

*Minutes of the UW System Board of Regents
Education Committee*

Committee Actions

June 4, 2015

Regent Bradley convened the meeting of the Education Committee at 10:48 a.m. Regents Evers, Hall, Petersen, Purath, Vasquez, and Whitburn were present. Regent Manydeeds was absent.

Committee Actions

Consent Agenda:

The Education Committee unanimously approved the Minutes of the April, 2015 meeting and adopted the following six resolutions:

- [Resolution I.1.a.(2)], approving a B.S. in Materials Science and Engineering at UW-Eau Claire;
- [Resolution I.1.a.(3)], approving a B.S. in Data Science at UW-River Falls;
- [Resolution I.1.a.(4)], approving a B.S. in Digital Marketing Technology at UW-Stout;
- [Resolution I.1.a.(5)], approving the adjusted Request from UW-Madison to the William F. Vilas Trust Estate and the proffer from the Vilas trustees to UW-Madison in the amount of approximately \$12.3 million;
- [Resolution I.1.a.(6)], approving the proffer from the Vilas trustees to UW Milwaukee in the amount of approximately \$121K; and
- [Resolution I.1.a.(7)], approving promotions, tenure designations, and related academic items.

Full Agenda:

The Committee unanimously adopted:

- [Resolution I.1.b.(1)], approving an Ed.D. in First Nations Education at UW-Green Bay;
- [Resolution I.1.b.(2)], approving an Ed.D. in Educational Leadership and Policy at UW-Oshkosh;
- [Resolution I.1.b.(3)], approving an online Ed.D. in Student Affairs Administration and Leadership at UW-La Crosse; and
- [Resolution I.1.b.(4)], approving an Ed.D. in Educational Sustainability at UW-Stevens Point.

UW-Green Bay Provost Davis explained that there is no other doctoral program in the U.S. in indigenous education and no overlap with any other program offered in the UW System. Program courses will center on the world view and methodologies of First Nations people offering a non-western approach to education. Doctoral-prepared education leaders in First

Nations Education will have a significant impact on policy development and advocacy at the state, federal, and sovereign nation level.

UW-Stevens Point Provost Greg Summers reported that the proposed Ed.D. degree builds on established strengths at the university in education, natural resources, sustainability, and environmental education. Summers said the professional doctorate will serve an identified regional and national market for training in educational sustainability among educators in K-12 and higher education, and among business, government, and non-profits with missions that include informal educational responsibilities.

UW-La Crosse Provost Macpherson explained that UW-La Crosse has had 46 years of experience in delivering online Student Affairs Administration programs at the master's level and preparing professionals for working in higher education. The proposed Ed.D. is designed to prepare students for positions of leadership in diverse small and mid-sized institutions of higher education and will develop knowledge, management, leadership skills, and innovation specifically in student affairs administration. A terminal degree is increasingly preferred for Student Affairs Administration leadership positions, with 20% of all student affairs job listings noting this desirable qualification.

UW-Oshkosh Provost Lane Earns explained that the university's proposed Ed.D. addresses the needs and expectations of future district administrators and superintendents to implement new high-quality programs while addressing the rapid changes and challenges of the profession, especially in the rural areas of Wisconsin. The proposed program has gained significant support from local administrators, many of whom are UW-Oshkosh graduates.

Discussion of Resolution I.1.c., the Regent Policy on Tenure.

An omnibus motion of the Legislature's Joint Finance Committee removed tenure provisions codified in s. 36.13, Wis. Stats., and added new provisions related to layoff or termination. President Cross said that in anticipation that the omnibus motion would stand as the budget progresses through the Senate and Assembly, the Board was being asked to approve language in Board of Regents policy that replicates the language of s. 36.13, Wis. Stats. President Cross explained that the proposed Regent Policy on Tenure is intended to avoid the loss of tenure on July 1, 2015, since tenure would no longer be in state law.

A group of citizens, including UW institutions' faculty and supporters with their mouths symbolically taped shut and holding protest signs expressing support for shared governance and the protection of academic freedom, was recognized by Regent Bradley. Regent Bradley allowed UW-Madison Professor David Vanness to present a change.org petition, reportedly including more than 2,500 signatures. Vanness reported that the "whole world is watching what we're doing in Wisconsin because our institution is a world-class institution." He told the Regents that "if tenure can be threatened in Wisconsin, it can be threatened anywhere," and he received sustained applause from the audience. (Regent Bradley asked the secretary to record audience reactions in the Minutes of the Committee.)

The Joint Finance Committee's omnibus motion also added language to allow the UW System to lay off or terminate faculty and academic indefinite term staff under different rules.

After reading a quotation by University of Wisconsin Regent Charles Kendall Adams from 1894, on protecting academic freedom and truth, Vanness implored the Regents to create Board policy that permits the dismissal, termination or layoff of tenured faculty only “when a declared financial emergency exists.” Vanness also noted that “...tenure by definition offers protection for academic freedom, grounded in a conviction that creating knowledge and expressing ideas should be free from intimidation or retaliation.”

Regent Bradley asked a member of the protestor group to remove the tape and present his or her ideas to the Committee. UW-Milwaukee Associate Professor Richard Leson, did so, asking President Cross why the Regent policy on tenure was necessary and why alternate routes of action had not been explored. Leson also questioned the rationale for tenure to be up for debate, noting that statutory protection of tenure is “an extraordinary tradition and therefore ought to be respected.” He further asked why, in the absence of any budgetary reason or need, removing tenure from statutes is being considered at all.

President Cross responded that tenure would still exist, regardless of the layoff language that would appear in state law. He said the Tenure Policy Task Force, which would be chaired by Regent Behling and which includes faculty, could help define the terms that guide the layoff language. “We want to make sure and guarantee that tenure remains as a tenet, as a pillar of higher education,” Cross acknowledged. He also said that the layoff issue had to be addressed by the Board, noting that “if a tenured faculty member can be arbitrarily dismissed, then that’s not tenure” and that there must be a process that is thoughtful, rational, reasonable, and developed collaboratively.

Regent Petersen endorsed Regent Whitburn’s amendment, and the resolution as a whole noting that the resolution “sets up the precise thing we need to do, to support faculty and tenure.” The amendment carried unanimously.

Regent Bradley read aloud the resolution, which was then moved by Regent Whitburn and seconded by Regent Hall. Regent Whitburn then proposed an amendment to change the sunset date of the Regent-Policy-on-Tenure resolution from June 16, 2016 to April 11, 2016, noting that he did not want it to take a year to develop a new tenure policy, and wanted there to be a deliberative process.

Regent Bradley explained that the Board was being asked to approve language in Board of Regents policy that replicates the language of s. 36.13, Wis. Stats. Regent Vasquez seconded the motion to amend the resolution.

Regent Evers said that he did “not understand what changing tenure does to assist our students or help faculty or help our financial situation.” Indicating that while he would like to keep most of the resolution, it “did not address the issues.” He said that he appreciated the hard work of those who drafted the resolution, but wanted to propose a different strategy.

Regent Evers continued by explaining that if the Legislature approves the broader layoff language as part of the final budget, “anything the task force recommends or the regents do to protect tenure would be moot, and faculty would be demoralized — much like K-12 teachers after Act 10, which curtailed collective bargaining for most public employees.” He said that

tenure as it is currently known will be gone, and that is a step backward in terms of the Board's relationship with faculty members. He further explained that the purpose of his proposed amendment was to send a message to the Legislature that the Regents did not support the statutory changes as proposed. Regent Evers' statement was met by applause from the audience.

Regent Evers proposed an amendment to the motion, requesting that all non-fiscal language about layoffs and terminations be removed from the omnibus motion section, effectively preserving the status quo in tenure policy, if not in statute. He said the purpose of his amendment was to "send a message to the Legislature that the Regents were against the changes becoming law." Regent Evers' proposed amendment was as follows:

That, upon the recommendation of the Vice President of the University of Wisconsin System Board of Regents and the President of the University of Wisconsin System, the Board affirms its support for the importance of tenure for ensuring academic freedom. It approves the attached new Regent Policy Document on tenure, contingent upon and effective upon the date that s. 36.13, Wis. Stats., is repealed, and furthermore calls on the legislature to remove the non-fiscal items contained in the budget related to item number 39 in the omnibus motion number 521 approved by the Joint Committee on Finance. This new Regent Policy Document will sunset on the date that the Board adopts a tenure policy as a result of the work of the Tenure Policy Task Force, which shall not be later than April 11, 2016.

Regent Bradley then summarized the motion, noting that Regent Evers' amendment would encourage a debate as to whether there is a problem with the current tenure policy, and whether changes would make the UW System more competitive and protect a precious resource—the current faculty.

Regent Bradley asked President Cross if the Task Force on Tenure would address the layoff issue. President Cross responded that he was not certain, but suggested that the issue had to be addressed because if a tenured faculty member can be arbitrarily laid off, "that is not tenure."

Regent Bradley informed the Committee that there was a motion on the floor, moved by Regent Evers, and asked for a second. Regent Vasquez seconded the motion to amend the resolution.

Regent Whitburn then moved a substitute amendment to Regent Evers' amendment that would provide direction to the Tenure Task Force to ensure that the issue of layoff provisions, if enacted, would become part of its agenda. The substitute amendment would include the following: "The Board shall direct the task force on tenure to specifically review provisions affecting layoffs." Regent Bradley asked Regent Evers if he accepted the substitute amendment presented by Regent Whitburn as a friendly amendment, to which Regent Evers replied: "Sorry, I do not." Regent Whitburn then clarified that his amendment was a substitute amendment, not a friendly amendment.

The substitute amendment was seconded by Regent Purath. Regents Evers, Vasquez, and Bradley said they would vote against the resolution. Regent Bradley called for a voice vote and then asked to have the record reflect that the substitute amendment passed with two Regents opposed. He asked for a show of hands to verify the voice vote, and the count was 4 to 3 in favor.

Regent Bradley asked if there was any more discussion on the resolution as amended. In response to comments from the audience, Regent Whitburn asked the committee secretary to read the amended resolution. After Secretary Faymonville read the amendment offered by Regent Evers, Regent Whitburn explained that Regent Evers' amendment was replaced by a substitute amendment. In response to comments from the audience, Regent Bradley reiterated that the committee voted on the substitute amendment offered by Regent Whitburn, and it passed by a majority vote of 4 to 3 in favor.

This announcement was followed by a second request from audience members and members of the Committee that the substitute amendment be read again. Regent Whitburn helped the secretary to record the correct wording by repeating his substitute amendment language.

That, upon the recommendation of the Vice President of the University of Wisconsin System Board of Regents and the President of the University of Wisconsin System, the Board affirms its support for the importance of tenure for ensuring academic freedom and approves the attached new Regent Policy Document on tenure, contingent upon and effective upon the date that s.36.13, Wis. Stats., is repealed. The new Regent Policy Document maintains the provisions currently codified in s. 36.13, Wis. Stats., and shall be construed in accordance with applicable state law. This new Regent Policy Document will sunset on the date that the Board adopts a tenure policy as a result of the work of the Tenure Policy Task Force, which shall not be later than April 11, 2016. The Board directs the Tenure Policy Task Force to specifically review the provisions affecting layoffs.

In response to Regent Bradley's question whether there was any other discussion of the resolution as amended, President Cross said he favored the resolution as amended.

Host Campus Presentation: "Achieving Student Success in Milwaukee – K through College: The M³ Initiative."

UW-Milwaukee Chancellor Mark Mone, Milwaukee Public Schools Superintendent Darienne Driver, and President of the Milwaukee Area Technical College Vicki Martin talked about combining resources of the three largest public education institutions in the City of Milwaukee. The three speakers outlined how the partnership will combine and leverage efforts to close the achievement gap, provide a prepared workforce for Wisconsin, and strengthen the tax base and economy.

There was no Report of the Senior Vice President for Academic and Student Affairs because of time limitations.

Regent Petersen moved to adjourn and Regent Evers seconded the motion. The motion carried unanimously.

The Committee adjourned at 12:20 p.m.

Respectfully submitted by

Dr. Carmen Faymonville
Secretary to the Education Committee