ADMIN				MSE	EDS		
SUP	131202	08021	ELEMENTARY EDUCATION	ELEM ED		BS	BA				
SUP	230101	15011	ENGLISH	ENGLISH		BS	BA				
SUP	131101	08261	GUIDANCE AND COUNSELING	GUI-COUN				MSE			
SUP	510001	12741	HEALTH & WELLNESS MANAGEMENT-COLLABORATIVE	HTH/WELL		BS					
SUP	540101	22051	HISTORY	HISTORY		BS	BA				
SUP	309999	99991	INDIVIDUALLY DESIGNED MAJOR	INDVL MJ		BS	BA				
SUP	131299	08291	INSTRUCTION	INST				MSE			
SUP	309999	99995	INTERDISCIPLINARY STUDIES-DISTANCE LEARNIN	INTE STD		BS	BA				
SUP	220000	21511	LEGAL STUDIES	LEGAL ST		BS	BA				
SUP	270101	17011	MATHEMATICS	MATH		BS	BA				
SUP	500901	10051	MUSIC	MUSIC		BME	BM	BA			
SUP	131314	08354	PHYSICAL EDUCATION	PHY ED		BS	BA				
SUP	451001	22071	POLITICAL SCIENCE	POLI SCI		BS	BA				
SUP	420101	20011	PSYCHOLOGY	PSYCH		BS	BA				
SUP	131315	08301	READING	READING				MSE			
SUP	300101	49027	SCIENCE (BROAD AREA)	SCIENCE		BS	BA				
SUP	450101	22011	SOCIAL SCIENCE (BROAD AREA)	SOC SCI		BS	BA				
SUP	440701	21041	SOCIAL WORK	SOC WORK		BS	BA				
SUP	451101	22081	SOCIOLOGY	SOCIOLOG		BS	BA				
SUP	131001	08081	SPECIAL EDUCATION	SPEC EDU				MSE			
SUP	303301	05291	SUSTAINABLE MANAGEMENT (COLLABORATIVE)	SUST MGT		BS		MS			
SUP	500501	10071	THEATRE	THEATRE		BFA	BS	BA			
SUP	520209	05070	TRANSPORTATION AND LOGISTICS MANAGEMENT	MANTRANS		BS	BA				
SUP	240199	99992	UNDECLARED MAJOR	UNDCL MJ	ASSOC						
SUP	500799	10021	VISUAL ARTS	VIS ARTS		BFA	BS	BA	MA		
SUP	231301	15021	WRITING	WRITING		BA					

**UNIVERSITY OF WISCONSIN SYSTEM
PROGRAM PLANNING, REVIEW, AND ARRAY MANAGEMENT
2013-14 ANNUAL REPORT**

**THE STATE OF THE ACADEMIC DEGREE PROGRAM ARRAY AND
IMPLICATIONS**

BACKGROUND

The goals of systemwide array management are to offer appropriate academic programs to meet student, community, state, and employer demand; minimize unnecessary duplication of programs; and offer programs effectively and cost-efficiently.

Section 36, Wis. Stats., (available at <http://docs.legis.wisconsin.gov/statutes/statutes/36>), codifies responsibilities for systemwide array management, such as monitoring academic quality, establishing and maintaining access to educational programs, and providing instructions for all actions related to academic program planning, delivery, approval, and review.

Regent Policy Document (RPD) 4-12, Academic Program Planning, Review, and Approval in the University of Wisconsin System (at <http://wwwnew.uwsa.edu/bor/policies/rpd/rpd4-12.htm>), spells out the program planning framework.

University of Wisconsin System (UW System) Academic Information Series (ACIS) 1.0 elaborates on RPD 4-12 and represents the principal policy guiding the University of Wisconsin System Administration (UWSA) and UW institutions in operationalizing all activities related to systemwide array management. ACIS 1.0 provides detailed guidance on array management actions, including approvals of program suspensions, individual and lateral program reviews, as well as other required reporting and approval items at the Board or System-level (e.g., revisions to institutional missions, establishments of new colleges or schools, and the extension of programs to other sites, including international sites).

INTRODUCTION

Program planning and review reports are prepared each year by the UWSA Office of Academic, Faculty, and Global Programs (AFGP), housed in the Office of Academic and Student Affairs. They are submitted to the Education Committee and the full Board of Regents (Board) for discussion. Because these reports also function as a vehicle for analysis of current policies around the systemwide academic program array (subsequently referred to as “systemwide array”) and emerging trends, they can be used for planning purposes as well as for the modification of existing policies and the formulation of new policies or practices.

Usually, these annual reports summarize activity related to the systemwide array, including the pre-authorization for planning, authorization, implementation, review, elimination, and suspension of academic degree programs (subsequently referred to as “programs”) across the UW System. Also included in these reports is related information on initiatives undertaken by AFGP. Notwithstanding these usual items, this year’s report is focused mainly on providing an assessment of the state of the systemwide array. The goal is to answer these questions:

- What are the trends in the array since about the time of merger? What is the availability of STEM, business, and health-related programs?
- How does the availability of programs currently (2013-14) compare to the availability of programs shortly after merger (1974-75)?
- How does the availability of undergraduate programs in the UW System compare to the availability of programs in selected major systems of higher education?
- How well is the systemwide array managed, and should the expansion of the array be encouraged and supported by UWSA and the Board?

At its February 2015 meeting, the Education Committee will review this report. The report includes the following sections:

- Managing the Array: Participants and Roles
- Overview of the Array
- Trends in the Array
- Dynamics of the Array
- Monitoring STEM, Health, and Business Programs
- Monitoring Duplication
- Monitoring Low Degree Producing Programs
- Program Density
- Takeaways and Conclusions

Managing the Array: Participants and Roles

Within the scope of section 36, Wis. Stats, the Board of Regents, the UW System, and the UW institutions have specific roles in program planning, approval, delivery, implementation, reporting, and review.

The Board ensures the diversity of quality undergraduate programs and has oversight over UW System Administration and UW institutions. Further, the Board is responsible for balancing access to education with cost-effectiveness in the development and maintenance of academic programs.

UWSA is responsible for managing the UW System's academic program array. The President currently delegates this work to the Office of Academic and Student Affairs. Steps in Program management include (1) pre-authorization to plan by UWSA, (2) authorization by the Board, (3) implementation at the UW institution, and (4) review by UWSA and the institution after five years.

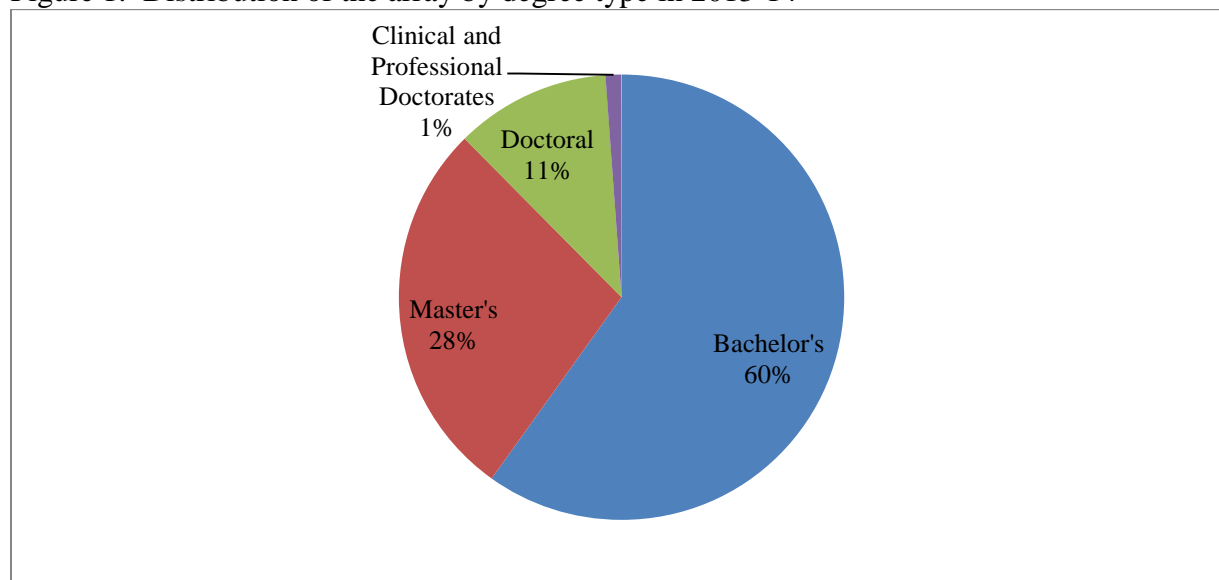
The chancellors of the institutions, in consultation with their faculties, are responsible for designing curricula and academic programs congruent with their distinct missions.

Overview of the Array

The UW System's systemwide array consists of associate, baccalaureate, master's, doctoral, and professional degrees. The Associate of Arts and Sciences degree is conferred by the University of Wisconsin Colleges (UW Colleges) via its 13 two-year institutions located in various parts of the state. Several comprehensive universities within the UW System also confer Associate of Science and Associate of Arts degrees.

As of June 30, 2014, the systemwide array consisted of 1,224 bachelor's, master's, doctoral, and professional programs offered by the two doctoral and 11 comprehensive universities. In addition, UW Colleges offers the Bachelor of Applied Arts and Sciences (B.A.A.S.) degree program. Excluding associate degree programs, baccalaureate degrees accounted for 60 percent of the systemwide array, whereas master's and doctoral degrees accounted for 28 percent and 11 percent, respectively. Professional doctorates accounted for one percent (14 programs in total). See Figure 1 below for the breakdown.

Figure 1: Distribution of the array by degree type in 2013-14



Trends in the Array

With respect to the total number of programs, the array has remained fairly stable since about the time of merger. In 1974-75, for example, the System's systemwide array consisted of 1,252 degree programs. At the time, baccalaureate degrees accounted for 57 percent of the array, whereas master's and doctoral degrees accounted for 31 percent and 12 percent, respectively. There were only two professional doctorate programs. As a share of the total systemwide array, the baccalaureate degree programs, over the forty-year period (since 1974-75), have fluctuated between 57 to 60 percent.

In 1975-76, the array as illustrated in Figure 2 below reached its highest point – 1,263 programs – and then began to decline, reaching its lowest point (1,102 programs) in 1998-99 (Figure 2). A rebound began in 1999-00 when the array climbed to 1,107 and increased gradually, reaching 1,224 in 2013-14. It is important to note that this number (1,224 programs) is still below the total number of programs the System had at the time of the merger. It is also important to note that overall UW System total enrollment is 29% higher today compared to total enrollment at merger.

Other notable changes, in terms of availability of programs, occurred in the master's and professional doctorate programs. The number of master's programs declined (by 14 percent), going from 395 programs in 1974-75 to 339 in 2013-14. The number of doctoral (Ph.D.s) programs has also declined (5 percent), going from 145 to 138 doctoral programs. There has

also been a significant change is in the number of clinical or professional doctorates. In 1974-75, the UW System had only two professional doctorate programs. In 2013-14, there were 14. Figures 3, 4, 5, and 6 below illustrate the trends in the bachelor's, master's, clinical/professional doctorate, and doctorate array over the last 40 years, beginning with the 1974-75 academic year.

Figure 2: Trend in the number of academic programs between 1974-75 and 2013-14

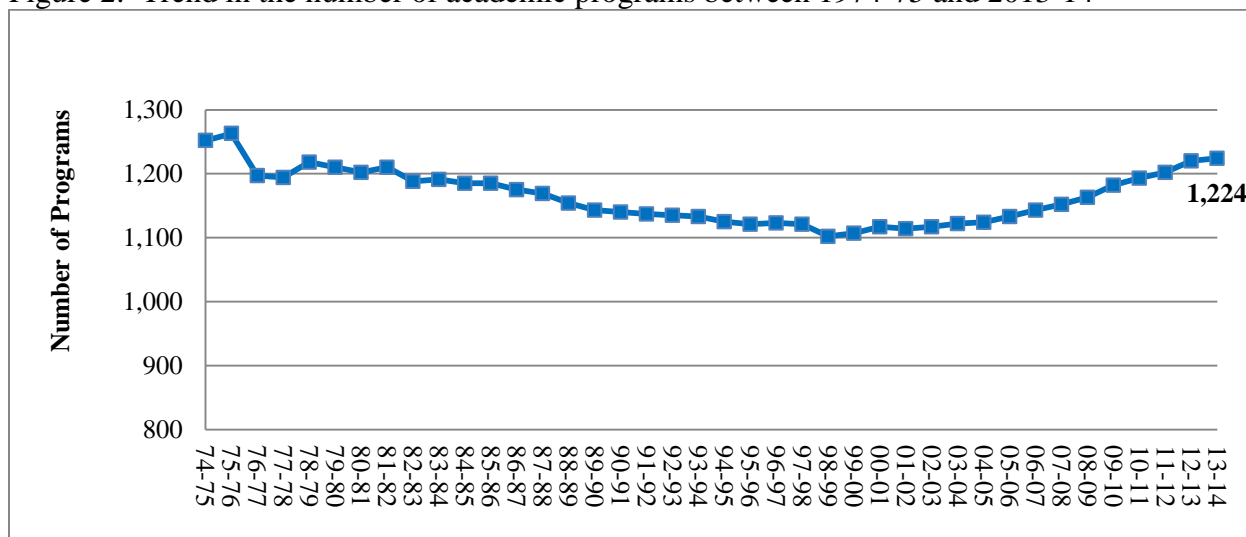


Figure 3: Trend in the number of bachelor's programs between 1974-75 and 2013-14

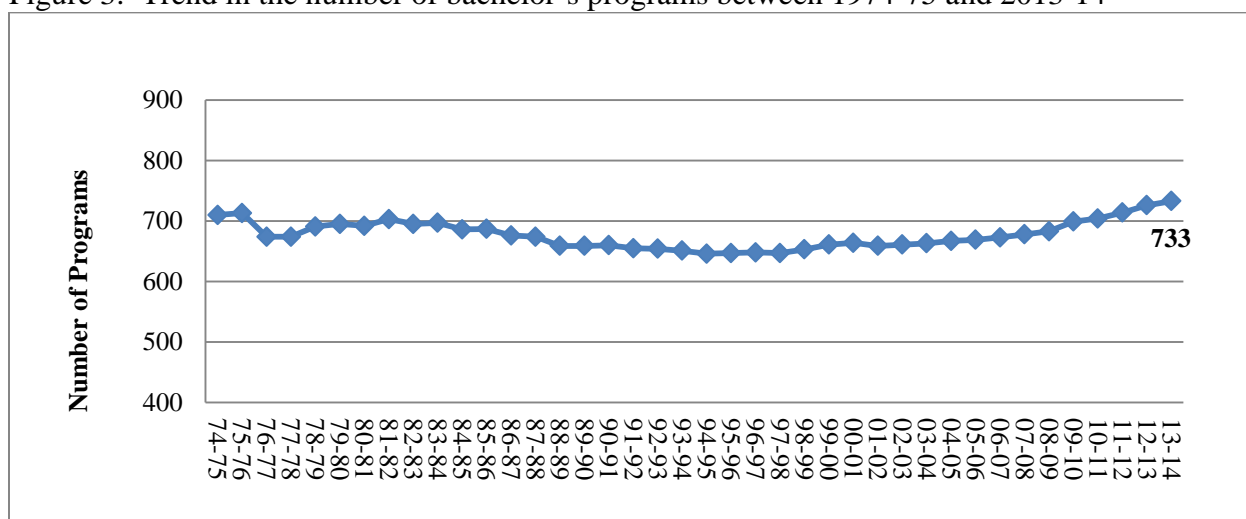


Figure 4: Trend in the number of master's degree programs from 1974-75 to 2013-14

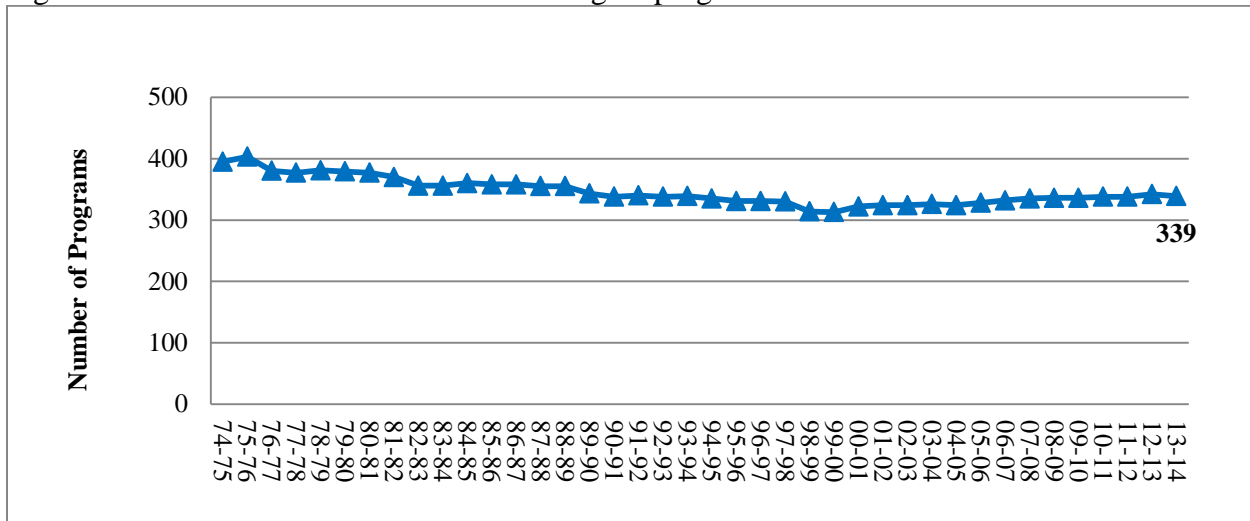


Figure 5: Trend in the number of clinical/professional doctorate degree programs from 1974-75 to 2013-14

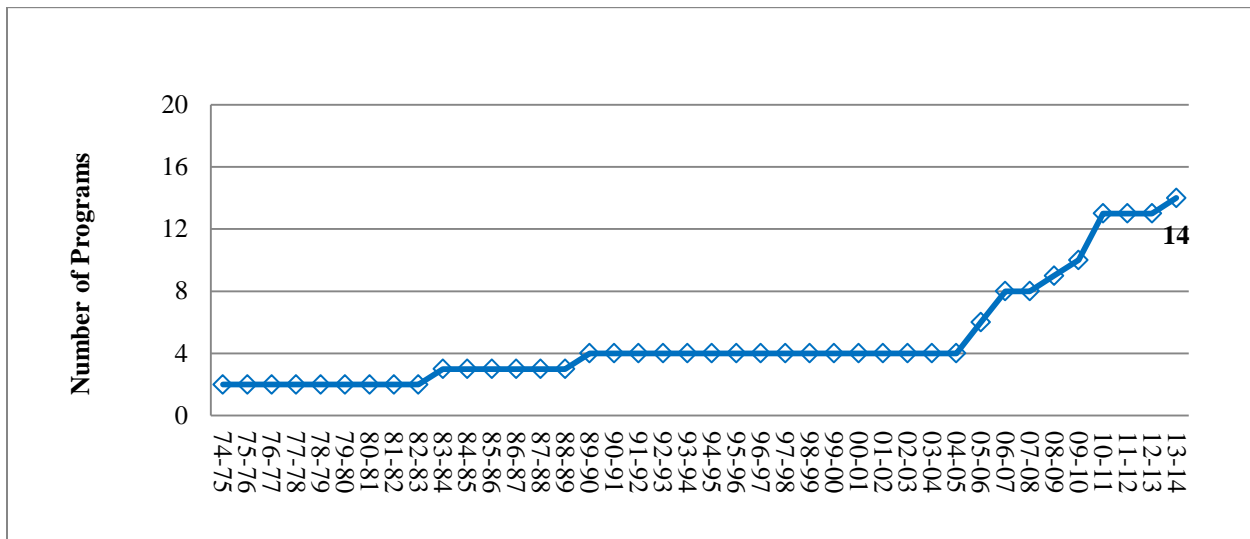
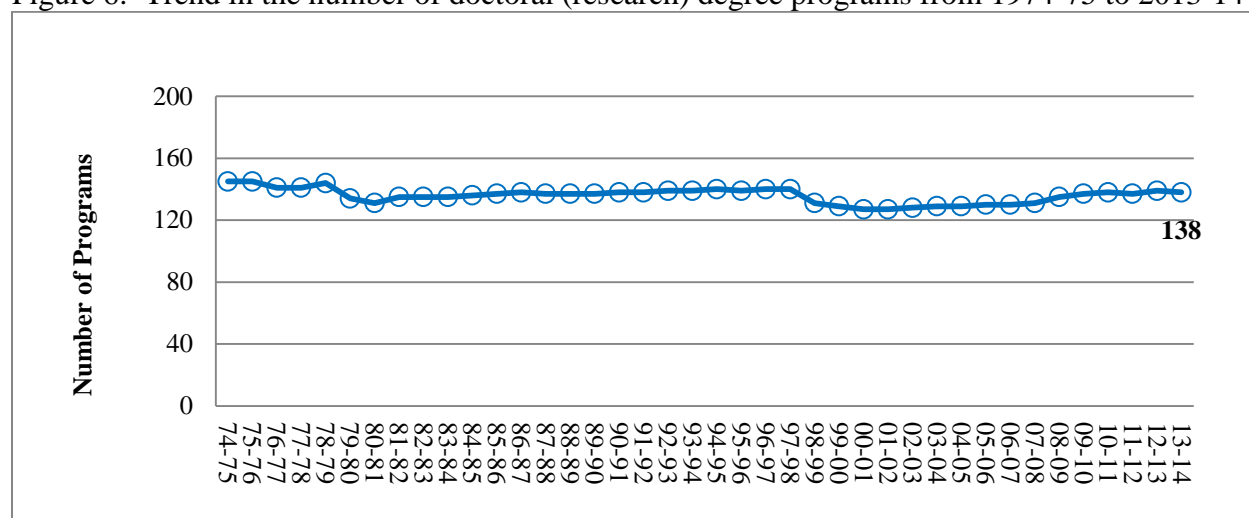


Figure 6: Trend in the number of doctoral (research) degree programs from 1974-75 to 2013-14



Dynamics of the Array

As institutions add needed programs to the array, they also suspend and eliminate programs that are no longer needed or viable. As an illustration, in 2013-14, twenty-one programs were pre-authorized by AFGP for initial institutional planning. The President of the UW System recommended 16 new programs to the Board for approval, and the Board authorized these programs unanimously. Also, in 2013-14, sixteen new programs were implemented across the UW System. In addition, systemwide, the institutions themselves eliminated five programs. There were no suspensions of programs in 2013-14. Table 1 provides information on pre-authorizations, authorizations, implementations, suspensions, and eliminations over a five-year period beginning in 2009.

Table 1: Program planning activity over the past five years systemwide

Planning Activity	Number by Academic Year					Total 2009-14
	2009-10	2010-11	2011-12	2012-13	2013-14	
Pre-Auth*/Entitled	15	19	13	14	21	82
Authorized	14	16	15	18	16	79
Implemented	22	14	17	24	13	90
Eliminated***	3	8	6	9	5	31
Suspended***	5	3	4	6	0	18

*The name change from calling the process “Entitlement” to “Pre-Authorized” took place in 2012-13.

***Eliminated or Suspended is counted when a program is completely eliminated at a degree level.

As another illustration of the dynamic nature of the array, during the past 10 years (2004-05 – 2013-14), a total of 50 programs were eliminated systemwide, while 18 programs were suspended (see Tables 2 and 3). During the same period, 139 programs were added to the systemwide array (Table 5).

Table 2: Number of degree programs eliminated in 2004-05 through 2013-14 systemwide

CIP Code	Program Area	Degree Level			Total
		Bachelor's	Master's	Ph.D.	
11	Computer and Information Sciences	1	1		2
13	Education	3	6		9
14	Applied Technology, Environmental Monitoring	1	1	1	3
16	Foreign Languages, Literatures, and Linguistics		3		3
19	Family and Consumer Sciences/Human Sciences	2	2		4
26	Biological and Biomedical Sciences	1	2	2	5
27	Mathematics and Statistics	1			1
30	Multi/Interdisciplinary Studies	1			1
31	Parks, Recreation, Leisure, and Fitness Studies	1			1
40	Physical Sciences		1	1	2
51	Health Professions and Related Programs	7	4		11
50	Business, Management, Marketing, and Related	3	4	1	8
Total		21	24	5	50

Table 3: Number of degree programs suspended in 2004-05 through 2013-14 systemwide*

CIP	Program Area	Degree Level		Total
		Bachelor's	Master's	
01	Agricultural Industries, Food Science and Technology	1	1	2
09	Speech	1		1
13	Education	4	2	6
15	Industrial Technology Management		1	1
19	Consumer Affairs	1		1
30	Cognitive Science	1		1
45	Economics	1		1
51	Music Therapy	1		1
52	Real Estate, Business Adm., Service Mgt., Hospitality	3	1	4
Total		13	5	18

*Official recording of suspensions at the System level began in 2009-10.

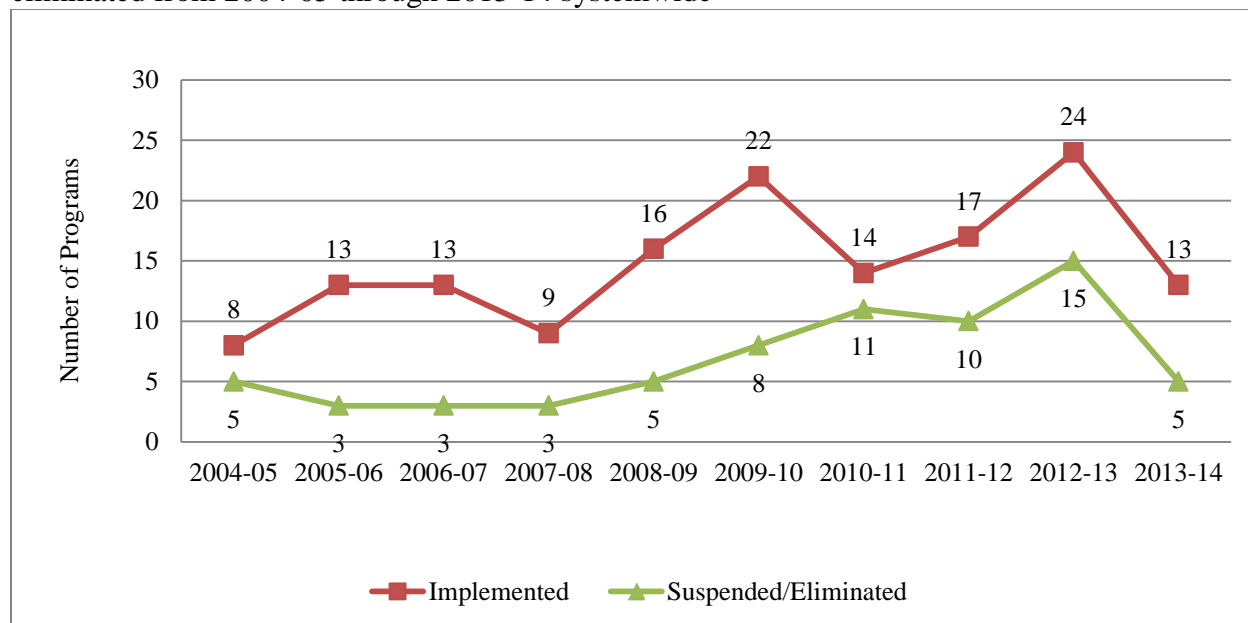
Table 4: Number of degree programs added in 2004-05 through 2013-14 systemwide

CIP	Program Area	Degree Level			Total
		Bachelor's	Master's	Ph.D./Prof. Clinical Doctorate	
01	Agriculture, Agriculture Operations, and Related Sciences		1		1
03	Natural Resources and Conservation	5	1	1	7
05	Area, Ethnic, Cultural, and Gender Studies	8	2	1	11
09	Communication, Journalism, and Related Programs			1	1
11	Computer and Information Sciences and Support Services	4	2	1	7
13	Education	5	2	1	8
14	Engineering	4	1		5
15	Engineering Technologies and Engineering-Related Fields	1			1
16	Foreign Languages, Literatures, and Linguistics		2	1	3
19	Family and Consumer Sciences/Human Sciences	1			1
23	English Language and Literature/Letters		1		1
24*	Liberal Arts and Sciences, General Studies and Humanities	2			2
26	Biological and Biomedical Sciences	2	1	1	4
27	Mathematics and Statistics	2	1		3
30	Multi/Interdisciplinary Studies	10	5		15
31	Parks, Recreation, Leisure, and Fitness Studies	1	1		2
40	Physical Sciences	2			2
42	Psychology			1	1
43	Security and Protective Services	2			2
44	Public Administration and Social Service Professions	1	1	1	3
45	Social Sciences	2		1	3
50	Visual and Performing Arts	8	1		9
51	Health Professions and Related Clinical Sciences	15	9	14	38
52	Business, Management, Marketing, and Related Support Services	11	8		19
Total		39	86	24	149

*The B.A.A.S. in CIP area 24, implemented at six campuses of UW Colleges in 2013-14, is counted as one program.

Figure 7 below shows the relationship between the number of implemented programs and the number of suspended and eliminated programs from 2004-05 through 2013-14 systemwide.

Figure 7: The relationship between the number of programs implemented and suspended or eliminated from 2004-05 through 2013-14 systemwide



Monitoring Science, Technology, Engineering and Mathematics (STEM), Health, and Business Programs

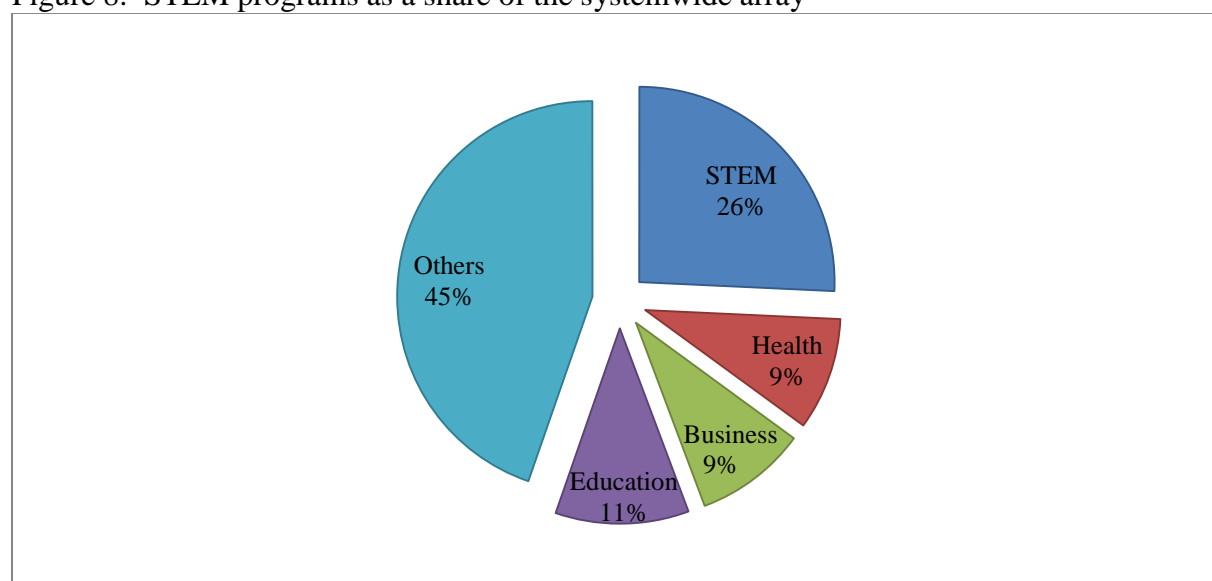
Over the last four years, concerns have been expressed regarding the availability and sustainability of STEM programs, as well as programs in the health and business professions. Thus, AFGP has monitored the trends of these programs in the systemwide array. This section gives an overview of the growth of STEM (Science-Technology-Engineering-Mathematics), health-related, and business-related programs across the System over the last 10 years. As shown in Table 5 below, the total systemwide degree array in 2013-14 contained 1,224 degree programs. Of these, there were 315 STEM programs, 114 health-related programs, and 113 business programs. As shown in Figure 8 below, as a share of the total array, STEM programs have remained stable at about 26 percent over the last 10 years.

In comparing the STEM, health, and business programs, there were almost three times as many STEM-related programs as health- or business-related programs over the last ten years. However, among these three areas, the System's STEM array experienced the least growth (4.65 percent) in the same period, as compared to the 32.56 percent growth for the health array, and an 11 percent growth for the business array. Growth in other programs was 7.23 percent.

Table 5: Number of STEM, health, and business programs systemwide during selected years

Year	STEM Programs	Health Programs	Business Programs	Other Programs	Total
2004-05	301	86	101	636	1,124
2005-06	301	91	107	634	1,133
2006-07	304	94	107	638	1,143
2007-08	307	95	107	643	1,152
2008-09	309	97	108	649	1,163
2009-10	310	99	111	662	1,182
2010-11	310	103	111	669	1,193
2011-12	312	108	111	671	1,202
2012-13	312	113	113	682	1,220
2013-14	315	114	113	682	1,224

Figure 8: STEM programs as a share of the systemwide array



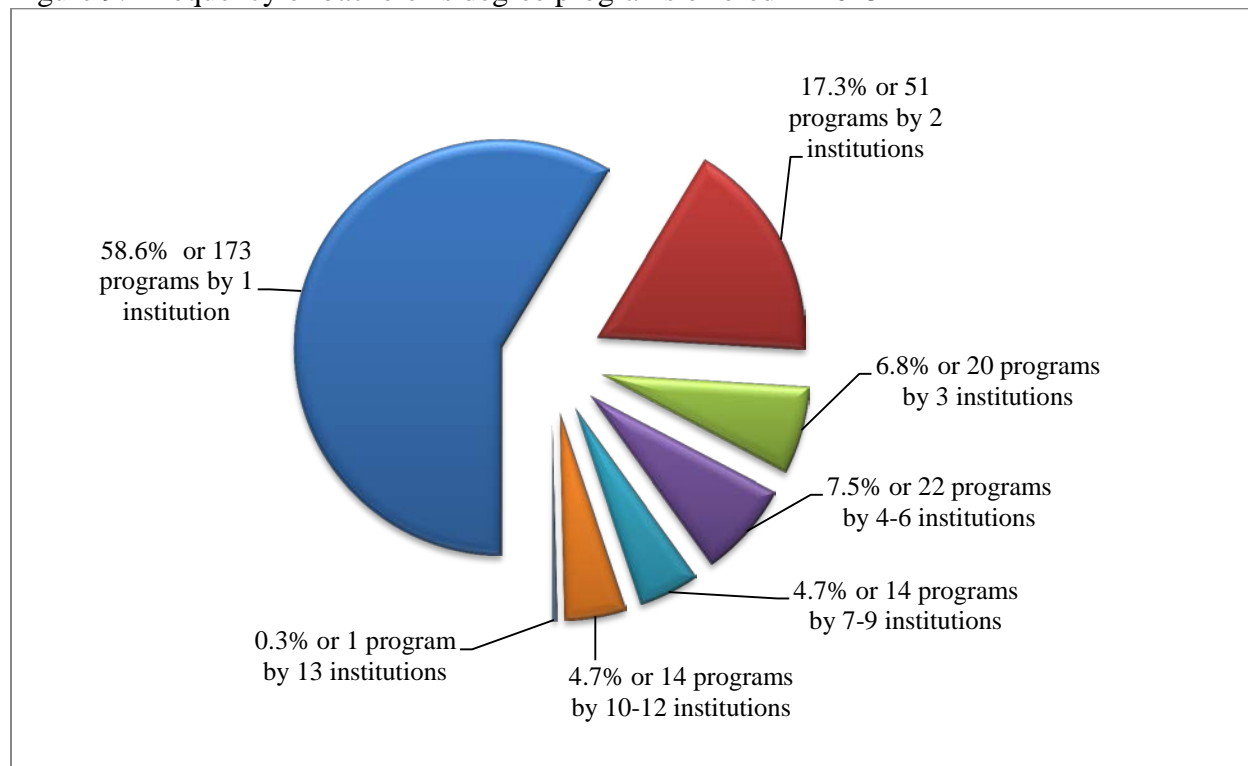
Monitoring Duplication

Among the concerns of many in the general public are costs related to unnecessary duplication of programs. These concerns arise from the need to control costs and save taxpayers, students, and parents money. UW institutions, UWSA, and the Board take these concerns seriously.

Consequently, among the critical functions performed by AFGP on behalf of the Board is the review of the systemwide array for inefficient or unnecessary duplications. In addition, all proposed programs must demonstrate market need and sound budgets before they are forwarded to the Board for approval. If a program proposal cannot demonstrate specific student demand and market need, or does not appear to be cost-effective, it is not recommended by the President to the Board.

An analysis of the total number of programs offered in 2013-14 showed that about 59 percent of the baccalaureate degree programs were offered by no more than one institution, 17 percent of the bachelor's programs were offered by no more than 2 institutions, and about 8 percent of bachelor's programs were offered by 4 to 6 institutions. About five percent of high-demand bachelor's programs were offered by the majority (10-12) of institutions and only one bachelor's program (Psychology) was offered by 100 percent of the institutions (Figure 9).

Figure 9: Frequency of bachelor's degree programs offered in 2013-14



Monitoring Low Degree Producing Programs

In July 2010, the UW System adopted a minimum standard or definition for low-producing programs. Institutions are free to develop and implement standards higher than the systemwide standards. The systemwide standard is simply considered to be the minimum that all institutions will strive to achieve.

Low-producing programs, as defined at the System level, include longstanding undergraduate programs (programs in operation for more than six years) which produced fewer than 25 graduates or less than an average of five graduates a year over a five-year period. The definition applies to undergraduate programs that are offered by more than 50% of UW institutions. This policy (available at <https://www.wisconsin.edu/program-planning/>) was precipitated by the "2009 Program Realignment Initiative," during which the systemwide array was assessed for degree productivity. At the time, about 27 programs, excluding individually planned majors (and some world languages), were found to be low-producing. Institutions were encouraged to suspend, eliminate, or increase enrollments in the programs, or offer them in collaboration with other institutions. AFGP completed a similar review in 2014 and found

significantly fewer low-producing programs (14). AFGP is currently working with the respective institutions regarding their plans for these programs.

Program Density

In several of the preceding sections, the status of and various trends in the array were discussed. It was demonstrated that additions to the array are accompanied by eliminations, although not at the same rate. In this section of the report, comparisons of the array in 2013-14 with the array at the time of merger will be made. Also, some comparisons of the UW System's array with the array of selected major systems of higher education in the United States will be made.

To do so, this report is introducing a concept referred to as "program density coefficient" (PDC). The PDC refers to the number of undergraduate degree programs available per every thousand undergraduate students. The PDC does not make a judgment as to what an appropriate or optimum number of degree programs ought to be. Rather, it is useful in making a comparison of the number of programs that were available to students at one time period with the number of programs that are available to students in another time period while taking student population into consideration.

In 1974-75 (about three years after the merger), the undergraduate array of the UW System consisted of 710 programs. At the time, there were 116,455 undergraduate students. In 2013-14, about 40 years later, there were 733 undergraduate programs (a net increase of 23) while there were 156,162 undergraduate students. When the PDC concept is applied, one finds that there were 6.10 programs per every one-thousand students in 1974-75, while there were 4.69 programs per every one thousand students in 2013-14. What this means is that around the time of merger, undergraduate students had access to more programs than students did in 2013-14. It is important to add that the PDC of 6.10 is the highest for the UW System over the last 40 years. Overall, the PDC has displayed a declining trend (see Appendix A for the entire forty-year period).

Using the PDC concept, AFGP compared the UW System with the following systems of higher education: the State University of New York, the California State University System, the State University System of Florida, the Minnesota State Colleges, and the Universities and City University of New York (SUNY), as well as the University of Texas System. These systems were selected because, like the UW System, they are among the largest systems in the country, and reliable data on programs and enrollment were available.

With a PDC of 4.69, the UW System ranked third among these systems, with the Minnesota State Colleges and Universities ranked the highest with a PDC of 10.95 (see Table 6 and Figure 10).

Table 6: Number of undergraduate degree programs at selected higher education systems in 2014¹

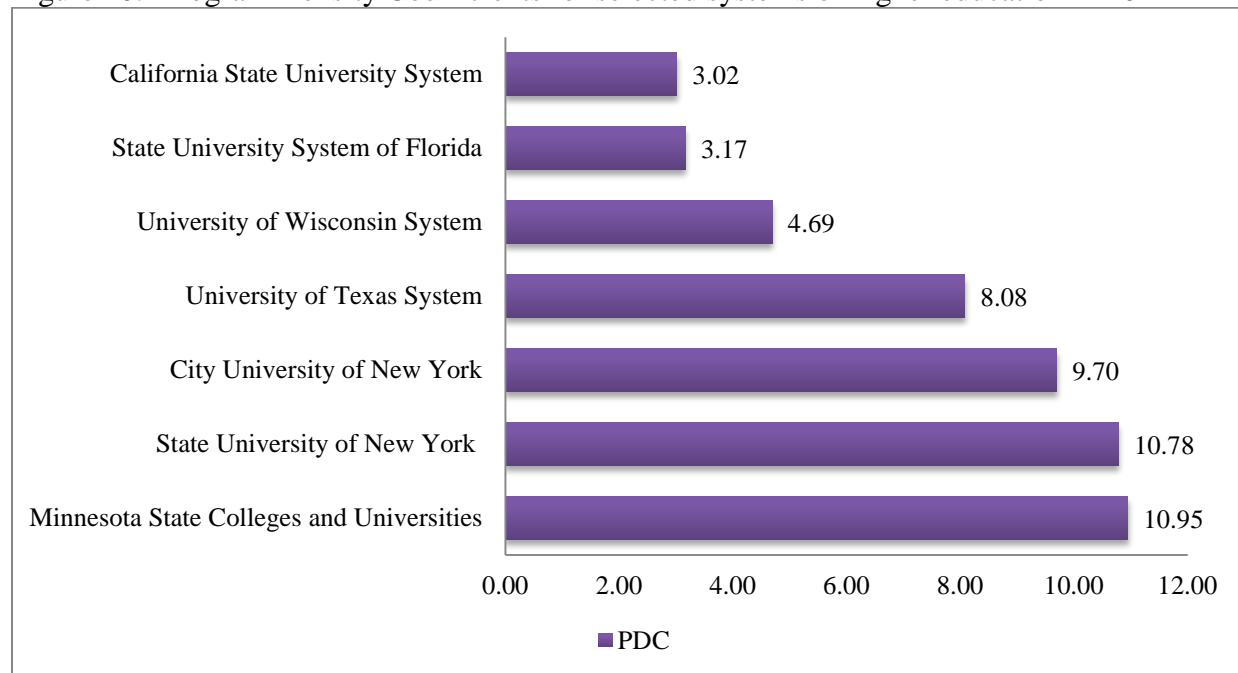
	Selected Systems	Total Enrollment	At the Undergraduate Level		
			Enrollment	Number of Degree Programs	Program Density Coefficient ³
1	State University of New York	468,000	418,917	4,517	10.78
2	California State University System	415,000	383,118	1,156	3.02
3	State University System of Florida	320,266	228,078	722	3.17
4	Minnesota State Colleges and Universities	277,000	144,524	1,582	10.95
5	City University of New York	270,000	180,473	1,750	9.70
6	University of Texas System	211,000	217,382	1,757	8.08
7	University of Wisconsin System ²	179,828	156,162	733	4.69

¹ National Association of System Heads; Institutions' web sites.

² UWSA Central Data Request (CDR), Office of Policy Analysis and Research (OPAR).

³ Program density coefficient is a measurement of the number of undergraduate degree programs available across a system of higher education per 1,000 students. Kolison, S.H., 2013, UWSA, Madison, WI.

Figure 10: Program Density Coefficients for selected systems of higher education in 2014



Takeaways and Conclusions

In view of the variables discussed in the report, how can the state of the UW System's systemwide array be described? It is responsive to the needs of the state, dynamic, managed well, and conservative. With an undergraduate Program Density Coefficient of 4.69, among the lowest for major systems of higher education (including the Minnesota State Colleges and Universities system), it could be argued that UW institutions should be encouraged and supported to add more new programs in high-demand and emerging fields, as well as in future-oriented, cutting-edge fields for which the definition and/or estimation of student demand might not fit existing models. With mechanisms in place to eliminate unsuccessful programs, the UW System can remain a national leader in preparing students for economic sectors that may not even exist at this time. The following points are worth noting:

- The UW System current academic program array of 1224 programs is smaller than the program array of 1252 programs at system merger. The total enrollment in the UW System of 179,828 students is 29% higher than it was at merger.
- The UW institutions have actively managed their academic programs and have added, eliminated, and suspended large numbers of programs since the merger.
- The UW System has an active process to manage low enrollment programs at UW institutions.
- Recent trends in the academic programs include growth in health and business programs and declines in education and master's programs.
- The UW System program density (academic programs per 1,000 students) compares favorably with much larger systems of higher education.

Overall, UW System Administration believes that the UW System academic program array has been efficiently managed by UW institutions. The processes that lead to program additions and program deletions have kept the overall number of academic programs at a level below that at the time of the system merger.

As knowledge expands and as new fields of study emerge, the UW System needs to make sure that this academic program management allows for new degree programs to serve new areas of demand in the State of Wisconsin.

Appendix A

Number of bachelor's degree programs and fall undergraduate student enrollments 1974-75 through 2013-14

Year	Number of Bachelor's Degree Programs	Fall Semester	Fall Undergraduate Enrollment	PDC
74-75	710	1974	116,455	6.10
75-76	713	1975	120,132	5.94
76-77	674	1976	121,308	5.56
77-78	674	1977	124,597	5.41
78-79	691	1978	126,092	5.48
79-80	695	1979	128,288	5.42
80-81	692	1980	133,264	5.19
81-82	703	1981	136,951	5.13
82-83	695	1982	138,273	5.03
83-84	697	1983	139,941	4.98
84-85	686	1984	140,961	4.87
85-86	687	1985	142,857	4.81
86-87	676	1986	143,185	4.72
87-88	674	1987	141,031	4.78
88-89	659	1988	142,018	4.64
89-90	659	1989	139,156	4.74
90-91	660	1990	139,365	4.74
91-92	655	1991	139,095	4.71
92-93	654	1992	135,376	4.83
93-94	651	1993	133,181	4.89
94-95	646	1994	130,757	4.94
95-96	647	1995	128,749	5.03
96-97	648	1996	129,078	5.02
97-98	647	1997	130,511	4.96
98-99	653	1998	133,527	4.89
99-00	661	1999	136,551	4.84
00-01	664	2000	138,349	4.80
01-02	659	2001	141,039	4.67
02-03	661	2002	141,484	4.67
03-04	663	2003	142,236	4.66
04-05	667	2004	142,681	4.67
05-06	669	2005	144,935	4.62
06-07	673	2006	145,658	4.62
07-08	678	2007	148,844	4.56
08-09	683	2008	150,769	4.53
09-10	699	2009	153,876	4.54
10-11	704	2010	157,044	4.48
11-12	714	2011	156,602	4.56
12-13	726	2012	157,154	4.62
13-14	733	2013	156,162	4.69

Data source: CDR 2015

Appendix B

Acknowledgements

Program Planning and Review at the System level requires the combined efforts of dedicated individuals in various offices in Academic and Student Affairs and Business and Finance. AFGP relies on its colleagues in the UWSA Business and Finance division to help address questions regarding institutional costs for establishing new degree programs and proposed costs to students. The table below lists the core program planning and review team during the year under review.

Name	Role	System Office
Dr. Stephen H. Kolison, Jr.	Associate Vice President	AFGP
Dr. Laura Anderson	Senior Academic Planner	AFGP
Ms. Yufeng Duan	Senior Institutional Planner	Policy Analysis and Research
Dr. Carmen Faymonville	Special Assistant to the Senior Vice President and Academic Planner	Academic and Student Affairs & AFGP
Dr. Diane Treis Rusk	Director of Undergraduate Education	AFGP
Ms. Ann Fisher	Program Associate	AFGP

Mr. Craig Morris, Senior Institutional Planner, assisted with obtaining the data used for the PDC report.

**SABBATICAL GUIDELINES
FOR ACADEMIC YEARS 2016-18
THE UNIVERSITY OF WISCONSIN SYSTEM**

BACKGROUND

The purpose of the UW System Faculty Sabbatical Program is to provide in-depth study opportunities for faculty members. Sabbaticals offer opportunities for faculty in all disciplines to acquire and/or develop new knowledge in their fields and incorporate them into their classroom activities. Section 36.11(17) (c), Wis. Stats., describes the purposes for granting a sabbatical as follows:

(c) Sabbatical leave shall be granted for the purposes of enhancing teaching, course and curriculum development or conducting research or any other scholarly activities related to instructional programs within the field of expertise of the faculty member taking such leave.

In 2012-13, 4.1% and in 2013-14, 3.9% of the UW System faculty received sabbaticals. At its December 4, 2012, meeting, the Education Committee last reviewed the Sabbatical Guidelines but did not instruct UW System Administration to change the guidelines. Therefore the recommendations from the 2012-14 guidelines were retained.

In preparation for the February meeting of the Education Committee, Regents and Provosts were invited to share their recommendations and updates for the 2016-18 Sabbatical Guidelines. The purpose of reviewing the guidelines is to enable the Board to issue guidance to institutions without continually revising the sabbatical policy contained in Academic Planning Statement #3.3 (ACPS 3.3), *The Faculty Sabbatical Program*.

On December 17, 2014, the Senior Vice President of Academic and Student Affairs forwarded to the Board of Regents the Sabbatical assignments for 2015-16 as submitted by the Chancellors to UW System Administration. Of the 292 assigned sabbaticals 128 were assigned in the Science, Technology, Engineering, and Mathematics (STEM) area.

Engineering	20
Chemistry	10
Mathematics	19
Biological Sciences	15
Natural and Applied Sciences	2
Technology	4
Computer Sciences	5
Physics	6
<u>Medical Sciences and Other Sciences</u>	<u>26</u>
Total	128

REQUESTED ACTION

Review of the Sabbatical Guidelines.

SABBATICAL GUIDELINES

For Sabbaticals covering the years 2016-18, the Board of Regents issues the following guidance to UW institutions:

- UW institutions should continue to give consideration to sabbatical projects that support the mission of the institution and faculty members' research and teaching expertise.
- The following areas of emphasis may help faculty to prepare sabbatical proposals that serve their own professional development as well as progress towards institutional and UW System strategic goals in the following areas: Diversity and Inclusive Excellence; Interdisciplinary activities; The Scholarship of Teaching and Learning (SoTL); Collaborative program activities; International education Curricular reform related to the UW System Shared Learning Goals (available at: <https://www.wisconsin.edu/liberal-education/systemwide-leap-work/>); The Application of instructional technologies; and scholarship and research on economic and workforce development and technology transfer.

Accountability

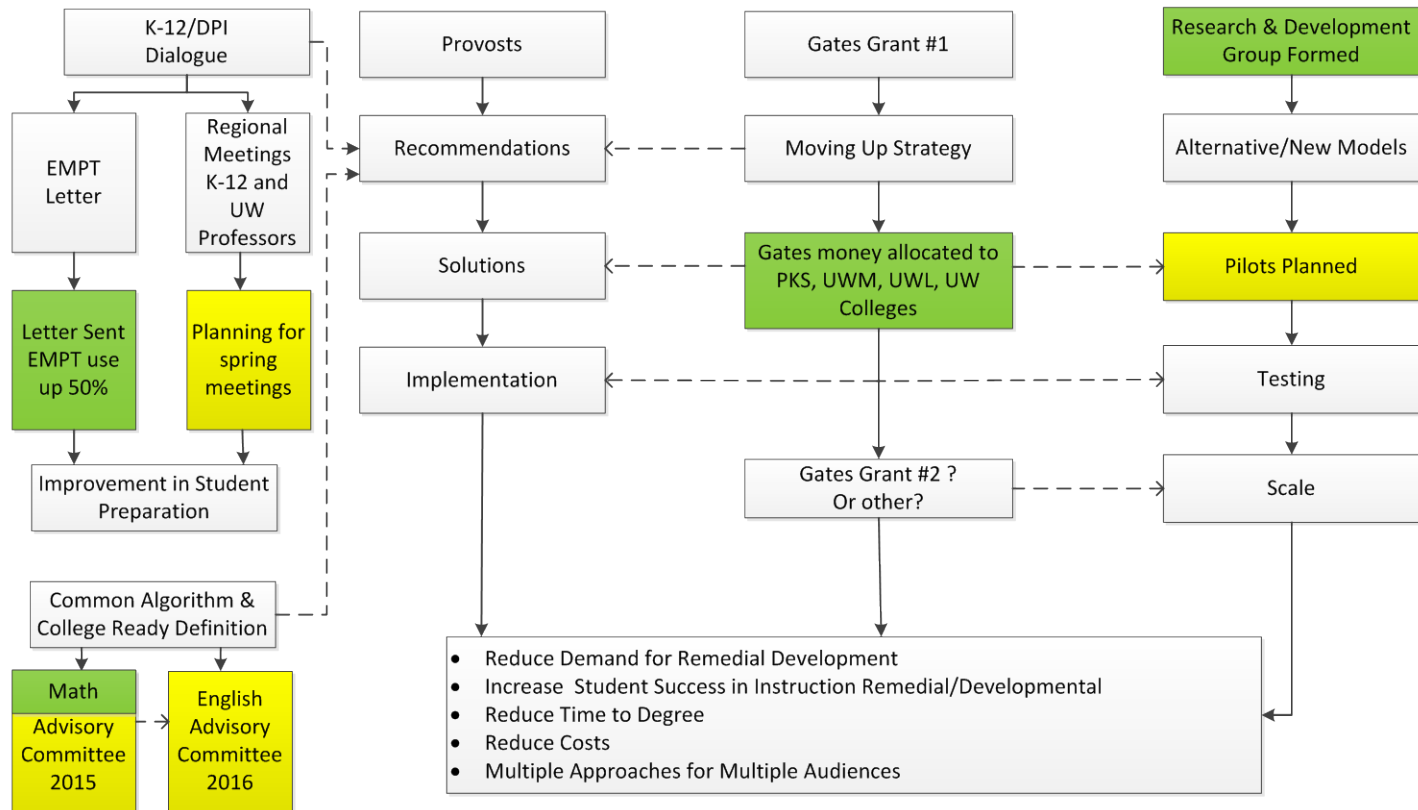
- The Provost at each institution takes responsibility for ensuring that the guidelines are observed as part of the institutional approval process, while also supporting the efforts of faculty members to pursue and develop their individual areas of research and teaching expertise.
- The Provost develops procedures by which it is determined that the goals and outcomes of the sabbatical leave were met.

RELATED REGENT POLICIES

University of Wisconsin System Academic Planning Statement #3.3: *The Faculty Sabbatical Program*.

Remedial/Developmental Education Strategy

Working Group Report



■ = Completed

■ = In Planning