

## Comments Received on Draft Regent Policy Document 20-23, “Faculty Tenure” – Revised

Comments – Draft RPD 20-23
<p>The ole "if it ain't broke, don't fix it" should have been the position of the legislature. So it wasn't, it should have been the position you steered them to. If this system was not broken, what is the true motivation for the change in state law? The "everyday Germans" who shot Jewish people were only following orders, right.</p>
<p>The great University of Wisconsin System was built on faculty tenure. A university is nothing without its faculty, and weakening tenure will only ensure that outstanding faculty go to universities outside the State of Wisconsin. If passed, these policy changes will be the beginning of the end for the University of Wisconsin System. Please do not throw away what we the taxpayers of Wisconsin have helped build over the past 178 years!</p>

## Comments Received on Draft Regent Policy Document 20-9, “Periodic Post-Tenure Review in Support of Tenured Faculty Development” – Draft

Comments – Draft RPD 20-9
<p>I'm responding as a long term faculty member and administrator. I think there are two things that could improve the policy document while still holding to the principles the committee was trying to enact.</p> <p><i>16. The reviews conducted and remediation plans developed in accordance with this policy are not subject to the grievance process set forth in Chapter UWS 6.02, Wis. Admin. Code.</i></p> <p>I think it would be smart to allow for a campus grievance response at ONE stage of this (not all) - it is a component of shared governance that should be preserved and will help strengthen outcomes to have it occur.</p> <p><i>Provision for a mechanism for determining how and when the faculty member will have satisfied the expectations of the remediation plan as determined by the dean in consultation with the chancellor and faculty member; however, all elements of the plan must be satisfied within a reasonable time period, commensurate with the identified deficiencies determined by the dean, not to exceed eighteen (18) months;</i></p> <p>I think that 18 months is an odd amount of time in academia. How about in the 4th semester after three academic year semesters under the remediation plan? Months don't really help any of the parties involved.</p>
<p>If faculty are reviewed annually, why the need for Periodic Post Tenure Reviews every 5 years? This seems to make extra work.</p>

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<p>"Within nine (9) months of the effective date of the policy, each institution shall submit to the Board of Regents their policy"</p> <p>What does this sentence mean? Does it mean that each institute has 9 months to submit their own policy after the regent approves their own? or The new policy of each institute will be implemented 9 months after the regent approval? And what does 9 months means? Full academic year from september to May or any nine months during the year including summer like Jan - August. Keep in mind it should be academic year in my humble opinion since faculty are not under contract during summer. I think the policy should say academic year.</p>
<p>The time window is too short for remediation. This process appears to subject continued faculty employment to political whim. The UW System will have greater difficulty attracting the best talent with the new policies. More thought should be put into a system that balances stable faculty employment with the need to oust poor performers.</p>
<p>"... 18 months ..." what is an 18 months. Faculty do not have contract during summer. Should say something like 4 regular semester or 2 academic years.</p>
<p>First, the post-tenure review process as described can, in the case of a negative review for a tenured faculty member, result in a remediation process that is too short (at 18 calendar months) to take into account grant cycles and publication rates that a faculty member cannot effectively control. I and other colleagues have waited 12 months or more just to hear back from journals about whether our research was being accepted for publication or not. If a revise and resubmit decision is made by the journal, another several months may be needed to make revisions (which often require collecting new data) and then another review cycle that again could take many months would be needed before hearing back about publication. If not accepted for publication at all from this journal, the whole process would need to be started over again, as you cannot submit research to more than one journal at a time. It has in the past taken me and others several years to get a paper published because of this lengthy process. Eighteen months is not nearly enough time to address issues with research productivity.</p> <p>Second, a negative review, and subsequent recommendations (that may include dismissal) from a Dean or Chancellor are, as part of this policy, specifically listed as NOT being subject to institutional grievance processes (see part 16, p. 4 of the draft policy). This is the type of proceeding for which we have grievance processes, yet there will be none allowed.</p> <p>Third, the goals for this policy as put forward by President Cross last summer included an element in which it was possible for faculty who completed post-tenure review processes</p>

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with a standard of excellence to receive a financial reward of some kind. This idea has been entirely dropped from the draft policy. Money for merit has not been available in the UW System for years, and after reaching the level of Full Professor there are no further financial incentives for doing exceptional work. Attaching a financial incentive should be an important component of any post-tenure review policy with the stated goal to "support tenured faculty development" (thus promoting excellent work) rather than penalizing faculty for doing poor work. As it stands right now, this policy has only potential penalties, and no potential incentives, which goes completely against the stated purpose of the policy.

Considering all the changes, I find that the Regent Policy Document 20-9 to be the greatest potential threat to the tradition of faculty tenure in UW System. As written, the revocation of tenure could become a simple administrative decision without appropriate checks and balances. To make this less of a threat, item #7 should be expanded to show that faculty peers are involved in this process. Moreover, 12 c, iii, does not indicate who makes the final call in dismissing an employee, but the implication is that it is an administrator.

It seems to me that this policy allows for the revocation and termination of tenured faculty members by the administration with no input from faculty peers. If such a scenario played out and became practice, the word "tenure" would no longer be appropriate to describe the faculty employee-employer relationship in the UW System.

One of the key problems with tenure is the lack of incentive (either negative or positive). The way things are at UW-system schools, an Assistant Professor can be promoted to Associate Professor, and Associate Professor can be promoted to Professor. Each of these promotions has with it a modest increase in pay (the size of the raise may vary across UW schools). After promotion to Professor, there are limited ways to increase one's pay (e.g., counteroffer from another school, go into administration, etc...). A financial reward attached to a exemplary post-tenure review would have been a good move for a few reasons, especially the improvement in morale that would likely result. (By the way, morale is exceedingly low, and I predict that it will become even lower unless something positive happens!).

Faculty in the UW system have been "beat down" since the time I was hired 7 years ago. I agree with post-tenure review. I even agree with weakening tenure to some extent. But to assume that faculty do not respond to incentives is a mistake. If you want more from tenured professors, then you should reward those that do a good job (and punish those that don't). I was optimistic that UW System would do something to encourage faculty to go above and beyond their job description. Instead, the removal of the financial reward has made this an all "stick" and no "carrot" policy. I think this is a mistake and a missed opportunity to do something that faculty would appreciate and respond to positively.

I have two concerns about RPD 20-9 on post-tenure review.

1) I've been through just one post-tenure review in the UW Colleges, and that review was

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<p>conducted by just the campus dean and my department chair. This is an awfully small number (just 2) of individuals making the determination. A faculty member with poor relations with either of these individuals could easily be railroaded during a post-tenure review and categorized as "does not meet expectations." The proposed policy would have that determination reviewed by the dean (again) and then the chancellor (or designee). Again, this is a small number of individuals to make such a determination. I urge you to add a level of review by a faculty panel prior to review by the dean and chancellor reviews, with the "does not meet expectations" status only moving forward if the faculty panel agrees. For example, this could be a campus Promotion and Tenure Committee, or a departmental Executive Committee.</p> <p>2) I urge you to extend the period for remediation from 18 months to at least 24 months. If the reason for the "does not meet expectations" determination is scholarship/research, the faculty member will need time to solicit funds to support the expected scholarship, complete the work, write it up, and get it through the peer review process for publication. Allowing just 18 months for all of that is simply unrealistic.</p>
<p>12(c)ii specifies that all elements of the remediation plan must be satisfied in a time period "not to exceed eighteen (18) months". This is an insufficient length of time for many academic disciplines. In business, for example, it routinely takes 3-5 years to publish an article in a top-tier journal.</p>
<p>At most large businesses in the U.S., an employee must receive MULTIPLE poor performance evaluations before he or she is terminated. Regent Policy Document 20-9 essentially starts termination proceedings after ONE poor evaluation. Instead of requiring a remediation plan after one negative review, the document should be revised to require a remediation plan after two or more consecutive reviews that result in "does not meet expectations".</p>
<p>This policy changes tenure into a series of 5-year contracts. You may say this is still "tenure", but it's not, and potential faculty hires will see through the guise. This will make it exceedingly difficult for the University of Wisconsin to attract top-notch faculty. Indeed, to remain competitive the UW will have to pay higher faculty salaries and offer faculty more release time (i.e., require them to teach fewer classes).</p>
<p>It is truly sad when so much time and effort was taken to develop a policy because of the incorrect belief that professors can't be fired for cause. That policy is right in state statute.</p> <p>It is also sad that a policy that states part of its purpose is to recognize "innovation and creativity" makes it clear that there will be no raises. Do you really think an "atta boy!" is an appropriate level of reward, then? Even Wal mart has raises for positive reviews. You want the university to be more like the private sector...until that means we would need raises.</p> <p>Your timeline for remedial work shows no understanding of academic timelines. It is</p>

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virtually impossible to get a peer reviewed article published in 18 months--and that's with a manuscript in hand.
<b>SUBMITTED AFTER 12:00 P.M. ON FEBRUARY 5, 2016</b>
<p>It is difficult to see this policy can be seen as anything other than punitive in nature.</p> <p>It provides opportunities for tenure to be revoked, but has only a vague maybe there could be a raise or something for those faculty who are doing excellent jobs. It is difficult to believe that this policy could possibly fulfill the role of promoting faculty development when there is no strong commitment to awarding excellence. A policy that treats a typical faculty member and an extraordinary faculty member as being of equal value does nothing to promote or support faculty development.</p> <p>All this policy is going to do is chip away at already poor faculty morale with periodic chances to have tenure stripped away and no realistic expectation that excellence will be recognized.</p> <p>The optional exceeds expectations in point 9 needs to mean something, and the Regents need to commit to it meaning something.</p>
<p>The document said: "...however, all elements of the plan must be satisfied within a reasonable time period, commensurate with the identified deficiencies determined by the dean, not to exceed three academic semesters..."</p> <p>3 semesters is not effective and NOT logical. Tenured faculty get yearly schedule and yearly contract. Be effective not obstructive. Should say 4 consecutive semesters period. No Dean or Provost OR Chancellor petitions for a 4th semester. It is what makes sense. It takes at least a year to collect data for an article and at least one semester to find a journal to publish. Almost 100% of JOURNALS ask for rewrite and that takes at least 2-3 months. So you need 20-21 months just for one journal. People please wake up and use common sense.</p>

**Comments Received on Draft Regent Policy Document 20-xx,  
“Procedures Relating to Financial Emergency or Program  
Discontinuance Requiring Faculty Layoff and Termination” - Draft**

Comments – Draft RPD 20-xx
<p>This draft policy only provides procedures relating to financial emergency or program discontinuance requiring faculty layoff and termination.</p>
<p>This leaves a further question: What are the procedures for other cases that may result in faculty layoff and termination listed in Wisconsin Statutes 36.21 and 36.22 - namely program curtailment, modification, or redirection? From the provided document, it is not at all clear who gets to decide that a particular program may be curtailed, modified, or redirected, or whether procedures are in place to prevent faculty layoffs that result from such changes.</p>
<p>I am concerned that the policy has been narrowed so that it does not restrict the layoff of tenured faculty due to a “program decision requiring program ... curtailment, modification, or redirection” but only provides guidance for the layoff of tenured faculty due to a “program decision requiring program discontinuance”. I believe that the way to ensure a strong faculty in the UW system (by giving meaning to tenure) is to protect tenured faculty from layoff for any purpose short of program discontinuance. If this policy ignores the layoff of tenured faculty due to program change in the form of curtailment, modification, or redirection, then the only governing document is the new Wisconsin Statute Chapter 36, sections 36.21 and 36.22. This would effectively remove any campus-level review of such decisions, a policy that can only serve to weaken our campuses' degree of self-governance and faculty security.</p>
<p>This policy only provides guidance for the layoff of tenured faculty due to a “program decision requiring program discontinuance”. It says nothing about the layoff of tenured faculty due to a “program decision requiring program ... curtailment, modification, or redirection”. And specifically, it does not prohibit the layoff of tenured faculty due to a “program decision requiring program ... curtailment, modification, or redirection”. A strong majority of the tenure task force members, among them Chancellors, Provosts, Deans, Chief Business Officers, and tenured faculty, spoke on behalf of restricting the layoff of tenured faculty for any purpose short of program discontinuance. To have this policy ignore rather than prohibit the layoff of tenured faculty due to program change in the form of curtailment, modification, or redirection, means that the only governing document is the new Wisconsin Statute Chapter 36, sections 36.21 and 36.22 (<a href="http://docs.legis.wisconsin.gov/statutes/statutes/36/21">http://docs.legis.wisconsin.gov/statutes/statutes/36/21</a>). The Statute allows for decisions regarding program curtailment, modification, or redirection that result in the layoff of tenured faculty to originate from the UW System and Board of Regents, above the levels of effective campus-level review. This was perhaps the biggest problem identified by the American Association of University Professors (AAUP) and many other observers when the revisions to Chapter 36 were unveiled last year, and we appear to be in danger of leaving it wholly intact as governing policy.</p>

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I appreciate the efforts of the Regents to maintain the integrity of the UW in the face of our difficult political situation... but I am an increasing minority. You all need to work out at what point these cuts will affect the people of the state in a way that even free-marketeers will accept as a necessary balance in the supply and demand of education... in a way that the people (who, after all, elected this government) start to feel the effects of their decision.

Academic freedom and tenure are deeply engrained traditions in academia and, historically, are two of the "carrots" that have attracted generations of faculty to academic positions in the UW and other universities, despite the low salaries and long hours associated with faculty positions. I am concerned that the possibility of administrative decisions to discontinue programs or departments for reasons other than financial emergency will substantially weaken the UW System by making us a much less secure and less desirable place to work. I urge you to make the protections of academic freedom and tenure as strong as possible, for the future health of the UW System.

One way that you can do this is by revising this policy to require full disclosure of the decision processes and rationales in the event that an administrative decision is made to terminate a program or department. For example, "It is recognized that the chancellor should make a recommendation adverse to the faculty recommendation with respect to discontinuance of an academic program only for compelling reasons which should be stated in writing and in detail." "Should" is not "Must." Soft language like this that is open to interpretation seems to open the door to less than transparent administrative decision-making, raising the specter of using such decisions to squelch unpopular programs or faculty. This flies in the face of shared governance, a third hallmark of the professorate throughout academia.

Thanks for doing all you can to safeguard academic freedom and shared governance, for the long-term health of the UW!

Under lists of considerations, there should be an additional one that reads, "Prior financial investments and support from county shareholders and foundations established to provide citizens with facilities for specific educational programs along with the cost of renovating those facilities, liquidating the equipment housed inside those facilities, and diminishing the returns on those investments should be strongly considered before discontinuing a program."

Problem with second paragraph under "Policy Statement":  
"Accordingly, faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been considered." Attached to it is a note that this language comes from the AAUP.

Apparently, the actual language from AAUP is that all feasible alternatives have been PURSUED." The language in the Board draft should

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<p>conform to AAUP language.</p> <p>AAUP policy also lists the "feasible alternatives" that should be pursued in the case of financial exigency and what the role of the faculty is in this process:</p> <p>"As a first step, there should be an elected faculty governing body [...] that participates in the decision that a condition of financial exigency exists or is imminent and that all feasible alternatives to termination of appointments have been pursued, including expenditure of one-time money or reserves as bridge funding, furloughs, pay cuts, deferred-compensation plans, early-retirement packages, deferral of nonessential capital expenditures, and cuts to noneducational programs and services, including expenses for administration."</p>
<p>In order to promote innovation and the wisconsin idea of the pursuit of truth and in order to be in a competitive position to hire the best faculty, we need a stronger policy on procedures relating to financial emergency or program discontinuance requiring faculty layoff and termination. To do this, we need much more than a faculty review and recommendation about any proposed faculty layoffs or termination. We need the policy to include that Chancellor's need faculty senate review and approval concerning Chancellor's recommendations about any faculty layoffs or terminations.</p>
<p>You have got to be kidding!! What were you thinking? The most important thing that this policy requires is transparency. It lacks any type of review from the governing faculty bodies. The evidence of emergency needs to be demonstrated to the faculty body. The faculty governing body needs to have a say in the matter. It is not "just a program" that will be cut; it's the institution and the system that will be damaged.</p> <p>Prior to any layoffs, all feasible alternatives must be assessed - and DEMONSTRATED to the faculty governing bodies. No new appointments should be made while faculty members are laid off. If measures are not in place to protect small departments, students will have less options for areas of study. Liberal Arts education demands that all aspects of human life are explored, evaluated, and critiqued. Students need the skills humanities and social sciences provide. We are not just STEM institutions.</p>
<p>On the first page you cite AAUP 'all feasible alternatives' language - but neglect to use the full quote of "all feasible alternatives to terminating appointments have been EXHAUSTED". Quite a difference from 'considered'. Would sloppy scholarship such as this be justification for a poor post-tenure review? Hmm... Frankly I didn't have the stomach to read any further. In the first paragraph you've shown the true stripes of this exercise.</p> <p>It's amazing to me that this formerly great State University System has already deteriorated to this point - cobbling together a zombie policy from various other institutions. It's strains</p>



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<p>the imagination that the body quoted for its statement "Whatever may be the limitations which trammel inquiry elsewhere we believe the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found." has been reduced to this.</p> <p>Given the provisions of this yet unnumbered 20-xx policy, Regent Policy 20-23 is a hollow sham. Anytime politicians don't like a position taken by a member of the faculty, they call administration and tell them 'it's time for a program realignment'. Policy 20-9 is the worst kind of pandering and a solution in search of a problem. I look forward to seeing how you proceed. History will judge your next move.</p>
<p>On the first page of Regent Policy Document 20-XX, it is stated that "faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been considered". This language is too weak; it is not enough to simply "consider" alternatives. The word "consider" should be changed to "pursued" or "tried".</p>
<p>As the new semester has just begun, and professors and administrators are rightly focused on working with students, there is insufficient time for affected parties to review and comment on this version of the document. Please delay any vote on the draft.</p>
<p>Strong tenure protections are the hallmark of the best educational institutions. Weakening tenure protections with the obvious goal of ginning up phony "financial emergencies" to rid an institution of unwanted faculty will only result in a massive loss of reputation; even in-state students will be reluctant to study at such a school, at any price.</p>
<p><b>SUBMITTED AFTER 12:00 P.M. ON FEBRUARY 5, 2016</b></p>
<p>This would not be needed if the Regents would do their job. Ten years ago, we could see this coming - high school graduation rates were down and the UW system - like many other state university systems - were still set up for the baby-boomer population in terms of number of campuses. Consolidation and closure of programs should have begun a decade ago! This policy is ridiculous - it's the clean up that will impact individuals in a big way because the regents haven't done their job.</p> <p>How about staring now? Although a decade late, it would still make a whole lot of sense to assess what programs are where and how many are needed. It can still be established, for example, that duplicate programs in the various regions of the state will be closed in a few years - maybe 2016-17 will be their final year of admits; faculty in those areas who want to stay on can move to another program in the state or not. This form of consolidation has to happen in a much more thoughtful, planful, and systematic way to meet the needs of the state. I am absolutely baffled by the fact that this common-sense approach hasn't happened even yet! What are you waiting for???</p> <p>And not only is consolidation not happening, expansion is currently happening! UW-Parkside will be starting up new Teacher Education programs! This comes at a time when</p>

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Whitewater, UW-Milwaukee, and UW-Madison all had objections to this, in terms of competition. While Whitewater and Madison pulled their objections, back, it is still relevant to look at how many Teacher Education programs are needed in SE Wisconsin. How are we helping the system to compete against each other? Especially when, in Teacher Certification, there is already a TON of competition from non-UW schools/agencies?

My understanding of a "System" is that it is an organization that acts with the interest of the 'whole' in mind. I do not see this happening in the UW-System. I see now that, campus by campus, the Administrators - whose salaries, not insignificantly, have increased, while faculty and staff pay have stagnated - will close programs that aren't making money. Why not consolidate programs, by need in each region in the state so that we are fiscally viable, have strong programs, and meet the needs of each region and the interests of the state?

Is anybody up there thinking? All of the proposals have language borrowed from other states! What about actually doing something common-sensical and thoughtful and looking and need and demographics and then planning ahead?

The situation we are in should have been not only foreseen, but also planned for. To now give yourselves an "out" to fire people because you haven't done your jobs - and this policy document will allow this farce to continue - is unconscionable.

Can you answer the question, "What is being done about consolidation?" If not, shame on you!

## Comments on Multiple Draft Regent Policy Documents

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<p>First document is clear and well thought through.</p> <p>Second document, "Periodic Post-Tenure Review..." could be problematic down the road. There should really be a step of SHARED GOVERNANCE between a negative review and administrative action to review a negative review.</p> <p>Third document "Procedures Relating to Financial Emergency..." is quite troubling. Saying administrators "should" provide "compelling reasons" for a programmatic decision that goes against a faculty recommendation is a very weak statement. Administration "MUST" be able to do this at the very least when dealing with departure from a faculty recommendation related to a programmatic decision.</p> <p>Thank you for your work and consideration on this complicated process.</p>
<p>In Document 20-9, to not allow the reviews and remediation plans developed in accordance with this policy to be subject to the grievance process set forth in Chapter UWS 6.02, Wis. Admin. Code (point #16) is an error in judgement. Institutional grievance policies prevent wrongful bias in reviews. In my experience, grievances that are not factually supported are settled quickly and extinguish complaints. As such, they are key to preventing successful lawsuits against institutions. This point should be struck from the draft policy.</p> <p>In Document 20-xx, the failure to address and severely restrict the layoff of tenured faculty for reasons of program change in the nature of curtailment, modification, or redirection is very harmful to the conduct and surety of academic freedom, no matter the prefatory statement of the draft policy. This document leaves unaddressed the greatest harm to individual faculty members tenure protection that was done by state actions during 2015. As such, it is deeply unsatisfactory and will not offer the assurance that UW System institutions need in order to attract and keep the best faculty at what had previously been discounted salaries. I wish that this draft policy would restore the main points made by members of the Tenure Task Force at their November 30 meeting, restricting layoffs for changes short of program discontinuation.</p>
<p>The policy written process is NOT clear to UW faculty, neither has any ground.</p> <p>I am sending my comments on Jan. 26, 2016 to express my vote for NO on regent policy documents 20-9 and 20-xx.</p>
<p>My main concern is that the policy does not restrict the layoff of tenured faculty due to a "program decision requiring program ... curtailment, modification, or redirection" but only provides guidance for the layoff of tenured faculty due to a "program decision requiring program discontinuance". To have this policy ignore rather restrict the layoff of tenured faculty due to program change in the form of curtailment, modification, or redirection</p>

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means that the only governing document is the new Wisconsin Statute Chapter 36, sections 36.21 and 36.22 (<http://docs.legis.wisconsin.gov/statutes/statutes/36/21>). The Statute allows for decisions regarding program curtailment, modification, or redirection that result in the layoff of tenured faculty to originate from the UW System and Board of Regents, above the levels of effective campus-level review. This is also a chief concern issued by the American Association of University Professors (AAUP).

I WHOLLY support a more uniform and effective post-tenure review policy at the UW System level. I think it send a clear message about the value of maintaining professional development of faculty. However, the 18-month timeline for remediation is too short given academic cycles for publishing and/or grant activity. Some areas of scholarship require several years for data collection, analysis, and the publication process. Journals vary widely in their review time for manuscripts. Some turn around decision in weeks/months, and some can take up to a year. That would not allow someone to revise a manuscript and resubmit in time to improve their scholarship. It might also take several semesters for changes in teaching delivery to have adequate data to suggest improvement. Three years would be ideal, and certainly at least 24 months. It also seems inconsistent with other policies that faculty affected would be banned from the institutional grievance process.

I am so saddened by these policies. I am a more newly hired professor at UW-La Crosse, and these policies have made me start looking elsewhere for a new position.

My chief concern is that the policy was narrowed so that it does not restrict the layoff of tenured faculty due to a “program decision requiring program ... curtailment, modification, or redirection” but only provides guidance for the layoff of tenured faculty due to a “program decision requiring program discontinuance”.

The post-tenure review process as described can, in the case of a negative review for a tenured faculty member, result in a mediation process that is too short (at eighteen calendar months) to take into account grant cycles and publication rates that a faculty member cannot effectively control. Yet a negative review, and subsequent recommendations (that may include dismissal) from a Dean or Chancellor are as part of this policy are specifically listed as NOT being subject to institutional grievance processes (see part 16, p. 4 of the draft policy). This is the type of proceeding for which we have grievance processes, yet there will be none allowed.

We work SO HARD every day, we do research for no pay in the summers, we write letters of recommendation for students, hold review sessions on the weekends, spend hours preparing lectures. I can't believe tenure could be taken away.

The timelines in both documents are too tight.  
If remediation is required, it should be corrected by the time of the next 5 year review.  
Post tenure review should be done by peers.  
An appeals process should be clearly included.

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<p>Program discontinuance should be decided by the faculty committee and the chancellor; faculty should not just be in an advising role. The list of reasons for program discontinuance (II.D) is far too narrow and does not match with the Wisconsin Idea.</p>
<p>I was under the impression that tenure was more of a right to due process. I am in total support of tenure reviews but I think if someone is tenured, then they have "proven themselves" to be effective instructors and have met the academic rigor required for professors. I do believe that if someone has done something that is grounds for dismissal, that those "grounds" should be clearly defined prior to being hired, not after. There should be reasons for termination clearly explained in our tenure policy. If one is to be let go, a great deal of time should be put into a faculty member who has put their heart and soul into their students, to earning tenure and into this university, to investigate what has happened for a possible termination to take place. In situations such as financial cuts, newer faculty are being paid more and are often on probationary status, so the cuts should begin with them if faculty or academic departments are the target. If we strip tenure away completely, this will decrease the value of the instructors coming in and the value of education we are providing. How much time has been spent on asking what the students' need and want? How much time has been put forth to not just speak to faculty and staff but listen and take into account what they have to say. The Board of Regents is not truly aware of what each campus's tenured faculty members are doing or understanding the level of involvement and commitment our tenured faculty have with our students.</p> <p>Faculty members EARN tenure because our senior colleagues have significant quantitative evidence that faculty members seeking tenure perform with great excellence and are successful, highly self-motivated individuals with much pride in their profession AND in their university!! The right to understand job security will make faculty WAY more productive...NOT LESS! Our educational standards must be upheld in order to have strong full-time EXPERIENCED faculty committed to their profession AND to our university. How do others that are NOT faculty decide what is best for faculty? The same wouldn't go over so well if faculty could determine what the Board should and shouldn't do, or determine who should stay and who should go. Professors are EDUCATORS...not politicians or elected officials...EDUCATORS. And if we want our university to be an institution that provides the next generation with a solid education...then tenure matters! Not just to the faculty, but also to the quality of education we provide</p>
<p>It is important THAT ALL BOARD MEMBERS read the following excerpts from McKenzie, R., &amp; Tullock, G. (2012). The New World of Economics. Chapter 21: Why Professors Have Tenure and Business People Don't. Berlin, Heidelberg: Springer Berlin Heidelberg.</p> <p>"To understand tenure, critics must realize that tenure is nothing more than an untaxed fringe benefit, much like health insurance, that is voluntarily sold by most public and private colleges and universities to their faculty members at the price of reduced wages. Tenure is bought by professors at a price that is less than its assessed value. "</p>

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“Admittedly, tenure creates some widely recognized problems for colleges and universities (inattentive faculty members, for example), but so does health insurance (excessive purchases of health care). Tenure is provided by universities for much the same economic reason health insurance is: the acclaimed costs of tenure to universities are less than the un-acclaimed lower wage bill (a fact that explains why students have reason to appreciate tenure, given that their tuition payments are lowered by it). If tenure were eliminated, universities' total wage bills would no doubt rise, which is one reason why so many colleges and universities continue to offer it in spite of the attendant problems. “

“Few professors would give up much in the way of wages for protection against external political forces-because most professors never say anything controversial in class and precious few ever go public with their views. However, even professors who remain cloistered in their labs or in library corridors seek tenure, and voluntarily give up good money for it. Why? The answer should be transparent: They want to guard against the vagaries of academic democracy. Such a governing system can be, and often is, tame; but it can, and often does, become petty, vicious, and unstable, fraught with changing coalitions of voters.”

"Critics of tenure should realize that if they get their way, the cost of higher education will likely rise, and so will tuition (although tenure couldn't be worth more than a few hundred dollars to any professor worth his or her salt). The critics had better be prepared to accept changes in academic governance systems and their driving goals."

I write to be sure you know about four of my colleagues who have done their best work as a result of the tenure system, and indeed only after earning tenure. My colleagues here at UWL, Greg Wegner, Victor Macias Gonzalez, Scott Cooper, and Roger Haro have all won Wisconsin Professor Of the Year Awards because they each created powerful student-centered initiatives. Their work has prepared students for jobs and given students marketable skills for life after college. These professors did this work outside of the classroom and on their own because they looked around and saw some of the university's limitations. Tenure gave these educators time and independence of thought and enabled them to empower students.

It is never clear which faculty will come up with wonderful initiatives or when in their careers they might do so. But one thing is certain: the independence afforded by tenure has allowed my colleagues free thought to identify holes in the academic system and then time to create solutions with very practical results for our students.

Greg Wegner elevated National History Day, an academic competition requiring extensive preparation, in our region and reaches over 1,000 middle and high school students each year.

Victor Macias Gonzalez started the Eagle Mentoring Program to recruit and retain first

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generation college students, turning a college education into a reality for many who were overlooked.

Scott Cooper has built up the Office of Undergraduate Research and Creativity giving many students first-hand experience with tangible research skills necessary in future careers.

Roger Haro works with under-represented students through the McNair Scholars Program and prepares them for opportunities in STEM fields.

These excellent and dedicated faculty have trained a generation of students to enter the workforce with a mindset to seek or make opportunities for themselves. Tenure allowed them to make opportunities at the university and they in turn did that for students who will graduate. My colleagues have all reached far outside the university and deep into the community in order to de-mystify universities and make educators accessible.

Independence from forces that might bias or influence research and teaching allows our faculty and our students to critique the system from within while also pursuing solutions and creating new best practices. I ask that you reconsider your harshest concerns about tenure given what I have written here.

Thank you for offering us the opportunity to react to the three documents listed above. Please read these comments in place of the comments I sent minutes earlier.

The Regent Policy on "Faculty Tenure" is well written, preserving language that was once state law.

The Regent Policy on "Periodic Post-Tenure Review in Support of Tenured Faculty Development" is an important document (UW Colleges tenured faculty undergo this valuable review every five years). This document needs to include a level of shared governance between a negative review and administrative action. The policy will be significantly stronger if it includes a faculty committee to review the negative review. Because the wheels of justice often turn slowly, the 18-month time frame for review of a negative vote must be, at the very least, increased to 24 months.

The Regent Policy on "Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination" is a deeply disturbing document. Although the policy states that "layoff shall not be based on conduct, expressions, or beliefs" the wording of the policy allows for such targeting. I respectfully request that Program Discontinuance be eliminated from this policy. Should the Board of Regents regrettably choose to retain "Program Discontinuance", I request that the words 'compelling reasons' and 'educational considerations' be defined in the document in such a way as to ensure that "dissenting" tenured faculty who teach in one person programs cannot be targeted for dismissal. Right now, the document says that any time an administrator thinks that one program has higher priority over another, based on

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"educational considerations', program elimination can be made. For example, if a "dissenting" professor is the only faculty member teaching Japanese Literature or Native American Studies or Constitutional Law or Philosophy or French or Art or Music or Womens Studies, program discontinuance can be justified simply by saying that "a reallocation of resources to other programs with higher priority is necessary." The language in this document makes it extremely easy to target dissenting tenured faculty who teach in one-person programs. Please make sure that such targeting is impossible.

Further changes to the document that I request can be found on page 5, F. "It is recognized that the chancellor should (please eliminate should and replace with MUST) ...which should (please eliminate should and replace with MUST). On page 5, H. "It is recognized that the Board should (please eliminate should and replace with MUST) which should (please eliminate should and replace with MUST) be stated in detail." The use of the word "MUST" obligates administrators to provide compelling reasons before discontinuing academic programs. Isn't that the very least that an administrator should do?

I ask that an open forum be scheduled by the Regents, prior to your final vote on these policies, to address the comments that faculty have made. A face-to-face conversation with the Board, before a final vote, will increase the likelihood that our concerns are understood and have been addressed.

One of the comments in a recent article mentioned a tenure policy "that includes accountability and rewards performance." I understand why the regents feel the need to have a need for more accountability. However, faculty have been trading lower salaries for higher benefits and more job security for years. We have seen the value of our benefits decline over the last half dozen years without any additional compensation. Shouldn't a reduction in job security include more compensation? While some of the protections of tenure still exist, the vague language of 'financial emergency" has decreased our job security. Not only is this a breaking of an implied bargain, but it will be devastating to the recruitment of new faculty. One of the unintended consequences will be that we will need to offer new faculty members in competitive markets a significantly higher salary to lure them away from states with a more protective tenure policy. Who will come to Wisconsin for the same salary without the same level of job security? This will cost the taxpayers plenty. Unfortunately, higher starting salaries for new faculty will do nothing for current faculty members. Lower morale due to salary inequities will be another unintended consequence.

Finally, how does our system reward performance. Sure, we go through a merit exercise but there are no rewards attached to it. I've worked in the private sector in the past and the opportunity for raises are significantly higher, especially for star performers than in the University of Wisconsin System. Yes, I am sure some private sector companies struggle during hard economic times and may freeze pay during those occasions. However, salary freezes in the private sector are nowhere near as frequent as they have been in our system. Throw in the fact the value of our benefits have been significantly reduced in recent years,



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faculty compensation has significantly declined. It is difficult to see where the reward system is. If the regents and taxpayers want a system "that includes accountability and rewards performance" there needs to be some rewards.

The people of Wisconsin do benefit from our system. I have first hand knowledge of this as my child will graduate with a business degree in the near future. My child has an excellent internship and if offered a permanent position, will make more than many tenured faculty members. Now I understand how supply and demand determines wages for new faculty members but when current college graduates with only a bachelor's degree can out earn someone with significantly more education and more than ten years of experience in their profession something is wrong. On some campuses faculty pay even in competitive disciplines is still quite low and it is not unusual for new graduates to out earn their professors.

Concerning Regent Policy Document 20-9, "Periodic Post-Tenure Review in Support of Tenured Faculty Development," I have a couple of comments.

First, the timeline for remediation for post-tenure faculty who have a negative review is too short. In particular, if the review indicates that the faculty member's scholarship needs remediation due to too few quality publications, and if that faculty member needs to begin a research project in order to remediate, it would be very difficult, in 18 months, to conduct the research, write it up, submit, perhaps revise and resubmit or submit elsewhere, and see the published work in print. Depending on the publication, it could take several months before the article or research completed the review process.

For example, I recently sent off an article for which the review period is 3-4 months, and this article took, in its current form, about a year to write, and this was based on earlier conference drafts that I'd begun three years ago. If it had taken a year to research and write (12 months) and the review period is 3-4 months, I would already be at 16 months, not counting any possible revision, resubmissions, or attempts at other journals, should it not be accepted at this one, which could easily take anywhere from 1-6 months. This would put me over the 18 months, already, not counting the time between final drafts, proof approvals, publishing agreements, and going to print.

I would suggest a 3-year remediation to make the timeline more feasible.

Second, you catch more flies with honey. At my institution (UWL), "merit" is a nice word that comes with a pat on the shoulder and a warm fuzzy feeling for a job well done. What it does not come with is any real incentive, aside from knowing we're doing our jobs well. Whereas in the the corporate world (a model which, ironically, the legislature seems keen to impose on higher ed), merit usually comes with pay or bonuses, in the university, it does not. There is not financial or other incentive, aside from good will, to to meritorious work.

The same is true of this post-tenure process. There are penalties, but no rewards for doing

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good work. The policy is wholly punitive, only addressing negative behavior and how it will be handled while ignoring exemplary, meritorious work. Faculty are tired of being made to feel like bad children who need a good scolding, a time out, or expulsion from school. This is not to say that there aren't some faculty who need remediation or "expulsion," and I agree that a mandated post-tenure review could be a really good thing. However, it's disheartening that the default is to assume that most faculty are either mediocre, doing just enough to get by, or are "bad" and need to be disciplined.

There should be a provision for those who are proven to perform meritoriously in their post-tenure reviews to be rewarded for that performance.

Concerning Regents Document 20-xx, "Procedure Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination," there seems to be a "public" face that suggests that program discontinuance and financial exigency are the primary reason (apart from cause established through due process, which is a reasonable process for firing faculty) for eliminating positions and firing faculty and staff. However, in statute, there are still provisions for layoffs due to program "curtailment, modification, or redirection." This is worrying. While there may be good reasons for discontinuing programs due to financial exigency and such matters as enrollments, the references to "curtailment, modification, or redirection" are much more ominous.

These terms allow for the possibility of programs being curtailed, modified, or redirected and faculty fired without cause and due process. It is unclear who could decide whether or not a program needs redirection or modification, what that redirection or modification might look like, and what that might mean for faculty. For example, when Michael Grebe makes the comment, "If you work at a company that has multiple manufacturing locations, you might not do the same thing at every single one of those locations, because your customer base may be different," this is concerning. In some ways, it's already the case that different UW schools excel at different things; this point doesn't say anything new. However, if we start to have business-minded folks, for instance, that since UWL is best as the sciences, it shouldn't have an English department, aside from writing classes, and English will be handled by, say Eau Claire, what happens to the UWL English faculty? Are they let go?

This is a short-sighted, tech-school, business-oriented perspective that does not take into account the diversity of thought, of interests, and of expertise that make a liberal education fulfilling for the entire academic community, from students to faculty to administration to staff. Even if one program is less strongly represented on campus, and even though our strengths may differ, this does mean that all other programs should be dismantled. I am not suggesting that the system schools should not have their fingers on the pulse of what is cutting edge and what the best practices are in higher education or that they shouldn't seek to improve or serve students the best that they can; rather, I am expressing my concern that decisions about what a college campus needs is being decided by folks who have little to no experience with higher education, and that these "efficiencies" and grand ideas do not

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take into account what is truly best for students.

Also on that score, I am concerned that some decisions about what programs get curtailed, modified, or redirected could be so altered for political reasons, based on ideologies (e.g., fetal stem cell research, climate change), as to necessitate that researchers be laid off or need to relocate, even if the work they are doing is ground-breaking, important, and timely. Similarly, such alterations could occur if programs are not valued by those deciding (i.e., programs in the arts and humanities). This is not okay.

At the University of Wisconsin-La Crosse, there are currently more than 550 full- and part-time faculty and staff who are devoted to their students and their profession. They are excellent teachers and colleagues. Likewise, more than 250 equally talented faculty teach with comparable integrity at Viterbo University.

The more than 750 members of both universities work on average 45 hours or more each week with distinction and commitment at salaries averaging considerably lower than the figures [presented to the public.]

Thanks to sabbaticals and research grants, UW-L faculty have recently produced influential works. Jodi Vandenburg-Daves, professor of women, sexuality and gender studies, has won national acclaim for her book, "History of Motherhood." Matt Cashion, associate professor of English, won the Katherine Anne Porter prize for short fiction for "Last Words of the Holy Ghost," and one of those stories was made into an indie film.

Moreover, many of these efforts have real-world applications and economic benefits as attested by the 90 years of Wisconsin Alumni Research Foundation and its dramatic and profitable successes improving the lives and welfare of the state's citizens.

The excellent reputation and work achieved at UW-L in physics and biology, in physical therapy and literature, in modern language and accountancy and so many others are testament to that faculty commitment.

[The origins and purpose of academic freedom in Wisconsin originated in 1894 when, in affirming the right of Economist Richard T. Ely to assert politically unpopular views, the Board of Regents adopted the now nationally accepted standard of academic freedom protected by tenure. "Whatever may be the limitations which trammel inquiry elsewhere we believe the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found."

That standard was adopted nationally in 1940 as a response to political pressure and intimidation that was as threatening in 1890 and 1940 as it remains today.

Excerpts taken from Tribune Letter to the editor on Jan 29, 2016, written by W. Carl Wimberly, professor emeritus, political science, Dean, vice chancellor and provost, 1953-1992; John E. Magerus, professor emeritus, modern languages; dean emeritus; 1976-2004; and James Parker, professor emeritus, history; ethnic and racial studies; women gender and sexuality studies, 1968-2001.

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Excerpts from Seebach and Morgan’s editorial in La Crosse Tribune on Jan 27, 2016.

1. Tenure is a system designed to protect the quality of faculty teaching and veracity of the scholarship that faculty perform. Although often seen as a type of “employment for life” perk, it is, instead, an essential protection to faculty to be able “search for truth” through their research or to teach students about politically sensitive topics.
2. National and regional workload surveys during several decades continue to indicate that both tenured and untenured faculty and instructors work longer hours than those for which they are paid. The most recent survey indicated that faculty work an average of 61 hours per week. Faculty in most disciplines at UW-L teach 12 credits each semester (such as four three-credit courses) and are responsible for more than 100 students per semester on average.
3. The greater portion of faculty work associated with teaching is outside of the classroom and largely unseen. Faculty advise students, grade papers, create and revise curriculum to stay current with employer needs, societal trends, and innovations in their discipline. Students benefit directly from this unseen work.
4. In every known measure of excellence, student outcomes and affordability by which universities are judged externally, UW-L scores well. Ninety-three percent of our seniors rate their overall experience at UW-L as excellent or good.
5. All faculty are reviewed annually on their work (teaching, scholarship and service) and, in addition, tenured faculty have a more rigorous review every five years as part of post-tenure review. Student feedback on teaching is considered as one form of evidence, alongside examination by other faculty, assessment of student learning and teaching outcomes. When instructors are unable to provide evidence of quality teaching, they are not rehired or not tenured.
6. Of the 378 full time tenure-track and tenured faculty at UW-L, 94 percent earn less than \$100,000, and the median salary is \$58,000. It’s not a profession one chooses for personal wealth. Nationally, individuals with doctorates spend a median time of seven years (after earning their undergraduate degree) to earn their degree, and as many as 40 percent graduate with student debt. The debt load is highest for those in the lowest-paying disciplines such as the humanities.
7. All faculty at UW-L have experienced the equivalent of a pay cut during the past 10 years. In the past decade there have been only two years where there was a state pay raise (1 percent each time), while both health care costs within the system and the standard cost-of-living for all Wisconsinites have increased. On average, our tenured faculty earn 90 percent of the salaries of our peers at comparable upper Midwest public universities.
8. UW-L is one of the top 10 largest employers in La Crosse County, and our students and

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employees provide a substantial positive economic impact on the region.

Now for the perceptions:

We find the overwhelming majority of our colleagues to be passionate and caring individuals who put students first and contribute to society as teachers, scholars and community members. Despite the low morale associated with multiple rounds of state budget cuts, most faculty recognize the privilege they have in working with undergraduate and graduate students and the benefit of working in the context of intellectual freedom.

If asked, either of us can happily point to evidence and numerous individual examples that promote the accurate view that faculty are a committed group of productive individuals who work hard to help educate the citizens of tomorrow.

Brad Seebach is chairman of the Faculty Senate and associate professor of biology at the University of Wisconsin-La Crosse. Betsy Morgan is UW-L's interim provost and vice chancellor for academic affairs.

Thank you for your work on these documents, the opportunity to comment, and your attention to these comments. Primarily, I would like to echo the following sentiments:

Document 20-9 needs to allow the reviews and remediation plans developed in accordance with this policy to be subject to the grievance process set forth in Chapter UWS 6.02, Wis. Admin. Code (point #16). Institutional grievance policies prevent wrongful bias in reviews. Presumably, grievances that are not factually supported are settled quickly and extinguish complaints. As such, they are key to preventing successful lawsuits against institutions. This section should be revised in the draft policy.

Additionally, a 5-year post-tenure review is a very reasonable expectation. However, an 18-month remediation time frame is confusing given the academic calendar, and perhaps too short a time frame depending on the nature of remediation in each particular circumstance.

In Document 20-xx, the failure to address and severely restrict the layoff of tenured faculty for reasons of program change in the nature of curtailment, modification, or redirection is very harmful to the conduct and surety of academic freedom, no matter the prefatory statement of the draft policy. This document leaves unaddressed the greatest harm to individual faculty members' tenure protection that was done by state actions during 2015. As such, it is deeply unsatisfactory and will not offer the assurance that UW System institutions need in order to attract and keep the best faculty at what has often been lower salaries (compared to peer institutions). I wish that this draft policy would restore the main points made by members of the Tenure Task Force at their November 30 meeting, restricting layoffs for changes short of program discontinuation.

Moreover, I'd like to draw from a recent editorial that summarized the origins and purpose

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of academic freedom in Wisconsin and the far-reaching impact/importance of tenure. 'It originated in 1894 when, in affirming the right of Economist Richard T. Ely to assert politically unpopular views, the Board of Regents adopted the now nationally accepted standard of academic freedom protected by tenure. "Whatever may be the limitations which trammel inquiry elsewhere we believe the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found." That standard was adopted nationally in 1940 as a response to political pressure and intimidation that was as threatening in 1890 and 1940 as it remains today.'

In sum, please continue mindful work in a way that moves the UW-System in a forward, positive direction, in part, by implementing policies that draw individuals to academic positions in the UW-System, rather than repelling them away from working in Wisconsin's public universities.

Regarding Regent Policy Document 20-xx:

I am concerned that the policy was narrowed so that it does not restrict the layoff of tenured faculty due to a "program decision requiring program ... curtailment, modification, or redirection" but only provides guidance for the layoff of tenured faculty due to a "program decision requiring program discontinuance". A strong majority of task force members, among them Chancellors, Provosts, Deans, Chief Business Officers, and tenured faculty, spoke on behalf of restricting the layoff of tenured faculty for any purpose short of program discontinuance. To have this policy ignore rather restrict the layoff of tenured faculty due to program change in the form of curtailment, modification, or redirection means that the only governing document is the new Wisconsin Statute Chapter 36, sections 36.21 and 36.22 (<http://docs.legis.wisconsin.gov/statutes/statutes/36/21>). The Statute allows for decisions regarding program curtailment, modification, or redirection that result in the layoff of tenured faculty to originate from the UW System and Board of Regents, above the levels of effective campus-level review.

I am also concerned that reasons listed to justify discontinuance of a program are weighted towards financial factors which may be temporary and do not adequately weight the PEDAGOGICAL significance of programs (which should not be measured by financial climate or student satisfaction). As a result, we risk eviscerating goals reflected in the Wisconsin idea and the responsibility to educate ethical citizens in the liberal college tradition, with a well-rounded appreciation of a breadth of disciplinary knowledge(s). Those less quantifiable disciplines thus suffer for not being easily fit into a marketable demographic and risk being disregarded, even though they often help students develop the kind of critical thinking and synthesis skills that will benefit their future adaptability to an increasingly changing job market.

Regarding Regent Policy Document 20-9:

In the case of a negative review for a tenured faculty member, the mediation process is too short (at eighteen calendar months) to take into account grant cycles and publication rates

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<p>that a faculty member cannot effectively control. Yet a negative review, and subsequent recommendations (that may include dismissal) from a Dean or Chancellor are as part of this policy are specifically listed as NOT being subject to institutional grievance processes (see part 16, p. 4 of the draft policy). This is the type of proceeding for which we have grievance processes, yet there will be none allowed.</p>
<p>Second, the goals for this policy as put forward by President Cross last summer included an element in which it was possible for faculty who completed post-tenure review processes with a standard of excellence to receive a financial reward of some kind. Considering the few opportunities for any increase in salary during the later years of employment and the resulting problems we have experienced with having tenured faculty who are paid far below the national average, this provision should be added.</p>
<p>What problem is this change responding to? There is no presented evidence of any problem to which this change is "fixing," and so this appears to be solely a alternately-motivated decision rather than for the good of the state and the students and communities these changes serve. I am very concerned about this change, and find it harmful and damaging to a system that has given so much to this state and its citizens (many of whom also work and live and contribute to the communities of which I speak).</p>
<p>In terms of written law, a hundred years of faculty policy that had nationally historic influence is being reversed by the UW Board of Regents for no good reason. Aside from all the details, the question has really become: how much can tenure and shared governance be weakened and still be able to be called tenure and shared governance. The Board should have some reasoned idea about this and not just stretch the words. I need to trust the hands that are guiding this university. I need that trust even more now that those hands have more power.</p>
<p>Please extend the timeline for approving these documents to allow for full review and input by campuses. Thank you.</p>
<p>These documents were supposed to be released much earlier than they were. Therefore, I am writing to request that the timeline for approving the documents be extended in order to allow for more faculty input. Thank you.</p>
<p>I am okay with taking guidelines out of state statutes, but what you have done is left some wording in state law that is concerning. Decisions regarding program development and implementation should be decided by university faculty and staff, not people who are not trained in that area. Leaving that kind of wording in state law, and then having nothing within board of regent policy is concerning. This could impact UW schools from becoming accredited (which means no financial aid among other things), and is likely to impact academic freedom. Academic freedom is essential for developing new ideas and new jobs for the future. I also see concerns related to post-tenure review. Overall, it is a great idea. I do have concerns that there is no appeal process.</p>

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<p>Please suspend the stated timeline on these. Insufficient time has been allowed for consideration, discussion and review.</p>
<p>I ask that the timeline for final decisions by the board of regents be delayed or suspended, so that adequate faculty input can be solicited.</p> <p>The post-tenure review document is "all stick, no carrot," and as such is a kick in the teeth to hard-working faculty across the state.</p> <p>'Program discontinuation' is a smokescreen for firing faculty without cause.</p>
<p>I have read most of the comments regarding Document 20-9 and whole heartedly agree with many of them. 1) The post-tenure review (PTR) process is not currently suited for dismissal after a negative review. There is no judicial review process nor process to appeal the review. The policy would need major revisions to allow for a just system. I agree with the idea that it takes a complete second cycle of review before release procedures begin. So, after a SECOND negative review, a procedure of appeals is instigated. The appeal process must include faculty review similar to the grievance procedures for the denial of tenure. The reasons for the delay have been expressed by many of my colleagues: the time for publication and research protocol approvals is long. There must be a judicious process that understands the nature of the academy.</p> <p>If the purpose of PTR is now the ability to release faculty, then the entire PTR policy needs revision. The revision process should be given due process, AKA time. The ripple effects of changing a major policy and the purpose of the policy needs to be assessed, thoughtfully and critically. Without doing so, it puts the reputation of UWS at risk; serious risk. Don't be rushing this through because your political stance is in jeopardy.</p> <p>If the purpose of PTR is changed, perhaps we need to consider attaching merit pay increases to it.</p>
<p>Please suspend the timeline for the vote on these documents until they may be appropriately reviewed and (as appropriate) amended.</p>
<p>Please suspend the timeline. With the large number of faculty likely to feel the impact of any decision, it is only prudent to allow sufficient time for a faculty response to actions of this magnitude.</p> <p>Thank You!</p>
<p>Comments on Regent Policy Document 20-23, "Faculty Tenure" - Revised</p> <p>This looks like a restatement of 36.13 with some additions at the end and as is I don't see issues. Of course, this document is limited by Regent Policy Document 20-9 and "Periodic</p>



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Post-Tenure Review in Support of Tenured Faculty Development" - Revised and Regent Policy Document 20-xx, "Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination" - Draft. But all things considered, I appreciate that the revisions to 20-23 seem to indicate the intent for strong tenure protections. I thank both the Tenure Task Force and the Board of Regents for their continued commitment to these protections.

Comments on Regent Policy Document 20-9, "Periodic Post-Tenure Review in Support of Tenured Faculty Development" – Revised

On page 3, point 12.b, I believe that there needs to be an extra provision allowing for not only administrative reconsideration of a negative review. To strengthen this policy, there must also be a provision allowing for a second faculty review after a negative Post-Tenure Review. This provision will help to ensure that the negative review was justified. In 12.c.ii. the 18-month timeframe for assessing remediation of a negative review seems far too short. I recommend extending this timeframe. I also worry that the only recourse for a faculty member terminated by this process would be to file a civil suit.

Comments on Regent Policy Document 20-xx, "Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination" – Draft

I do see some added language here on p. 5, point F, "It is recognized that the chancellor should [italics mine] make a recommendation adverse to the faculty recommendation with respect to discontinuance of an academic program only for compelling reasons which should [italics mine] be stated in writing and in detail." My understanding is that a "should" is not legally understood as language that requires parties to a law to do something, but acts only as a suggestion. I think that these instances of "should" need to be replaced with the stronger language of "must" or "shall."

Again, I thank you for the opportunity to comment. I hope that the Board of Regents continues to uphold the strongest tenure protections possible for the continued excellence of our UW System.

UW-WHITEWATER FACULTY SENATE STATEMENT ON

THE FEEDBACK OF THE UW-WHITEWATER FACULTY ON  
THE TENURE POLICY TASK FORCE PROPOSALS

Authorized by the Faculty Senate Executive Committee  
January 28, 2016

We are grateful for the opportunity to communicate our concerns and offer our suggestions as to how to improve the proposals from the UW-System Board of Regents Tenure Policy Task Force (TPTF). These are serious matters, which will have profound intended and

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unintended implications on the UW System, for years to come. The following statement distills feedback of the faculty from UW-Whitewater (UW-W), aggregated from conversations, emails, and a formal All-Faculty Listening Session held on January 26, 2016. The three documents discussed are the final drafts of the TPTF released January 21, 2016: RPD 20-23, Faculty Tenure; (2) RPD 20-XX, Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination; and RPD 20-09: Post-Tenure Review in Support of Tenured Faculty Development.

#### TIMELINE AND FACULTY GOVERNANCE

The first and gravest concern regards faculty governance. The clear tradition in American higher education, as represented in AAUP policy and as enshrined in Wisconsin State Statute 36.09(3), is that faculty have primary responsibility over educational and faculty personnel matters. To quote from the UW-System General Counsel legal webpages: Section 36.09(3), Wis. Stats., establishes the principle of shared university governance: the faculty of each institution-subject to the responsibilities and powers of the Board of Regents, the President of the System and the Chancellor-have the right to participate actively in the development of institutional policy and have the primary responsibility for educational and personnel matters, including tenure decisions. Administrative rules adopted by the Board of Regents, and institutional policies and procedures developed at each campus and approved by the Board, further implement these statutory provisions. (emphasis added, GC Tenure & Appointments)

For meaningful faculty governance to occur, the process for developing these policies must include faculty governance and faculty governance bodies from its inception and must have more active participation from the faculty. There is no procedure for an extra- and supra-governance body to make such decisions. In addition, we note that even under the existing procedure, there was not enough faculty participation, either in the Board's TPTF or in the response-time allotted to faculty and faculty governance groups (drafts were released for review on Friday, January 21, with Board consideration scheduled on February 4). The UW-W Faculty Senate, following common practice throughout the system, meets monthly and has no regularly scheduled meeting before the draft policies are to be acted upon by the Board of Regents Education Committee.

In order to ensure fully informed and reasoned policy, the faculty, therefore, propose that the best measure now would be for the Board of Regents to extend the life of RPD 20-23 through December 31, 2016 (which replicates statutory language contained in s. 36.13, Wis.Stats., that was repealed by the 2015 Wisconsin Act 55). Discussions of changes should occur at the faculty governance level. In addition, more material investment in the process is needed to consider the entirety of the legal and societal consequences of these radical changes.

#### RESPONSE TO DRAFT POLICY PROPOSALS FOR "FACULTY LAYOFF" AND "POST-TENURE REVIEW"

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<p>The following offers the first responses of the faculty to the policy documents that were released by the Board of Regents on January 21, 2016. As stated above, we would require more time and material support (release time, legal advisors, etc.) to offer a more in-depth assessment of these policy proposals, thus the primary recommendation above to extend RPD 20-23 through December 31, 2016.</p> <p>The greatest concern of faculty revolves around proposed policies that violate the professional standards of American higher education and the proud tradition of Wisconsin and its University System. These proposals undermine tenure and shared governance, which will inevitably lead to a loss of academic freedom and undermine the central mission of the university – to pursue truth, wherever it takes us, to “fearless inquiry, experimentation, and debate,” and to cultivate the ability to think deeply and critically. Furthermore, faculty accurately fear that if the proposed policies are enacted in their current form, we will see an erosion in the quality of our university, as many faculty whose life circumstances make it possible to leave may do so. And, it will be significantly more difficult to attract and hire the highest quality faculty. The only way to prevent this is to make sure that any new or revised policy is absolutely necessary and that it adheres to the nationally recognized professional standards in American higher education as articulated in the policies and procedures jointly developed by the American Association of University Professors (AAUP), American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB).</p> <p>The current document identifies and explains the UW-Whitewater faculty concerns and recommendations regarding the TTF documents. We have organized our concerns and recommendations into the following five categories:</p> <ol style="list-style-type: none"> <li>(1) timeline problems;</li> <li>(2) layoffs as financial management and a lack of faculty protections;</li> <li>(3) evaluations: getting it right, and letting the experts decide;</li> <li>(4) muddling of educational and fiscal considerations in program discontinuance; and</li> <li>(5) governance issues.</li> </ol> <p>At the outset of each comment is an underlined reference to the document and location of specific items relevant to that concern, followed by an explanatory statement.</p> <p><b>TIMELINE PROBLEMS</b></p> <p>There appears to be a lack of understanding regarding the nature and flow of academic work and schedules. The timelines required in the proposed policy documents are not reasonable, and are likely to lead to unnecessary and disruptive educational, personnel, and shared governance conflicts.</p> <p>“Faculty Layoff,” RPD 20-XX: section I, B (p. 3) and section II, E and G (on p. 5) The four-month timeline for moving from the Faculty Senate’s receipt of a program discontinuance proposal to the faculty committee recommendation (three months) and on to the chancellor’s recommendation to the Board (one additional month) is insufficient for</p>

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serious, research-based decision-making, whether that has to do with educational and/or financial considerations. The timeline prohibits the exercise of true shared governance, in which decisions are made jointly. It does not allow the faculty and chancellor to work together and to draw on the expertise inside and outside the university to make decisions in the best interest of students and the citizens of the state. Operations of committees are not in themselves a good thing; they are a structure by which meaningful faculty and other governance group and community expertise and participation are elicited and incorporated into informed decision-making. The timeline for faculty committee and chancellor's recommendations should be increased significantly, e.g. to twelve months and eighteen months, respectively, from the Faculty Senate's receipt of a program discontinuance proposal.

"Post-Tenure Review," RPD 20-09: 3 and 4 (p. 2)

The references to an annual review at various points in the document causes some unnecessary confusion. Including references to an annual review seems to imply the addition of an annual review, which is not a uniform practice across the UW System. We recommend the elimination of all references to an annual review in this document.

"Post-Tenure Review," RPD 20-09: 5 (p. 2)

It seems odd to have a notice requirement (with which we agree) and then have no expectation or consequence for failing to meet it. Like other notice period requirements, this should be enforced. Ideally the notice would be give at least one-year in advance of the review.

"Post-Tenure Review," RPD 20-09: 12, c, ii (p. 3)

Here again, the 18-month maximum time period to complete a remediation plan for a faculty member demonstrates a misunderstanding of the profession and the nature of academic work. Quality research and publication takes time both to create and to disseminate. Some of the most prestigious journals in academia can take well over two years from consideration to publication because of the time required for external peer review prior to acceptance. The creation of the research itself can take two or more years. Research and creative activity is only one component of our faculty contract. Remediation of teaching may also take longer than eighteen months for a well-intentioned instructor. The vast majority of our faculty have high teaching loads (four courses each semester) and courses that may require remediation may not necessarily be taught within the eighteen-month timeframe. Combined with fiscal pressures which are demanding a greater administrative and service workloads, the eighteen months is unreasonable and outside the best practices of academia. Unintended consequences may arise when policies such as this are adopted. For example, pressure to publish something quickly that can be quickly disseminated can lead to less-than-desirable publications. The purpose of tenure has always been to allow the faculty to develop research, scholarship, and creative activity organically and to allow her or him to seek out venues for dissemination that are most appropriate. Quality teaching is both an art and a skill requiring innovation, recalibration, and patience. This is the area, then, that demands more study to see if this policy will truly

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benefit the universities, our students and the state.

For these reasons and more, we recommend that the proposed five-year post-tenure review cycle is the appropriate period for assessing progress toward remediation. Thus, if a post-tenure review concludes with a “does not meet expectations” finding, then progress toward remediation as per the formally established plan would become part of the content of the next review. This is consistent with performance review standards throughout many sectors which incorporate reassessment of progress toward goals as a process, not as a single decision. We note that Wisconsin Administrative Code UWS 4 (Dismissal) and UWS 6 (Grievances and Complaints) would continue to be available in cases where more immediate sanction or action is warranted.

Furthermore, this approach would allow the faculty evaluators who found the reviewed professor’s work to be inadequate to re-examine the deficiencies (perhaps along with the dean) and to consider the faculty member’s progress in meeting the remediation goals. It is more professionally and pedagogically appropriate for the faculty evaluators who found the work deficient to be involved in the evaluation of whether or not the reviewed faculty member has met his/her remediation plan.

“Post-Tenure Review,” RPD 20-09: section “Oversight, Roles and Responsibilities” (p. 4)  
 The UW-W Faculty found the nine-month timeline for developing and passing new policies to support the PTR process to be woefully inadequate. Developing new policies involves agreeing to acceptable standards and expectations and then writing new Faculty Personnel Rules sequentially at the university, college, and department levels. This is a major endeavor. To do it well (serving the needs of the university and ensuring they meet all legal requirements) we recommend a minimum of two years. Moreover, we encourage UW System to provide funds to allow for a reassignment of time and to support the significant increase in workload for those faculty involved in developing the new standards, policies, and procedures.

#### LAYOFFS AS FINANCIAL MANAGEMENT AND A LACK OF FACULTY PROTECTIONS

“Faculty Layoff Policy,” RPD 20-XX: section “Policy Statement” (p.1)

In reference to the second paragraph under “Policy Statement,” where it notes, “Accordingly, faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been considered.” Considered is unnecessarily vague, opening the door to conflict and potential lawsuit. The word “considered” should be struck and changed to “pursued” or “exhausted.”

In addition, consistent with AAUP’s policies, there should be a clear limit or prohibition on making new appointments while others are being laid off and on filling the position that has been vacated by the layoff or dismissal. Thus, we suggest the addition of the following sentence prior to the sentence beginning with “Additionally, faculty layoff shall...” The recommended sentence is: “The position vacated by a layoff or dismissal will not be filled

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by another individual for a period of at least three years.”

“Faculty Layoff Policy,” RPD 20-XX: I (an addition between F and G, p. 3)

To consistent with AAUP policies, there should be a description of the sorts of “feasible alternatives” that should be pursued in the case of financial exigency and the role of the faculty in defining the feasible alternatives and the fact that all such alternatives have been pursued. We recommend the addition of the following sentence between F and G (p.3).

“Prior to faculty layoffs, all feasible alternatives to termination of appointments must have been pursued by the institution, including expenditure of one-time money or reserves as bridge funding, furloughs, pay cuts, deferred-compensation plans, early-retirement packages, deferral of nonessential capital expenditures, and cuts to non-educational programs and services, including expenses for administration.”

“Faculty Layoff Policy,” RPD 20-XX: I, G (p. 3)

Section I, G. (p. 3) should include severance provisions.

“Faculty Layoff Policy,” RPD 20-XX: I, G (p. 3)

In cases of a fiscal emergency, new faculty or staff should not be hired while tenure faculty members are being laid off or terminated. We suggest the inclusion of the following sentence as part of item F on page 3. “No new appointments will be made at the institution, while other tenured faculty members are being laid off and dismissed due to a fiscal emergency.”

RPD 20-XX: II, J (p. 6)

Section II, J (p. 6) should include severance provisions.

RPD 20-XX: II, after J (p. 6)

The section on program discontinuance should include a provision stating that the institution will make every effort to place affected faculty in another suitable position, with the university funding retraining as necessary (see AAUP Recommended Institutional Regulations on Academic Freedom and Tenure, section 4(d)(3)). We suggest the addition of the following sentence as letter K on p. 6. “The institution will make every effort to place affected faculty in another suitable position, with the university funding retraining as necessary.”

#### EVALUATION: GETTING IT RIGHT, AND LETTING THE EXPERTS DECIDE

Please note that the AAUP prohibits any post-tenure review policy that allows for other than just-cause termination. We, therefore, urge the Board of Regents to retain the existing policy (RPD 20-23) and to invest resources in it and to implement it before introducing any new policy. More study into the implications of a post-tenure review policy needs to be done to see how it will impact the quality of the education and the nature of the institutions themselves. More consideration of the relationship of any new policy to those who already have tenure needs to be undertaken. The following provides some of the feedback into the

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policy proposal as written.

“Post-Tenure Review,” RPD 20-09: 6 (p. 2)

The scholarship/research criteria should be expanded to include “scholarship/research and creative activity.” Many faculty in art related fields do not fit neatly into the category of scholarship/research, so the addition of “creative activity” is often more relevant to their fields.

“Post-Tenure Review,” RPD 20-09: 9, b & 11 (p. 3)

We realize that the evaluation category “exceeds expectations” is not required (which we support), but we believe that funds should be provided to honor exceptional performance. Item #11 it creates a significant loophole with the phrase “...including additional compensation, subject to the availability of resources [emphasis added].” We believe that there should be funding guaranteed for merit.

“Post-Tenure Review,” RPD 20-09: 10 (p. 3)

As in the initial pre-tenure reviews and tenure decision, tenured faculty in the candidate’s own discipline have the experience and expertise to assess the ways in which tenured faculty are meeting disciplinary and university standards. Current review standards recognize that such faculty committees can make errors. Thus, existing personnel procedures as embedded in RPD 20-23, allow for appeal and redress through faculty governance committees. These principles and practices should remain consistent for any post-tenure review process. Thus, any faculty review resulting in a “does not meet expectations” assessment should be subject to appeal in the same manner as any previous reappointment, tenure and promotions are subject to an appeal conducted by a faculty appeals committee. This is an essential step to ensure that a fair and accurate assessment has been reached before any remediation plan is developed or implemented.

We recommend that the faculty be allowed a second review conducted by faculty from outside of their department if the review from the department is unsatisfactory. The reasons for this are many that involve the fact that departments are different sizes, sometimes comprise quite different specialties, and can have significant differences in theoretical and methodological approaches to research, scholarship, and creative activities as well as to pedagogical methods. Sometimes there are legitimate differences of views within a department that may lead to a faulty evaluation. To be clear, we do not consider this second review a grievance, but rather an attempt to ensure that the evaluation is accurate. After the second review is conducted in a timely fashion, if the person has been deemed to meet expectations the review would be reported in a manner consistent with # 10. The larger point is to get the initial evaluation right, before a remediation plan is developed and implemented.

“Post-Tenure Review,” RPD 20-09: 12 (p.3)

If a remediation plan is truly developmental it should honor the efforts of those who have met their remediation plans. There should be no penalty for having had a remediation plan

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in the past. If a faculty member has successfully met his/her remediation plan, he/she has been restored to “meeting expectations.” Future reviews and other university decisions should not include references to having had a remediation plan. This sentiment should be written into the policy.

“Post-Tenure Review,” RPD 20-09: 12, c & 12 c, iii (p.3)

Consistent with the principles described above re: RPD 20-09 #10, tenured faculty in the tenured candidate’s disciplinary area should participate with the candidate in the development of a remediation plan. While we believe that the dean may be involved in the process, the reviewed faculty member’s remediation plan should be developed by the faculty, who are experts in their discipline and who conducted the earlier review. We welcome the dean to be involved, but we believe faculty members who made the decision that the reviewed faculty member did not meet expectations are in the best position to help craft an appropriate remediation plan. And, we further believe that they are in the best position to judge whether or not the reviewed faculty member has meet the remediation plan (and as noted elsewhere, we suggest that this review be conducted on the five-year, post-tenure review cycle).

“Post-Tenure Review,” RPD 20-09: 2 c, iii (p. 4)

We disagree with the provision that PTR creates a pathway to dismissal. Wisconsin Administrative Code UWS 6 clearly delineates a process through which significant shortcomings or failures to fulfill one’s responsibilities effectively can be grieved, and if warranted, sanctions ranging from remediation to reassignment to loss of income can be imposed. Wisconsin Administrative Code UWS 4 clearly delineates a process through which tenured faculty can be dismissed for just cause. Just cause has always been available to dismiss faculty who are negligent in their duties. We see the use of PTR with dismissal as inconsistent with developmental PTR approach as stated in the Scope and Purpose introduction to this policy proposal; nor is it consistent with AAUP standards. Nonetheless, should this pathway to dismissal be passed into board policy, the obligation of the university to meet the full standards noted in UWS 6 and UWS 4 would still hold. The university would have to demonstrate that the faculty member is seriously deficient in his/her duties.

“Post-Tenure Review,” RPD 20-09: 16 (p. 4)

We understand that the grievance procedure is applicable to just cause proceedings should the case go to a dismissal proceeding. However, there should be a double-check by the faculty department who conducted the review in the first place to verify if the reviewed faculty member has met the remediation plan. Because faculty members are the experts in their disciplines, they are in the best position to judge whether or not a faculty member, who they had previously judged as not meeting expectations, has met the criteria outlined in the remediation plan. We would be amenable to having the dean involved in this final check to help ensure that the decision is sound.

**MUDDLING OF EDUCATIONAL AND FISCAL CONSIDERATIONS IN PROGRAM**



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## DISCONTINUANCE

“Faculty Layoff Policy,” RPD 20-XX: II

The AAUP (Recommended Institutional Regulations on Academic Freedom and Tenure) offers the outlines of what has been common practice in the field. These standards are designed to ensure the stability and integrity of institutions of higher education and protect them from the vagaries of short-term trends or partisanship. There are only two reasons that academic programs can be closed as articulated there, and as followed by institutions of higher education across the country: for financial exigency and for educational considerations. Any new policies should conform with this distinction; thus, in creating a new category, “Faculty Layoff for Reasons of Program Discontinuance,” the policy proposal 20-XX moves into dangerous, uncharted territory. We recommend returning to the twofold distinction between financial exigency and educational considerations. We also note here that by including financial considerations as a reason for “faculty layoff,” the university system would, in essence, include in its policy already a radical expansion of the ability of the institution to fire tenured faculty. The statute as it had existed only allowed for the termination of faculty positions for financial exigency.

“Faculty Layoff for Reasons of Program Discontinuance” injects financial considerations into the definition of educational considerations to a worrying extent. If financial considerations are to be used as a factor in program discontinuance decisions, they should be supported by full openness and disclosure of financial documentation, as in cases of financial emergency. References to the relevant financial disclosure requirements from UWS 5 should be inserted into the section on program discontinuance.

Some of the financial considerations listed below may be acceptable under the fiscal exigency pathway for dismissal, but not under program discontinuance. The significant distinction is that the entire university must be deemed to be deeply financially stressed under a legitimate “fiscal emergency.” Whereas in the “Discontinuance” section as proposed, a single program is being evaluated. Program discontinuance is acceptable for true educational reasons, but not for fiscal ones, and should not be permissible in situations where campus-level reallocations could create a “manufactured” financial crises in one area not experienced across other elements of the institution.

“Faculty Layoff Policy,” RPD 20-XX: II, B (p. 4)

Program discontinuance has historically been allowed only for “educational considerations,” not financial ones. Yet, in II.B a number of financial concerns are enumerated. For example, in II, B, the final sentence of the paragraph is clearly financial rather than educational, and as such, it should be struck.

“Faculty Layoff Policy,” RPD 20-XX: II, C (p. 4)

In II, C, the muddling of educational reasons is evident in the second sentence. It states, “The proposal shall be in writing and shall contain appropriate information and analysis regarding the educational considerations, including programmatic and financial

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considerations, [emphasis added] supporting program discontinuance.” We recommend that the “financial considerations” should be struck from this sentence, as the inclusion of it illogically implies that financial considerations are a subset of educational considerations.

“Faculty Layoff Policy,” RPD 20-XX: II, D (p. 4-5)

In II, D, 6, the notion that program discontinuance may be based on things like “market demand” (#5) and perhaps more egregiously “current and predicted comparative cost analysis/effectiveness of the program” (#6) are clearly “market” and financial reasons for program discontinuance, which are being folded into educational reasons. Item #6 (p. 5) is especially problematic, as it sets up a system of program prioritization based primarily on pseudo-market considerations. The model of competition between programs such as this implies is anathema to university education, and will lead to an environment that stifles creativity and innovation in pedagogy as well as research, scholarship, and creative activity. Equally significant, the quality of a comprehensive institution of higher education such as UW-W and the other system comprehensives, is based in large part on the breadth as well as depth of educational programs and opportunities available to students. The whole is larger than the parts. Establishing a never-invented cost-measure for individual programs across highly variable disciplines would destroy the university’s ability to fulfill its mission. Therefore, these items (#5 and # 6, p. 4-5) should be struck from the policy.

#### FACULTY GOVERNANCE ISSUES

“Faculty Layoff Policy,” RPD 20-XX: I, (p. 2-3)

The Fiscal Emergency section does not have a similar provision as indicated in the “Discontinuance section” (II, E, p. 5) for listening to faculty, staff and students closely associated with the program(s) proposed to be closed due a fiscal emergency. We suggest adding the following sentence to I, B (p. 2-3) prior to the last sentence in the paragraph. “The faculty committee shall request and review comments and recommendation on the program(s) proposed to be eliminated due to the fiscal emergency from faculty and staff in the program(s), faculty and staff in the affected college(s) or school(s), students in the program(s), and other appropriate institutional bodies or individuals.”

“Faculty Layoff Policy,” RPD 20-XX: I, B, C and D (p. 2-3)

The following statement should be added to both C and D, as it is vital for the quality of education that shared governance be followed. “It is recognized that the chancellor should exercise his/her authority adversely to the faculty recommendation with respect to a fiscal emergency only for compelling reasons which should be stated in detail.”

“Faculty Layoff Policy,” RPD 20-XX: II, D (p. 4)

Instead of using the same committee developed in Section I (I, B, p. 2), which may have greater expertise in fiscal matters, we suggest the possibility using existing faculty governance committees with expertise in educational matters charged with reviewing educational programs which is more germane to discontinuance questions. To address this issue, the first sentence of PD, II, D (p. 4) should be deleted and replaced with the following

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sentences: “The faculty of each UW System institution shall designate or create a faculty committee to consult with the chancellor in order to consider potential cases of program discontinuance. This committee may be the same or different from that proposed in Section I, B of this document. It shall be the responsibility of this faculty committee to determine the educational criteria to be used by the faculty committee when considering a decision to discontinue a program.”

As an explanation for the addition of the third sentence suggested immediately above, for program discontinuance, and in accord with AAUP policies, the faculty committee should determine the educational considerations used to determine whether or not programs are discontinued.

“Faculty Layoff Policy,” RPD 20-XX: section “Oversight, Roles and Responsibilities,” (p. 6) Under Act 55, the chancellor is required to consult with the faculty, seeking its advice on “academic and educational activities and faculty personnel matters,” as well as on “administering all funds, from whatever source.” This policy clearly falls under each of these areas of the faculty’s primary areas of concern, and the chancellor’s responsibility to consult. Hence, we believe that the final sentence in this section should be altered in the following way, with added text indicated by underlining. “The chancellor at each institution, with the advice and counsel of the faculty as obtained through its appropriate governance body(ies), shall be responsible for implementation of this policy.”

RPD 20-23: Faculty Tenure, section “Oversight, Roles and Responsibilities” (p. 3) Similarly, the following change should be made to the second sentence in this section to bring the policy in line with the law and best practices of university governance: “The Board further authorizes the President to delegate to individual chancellors the authority to implement this policy at their respective institutions, with the advice and counsel of the faculty as obtained through its appropriate governance governance body(ies), with the parameters established by Regent Policy Documents, Wisconsin Administrative Code provisions, and University of Wisconsin System policies.

RPD 20-23: Faculty Tenure, 2 Rules (p. 2)

Act 55 recognizes a continuation of faculty governance responsibility in the area of faculty personnel matters. This reflects an understanding that faculty expertise is essential to development and implementation of faculty personnel matters. Act 55 does not contemplate inserting students into personnel matters. We do not see either a benefit or reason for having students involved or consulted regarding tenure and faculty personnel matters. We suggest the following change to the sentence. “The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the nonretention and dismissal of faculty members.” That is, strike out “after consultation with appropriate students.”

**FINAL COMMENTS AND RECOMMENDATION OF THE UW-WHITEWATER FACULTY**

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The UW-Whitewater faculty believe the Tenure Policy Task Force proposals provide significantly weaker protections of academic freedom than our existing policy. That the proposed programs are out of the mainstream of academia is evidenced by the fact that many of the provisions in these documents fall well short of the AAUP standards. Wisconsin had been a leader in academic protection, which has served the state well by encouraging an environment of innovation and experimentation in pedagogy and in research, scholarship, and creative activity.

The proposed revision of the post-tenure review policy appears to be aimed at an alleged tiny fraction of underperforming faculty. Whether it will, in fact, improve this small fraction of so-called low performers is unknown. What is known, however, is the implementation of these practices, which depart from the best practices across the country, will lead to rifts between colleagues resulting in low morale and departmental discord, this in an environment where faculty are already paid significantly less than their peers at comparable institutions and where Wisconsin, unlike most of the country, is dramatically decreasing its funding for higher education. Thus, in addressing a few imagined bad apples, we risk losing the best and brightest. Such are just a few issues that should be considered more carefully before the current post-tenure review policy is revised.

In the larger context, where Wisconsin—unlike the vast majority of states—is disinvesting in higher education, and where the university system is financially starved by ill-advised austerity policies, we worry that passage of these TPTF proposals will move the UW System toward a narrow conception of higher education as vocational training, and away from its historic focus on the Wisconsin Idea, promoting the common good, and offering a world-class education. Reluctant financially starved campuses may consider cannibalizing their own programs through “discontinuance,” leading to layoffs or termination of tenured faculty. If the layoff policies for program discontinuance are permitted to involve non-educational financial factors, outside pressures may lead to favoring of some programs (e.g., perhaps those that are technical or vocational in their orientation) over others (e.g., those that cultivate critical thought, promote art or performance, or encourage students to question power and privilege). Hence, the faculty in programs that may seem more popular from a short-term perspective may be at risk of being dismissed. This would be a structural violation of the academic freedom of the tenured faculty in the unfairly closed programs, and it would be a grave loss to the comprehensive university.

Therefore, the UW-Whitewater faculty, ask the BoR to extend the existing tenure, post-tenure review, and layoff policies to provide time to carefully examine the unintended consequences of such radical changes and to make significant improvements to the policies before passing them. Moreover, the UW-Whitewater faculty supports the UW-Madison post-tenure review and layoff policies and procedures as they would be tailored and modified to the UW-Whitewater context.

- Post-Tenure Review policy: [http://www.secfac.wisc.edu/FPP\\_ch\\_7.htm#7.17](http://www.secfac.wisc.edu/FPP_ch_7.htm#7.17)
- Layoff policies: [http://www.secfac.wisc.edu/FPP\\_ch\\_10.htm](http://www.secfac.wisc.edu/FPP_ch_10.htm)

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We consider these UW-Madison policies and procedures to be consistent with AAUP standards, and in our view, they will avoid many of the grave problems inherent in the proposed RPD 20-23; 20-xx; 20-9.

Once again, we are grateful to the BoR for soliciting our feedback and hope that it will carefully consider our feedback and recommendations. We, the UW-Whitewater faculty, have devoted our professional lives to the university and thank the members of the BoR for their current service to higher education in Wisconsin. Finally, we join the BoR in desiring the very best for our students, for our faculty, for our university, and for our state.

The timeline available to adequately review these documents is too short. Please consider extending this timeline prior to your vote so that all UW System employees will have an opportunity to fully review and comment on these documents.

We can debate the immanent details of this proposal -- should this word or that word be included -- but the reality of this policy change is simply future budget cuts and the need to redefine tenure in order to begin layoffs and firings subsequent to the next budget. As the Board of Regents "demoted" the faculty-led committee on tenure to an "advisory" role, it is clear that the decision has already been made.

This proposal has nothing to do with "good teaching" or "meritocracy" or giving administration "tools"--these are all empty code words for the Taylorization of higher education. Recent history demonstrates this:

2011 - UW System Budget cut \$250 million. The legislature passes Act 10 removing Unionization protection for faculty members.

2013 - Tuition freeze implemented, extended through 2017.

2015 - UW System budget cut \$250 million, healthcare costs increase again. Tenure "redefined" to enable layoffs and firings of tenured faculty.

What about this pattern is expected to change? As tax cuts are prioritized, funding to higher education has decreased. As State funding has declined, tuition has increased. Once tuition is frozen, where is the system to turn? It is not wild speculation to assume layoffs and firings are next. As long as state funding continues to decline, the system has to shrink.

Once again, the next budget will either cut (or simply not increase) funding for the UW System, no matter how much the Chancellors and Administrators support the Legislature.

Once again, the public narrative will be spun that teachers are "parasites" who survive by feeding off of "taxpayers."

Once again, the Administration will pay lip service to faculty.

Once again, the faculty will take the brunt of the hit, but now with the prospect of cutting

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departments, increasing workloads, and faculty layoffs and/or firings...all without any real grievance protection.

The systematic creation of precariousness and unease is precisely the goal of the past several years. To use a software metaphor, "This is not a bug, it is a feature." This is the future of Higher Education under this proposal.

Please extend the deadline. This needs more thoughtful vetting and scrutiny for it to benefit all concerned. Thank you.

The later-than-promised release of these documents has not allowed for sufficient time for campuses to respond. I believe that the timeline should be suspended.

First, as a member of the Tenure Task Force I laud the Regents' use of this site as a place for combination comment and public-access.

Second, the general proposed Regents' policy document on tenure rightly incorporates the language of former state statute 36.13, now deleted, presumably as a statement of solidarity with the past. The UW System, and Madison in particular, was built on strong traditions of academic freedom as laid out in the deservedly famous statement by the Board of 1894 that emphasized "the continual and fearless sifting and winnowing by which alone the truth may be found". This Board now has an historic responsibility: in the face of statutory requirements to subject tenured employment to budgetary and educational considerations, what role shall the Board play in upholding that tradition or ceding it to matters of "markets" and "societal needs"? Would such a concession recognize that, in fact, there is always a wisdom of a financial and popular-culture nature that surpasses all others? Or could there actually be a form of minority wisdom that requires protecting its source in academic freedom? Such questions led to the 1894 statement. They are here again. It is up to the Regents to decide which wisdom finally shall prevail.

Third, the Regents can only uphold the 1894 statement as perennial wisdom by inserting stronger language in the two other tenure documents protecting mechanisms of shared governance and/or allowing individual UW institutions to develop tenure policies that, while recognizing the inevitability of 36.21-22, also as strongly as possible allow that such policies reflect AAUP-type standards of tenure that are the backbone of UW's reputation in the world as a first-class institution of higher learning. It's that simple--and that difficult. I don't envy the Regents' place in the "hot-seat". But they are put there, and it is up to them.

Last. Look at us now--assessing what we might and should do measured against the actions of Regents over a 120 years ago. I urge the Regents to think: a 120 years from now, what will be thought of their statements on tenure in 2016?

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<p>What's been most surprising to me--a long-time tenured professor in the UW System--is the significant disconnect between what tenure means to faculty and what it seems to mean to some citizens outside of the academy, especially legislators (sigh) and even some members of the Board of Regents (double sigh). The foundation of ignorance supporting the edifice of concern over tenure shows itself every time someone refers to tenure as the guarantee of a "job for life." And every time I hear the UW should be run like a business, I cringe, because it is like saying NASA should be run like NASCAR, or the EPA should be run like a dairy farm. It's a false analogy. Look: tenure is crucial, it is indispensable to do the kind of work academics do. Without strong tenure protections, you don't have an intellectually viable institution of higher education, and the quality of that institution will quickly erode and decay. Academic freedom means intellectual independence, the opportunity to pursue one's writing and research free from the often capricious reach of political ideology (from either direction), financial pressure, or supervisory ego. Does that kind of independence of mind exist in the private sector? Not as often as it should--only at strong companies such as Google or Microsoft (who ironically run themselves more like academic institutions, hiring the smartest people they can find and freeing them to do great work). As a tenured professor, I am not *remotely* interested in this "job for life" business. If I am not doing the work I should be doing--teaching, writing, serving my communities--and at the highest possible levels, then I shouldn't have a job. Period. But the job I do requires that I have the opportunity to search for and speak the truth, no matter who finds that truth politically inexpedient, morally questionable, or financially unviable. If the revised tenure guidelines to be passed by the Board of Regents do not fully reflect that truth, then the UW will cease to be a system of higher education capable of recruiting and retaining the finest faculty members available, and the quality of the system will slowly, steadily erode.</p>
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<b>SUBMITTED AFTER 12:00 P.M. ON FEBRUARY 5, 2016</b>
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<p>I read in my local paper today that John Behling argues the proposed new tenure policy is necessary to provide greater "accountability." This suggests tenured professors are, at present, insufficiently accountable and that a current significant problem exists with lack of accountability on behalf of tenured University of Wisconsin faculty. But the Board of Regents is prepared to act on a major change to tenure that seriously risks AAUP censure, and even crippling losses of accreditation (not to mention continued and increased difficulty recruiting and retaining the most highly qualified faculty), without taking the time or investing the effort to investigate whether the problem they are proposing to solve actually exists. No serious, data-driven investigation of the accountability, or lack of accountability, of tenured faculty, working across the UW System, has been undertaken, and none is planned. The only evidence to support the claim that 'greater accountability' is needed is based entirely on rumor, hearsay, and ignorant prejudice. Regent Behling suggests it is the legislature and the governor who are guilty in this regard--they are the ones who are making decisions on these flimsy grounds--and the Board of Regents simply must accommodate what they mandate, no matter how unreasonable or unjustified. Regent Behling refuses to stand up to the leaders of the state government and tell them the truth. He is not even interested in finding this out. In that respect he is not doing the job that the</p>
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governor should have every right to expect from a regent. The Regents maintain a responsibility, at the very least a moral and ethical responsibility, to tell the truth to those in positions of yet greater legal and political authority. I strongly recommend the Regents commission a rigorous independent investigation of tenured faculty throughout the UW System to find out to what extent tenured faculty are and have been accountable or not, and to what extent tenured faculty are or are not meeting expectations for high quality job performance. Then craft any necessary solution in response to what turns out to be actual contours of the real problem. Of course, I know the Regents won't do this because they already well know such an investigation is almost certain to show little to no such problem exists and that tenured faculty, in overwhelming numbers, are and long have been working extremely hard at their jobs—harder than any other group of instructional staff—and, what's more, both are accomplishing and have accomplished an enormous amount of extraordinary value, and great benefit, for the people and communities of this state, as well as for many, many others living and working far beyond Wisconsin's borders.

Tenured faculty are evaluated all the time, already. Tenured faculty are professionals and are continually evaluated in professional terms, by many professional organizations. Besides that, however, just at my institution alone, tenured faculty are evaluated every year by their department chair, every five years through post-tenure review (yes, we already have this and have long had it), every five to seven years when their entire program is thoroughly evaluated (which leads, every time, to consideration—already—whether that program should be maintained, augmented, reduced, or eliminated), every time they seek a promotion, every time they run for or seek appointment to any kind of committee or task force or implementation team (as well as for their contributions while serving in such capacities), every semester by way of student evaluations and periodically by way of class visits from supervisors and peers, and through many, many more instances as well. Tenured faculty have undergone a highly rigorous process to obtain tenure, and a huge number never achieve this status. Tenure enables professionals to do high quality professional work. It enables them to take risks, to innovate and experiment, to increase the value of the work they do, even exponentially increase this value. Tenure is about academic freedom, first and last (any change that diminishes tenure protections is an assault on academic freedom—no logical way exists of pretending otherwise). Tenured faculty are the most courageous of instructional staff (they are empowered to be so), and they are the most willing members of the university community to take on the most daunting and difficult tasks to benefit everyone else (they are empowered to do so). I have served for over a decade on a Department Personnel Committee, including for years as Chair, of one of the largest departments at my university. I have also served for six years on our university's Academic Policies Committee, which periodically reviews every academic program in the institution. In both capacities, again and again, I have seen that tenured faculty are the most accountable, and the hardest workers. These are the people who are extremely committed to their students, their communities, and the state. They choose to stay in Wisconsin and dedicate their knowledge, ability, talent, and skill to the good of the



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people and communities of this state. And tenured faculty working for the University of Wisconsin do so despite being paid far below the average level of compensation for people of their status, experience, and achievement at comparable institutions nationwide.

I hope the Regents have some idea what they have been doing to the University of Wisconsin in the last few years. They are complicit in seriously undermining the quality of what has long been one of this state's most impressive institutions, and one of the chief reasons this state has long been as widely admired and respected as it has. Colleagues across the System no longer believe the Regents, or the System Administration, maintain respect or appreciation for the work, let alone the quality of the work, we do. Whether faculty and staff pass measures of no confidence does not matter; overwhelmingly, UW faculty and staff no longer maintain any confidence in the Board of Regents or the UW System Administration. This is widely taken for granted by virtually everyone these days as simply a matter of fact. These changes to the University of Wisconsin have resulted in an absolutely huge problem of demoralization. Yes, faculty, and, yet again, especially tenured faculty, are, in general, highly dedicated, conscientious, and principled. This means, yes, we continue to work as hard, if not harder, on behalf of our students and our communities—not to mention on behalf of the advancement of knowledge and on behalf of contribution toward the greater human good. However, you well ought to know that a deeply, widely, and highly demoralized workforce is never a good thing, long-term, in any business or any other kind of organization. This has happened on your watch, you are responsible for it, and you will bear the consequences when the people of Wisconsin will, eventually, recognize the tremendous fallout.

Changing tenure in the way the proposed new tenure policy does is absolutely unnecessary. It will not improve the quality of the University of Wisconsin. It will not even improve the efficiency of the work done by the University of Wisconsin. Attempting to transform the University of Wisconsin system into a duplicate version of the Wisconsin Technical College system is hugely wasteful. It also misses out on what kinds of knowledge, skill, responsibility, experience, talent, and ability employers offering high-paying and requiring high-skilled workers actually want and need. (Study the decades-long work of the American Association of Colleges and Universities, for example, designed to seek that out and provide the kind of educational standards and models that will resolutely meet exactly those kinds of needs—we are and have been already doing this at the University of Wisconsin!) And it also misses out on what is necessary to sustain highly, complexly interdependent communities across this state in meeting the enormous challenges of the present and, especially, the future. And it further misses out on what is necessary to sustain the quality of life that will make this state a popular destination—for residents as well as visitors. Wisconsin will have to make up, eventually, for all of what is lost, and seems likely yet to be lost—and it will be far more expensive to have to do so than it was in initially creating this University system and in initially striving to give real shape and substance to the Wisconsin Idea.

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Sad, so glad I moved away from this state.

I am supportive of efforts to ensure that all faculty and staff at UW institutions excel at the highest level, and thus am sympathetic to the post-tenure review proposal and the proposed procedures relating to financial emergency and program discontinuance; however, I fear that these proposals will weaken the UW System considerably, rather than strengthen it.

With regard to post-tenure review (20-9), the matter is simple: If there is punishment for an unsuccessful review, there must be reward for a successful review. Annually, I watch the excellent and dedicated performance of my colleagues--in teaching, research, advising, and service--go unrewarded. Without raises, with annual increases in health costs, and with 7% of salary now devoted to the WRS, most of my colleagues take home less money now than they did six years ago. We have received merit rankings for years with no merit pay increases to reward it. And we are teaching more students, advising more students, and doing more bureaucratic service work in exchange for less pay. If the UW Regents are serious about ensuring the highest quality educators for Wisconsin students and taxpayers, they must do more than threaten under-performing employees with layoff; they must also reward over-performing employees with raises. If employees' merit goes unrewarded and unrecognized for years, then one of two things is likely to happen: either they will leave, or they will cease putting in the hard work required to achieve excellence, since excellence is rewarded equally with mediocrity

With regard to program discontinuance (20-xx), the proposal grants far too much authority to chancellors to make decisions based on educational considerations. I appreciate that faculty are asked to provide input on any proposed program discontinuance, but chancellors are free to disregard such input. At the end of the day, if chancellors want to unilaterally shift the educational mission of the university, they are free to do so, regardless of the evidence and advice that might be offered by those who work most closely and intimately with students to ensure that they succeed in life. Of course it is necessary to discontinue programs, to start new programs, and to shift institutional resources among programs within a university; but this proposal allows chancellors to make such decisions far too easily and puts faculty and staff at risk. Faculty and staff who do controversial research, who are unafraid to disagree with administrators, or who have legitimate reason to think that their department or program is at risk of being cut will likely abandon Wisconsin for other states or universities, taking their talent and skills with them. Similarly, it will be harder for Wisconsin to recruit top talent into those programs.

What does this mean for me when I apply for tenure? It will mean much less than it did when I first accepted a job to work at for the University of Wisconsin. I was excited to come back to Wisconsin because of both the tenure and shared governance protections that Wisconsin provided. Now, shared governance has been mortally weakened, and tenure is being changed. I feel insecure about my future and my family's future here, and I fear for the long-term stability and viability of my university. Any job offer that I might receive

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elsewhere will look much more attractive to me if these policies were to be implemented as proposed.

There is no good to be found in these proposed changes. They make UW considerably less effective at recruitment and retention of faculty, and a strong and vibrant UW system is essential for the economic health of the state of Wisconsin. Beyond this, for many of us who work in controversial and sometimes politicized fields, it gravely limits our abilities to do the work we have been hired to do.

It's bad enough that I submit this comment for with little to no optimism that anyone involved in implementing these changes actually is willing to listen to the professional opinions of academic workers and their own workplace (in what other fields beside education would this be the norm?). Even worse, however, is the fact that I am filling a comment card out anonymously, with anxiety that expressing myself publicly could potentially put my academic career in peril in Wisconsin.

As a faculty member who is neither in the School of Business, nor in a STEM field, I have been grossly underpaid for nearly two decades. My job description, and my contract for that matter, are identical to every other faculty member on campus. Every faculty member on any given campus is also evaluated on the same items (research, teaching, and service). Yet, certain fields are paid less simply because of the topics that are studied. Isn't it interesting that the programs that SYSTEMATICALLY reward faculty at lower levels are also programs that employ the most white women and men and women of color? This inequitable pattern of pay is consistent across campuses. You can check for yourself, as I did (I'm a researcher, that's what I do). If I were in the private sector and learned that my employer was knowingly and willingly paying me less than my white male colleagues, I'd be looking for a lawyer. This is a clear violation of the Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964. I would direct you to the following excerpt from Title VII:

It shall be an unlawful employment practice for an employer -

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

As I said, if I were in the private sector, I'd be looking for a lawyer. Instead, I have remained in my (underpaid) position and have continued to give my blood, sweat, and tears to my job because I love what I do and I owe it to the students and to the broader community. I believe in public education, and so do my colleagues. Despite being demonized by the governor and the legislature, and having our wages chipped away and our job security

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threatened over the past ten years (yes, this all began under Gov. Doyle), I have seen nothing but professionalism and a continued commitment to educating students amongst my colleagues. I have seen no evidence to document that accountability measures of this type are necessary. I would hope that the Board of Regents would focus its attention on nurturing and sustaining the UW System--not furthering its demise. You should have demonstrated that a problem exists BEFORE submitting your "solution." By putting the solution first, you have revealed your true motivations. I mourn the death of public education.

Statement by the Executive Committee of the University of Wisconsin-Whitewater Chapter of the AAUP

March 10, 2016

The Executive Committee of the UW-Whitewater Chapter of the AAUP expresses its support of the Statement of Request from the UW System Faculty Representatives on Additional Revisions to Regents' Policies on Post-Tenure Review and Program Discontinuance/Tenured Faculty Layoff.

These recommendations offer modest changes to some of the most egregious parts of the new policies that significantly weaken the historical protections of tenure. Even as we support the recommendations of our colleagues, we note that they do not go far enough. We would, for example, recommend that the post-tenure review include a formal appeal process for faculty who are judged as "does not meet expectations."

The legitimacy of these policy changes remains a primary concern, given that the process followed did not include meaningful faculty governance on an area that has traditionally as well as statutorily been an area in which faculty have had primary responsibility. The policies, even with these changes, would radically transform the conditions of the university. We remain especially concerned about the extent to which the muddling of "educational considerations" with pseudo-financial and market ones will pit program against program, colleague against colleague. For this reason, we recommend that only the "Tenure Policy" be adopted at the March 10, 2016 meeting and that the additional policies, "Periodic Post-Tenure Review" and "Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination" be tabled so that any such modifications to tenure be considered through the legitimate faculty governance processes.

At the very least, we call on the Board of Regents to adopt the modest policy recommendations of our colleagues.