

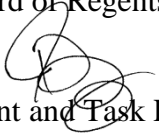


Board of Regents

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DATE: March 3, 2016

TO: Members of the Board of Regents

FROM: John Robert Behling 
Regent Vice President and Task Force Chair

RE: Tenure Policy Task Force Report

This memo constitutes my written report on the work of the Tenure Policy Task Force. I provided an oral report to the Education Committee at the Board of Regents' February 5, 2016 meeting. That report covered most of the contents of this written report.

Let me first extend my sincere gratitude to members of the task force. The task force met in person five times, for more than 12 hours, and nearly all members attended these meetings. I know that each member also put in considerably more additional work outside of the meetings, consulting with colleagues and reviewing materials. They are to be commended for their efforts.

I also want to thank UW System staff – Carmen Faymonville from Academic Affairs, Anne Bilder and Tom Stafford from the General Counsel's Office, Tou Her from the Board of Regents Office and Jeff Buhrandt from the Office of University Relations – for their contributions to this process.

Background

The legislature made changes to how tenure is governed in Wisconsin in the 2015-17 State Budget. It removed existing statutory language on tenure and added new language outlining procedures for the layoff of faculty.

In response to these changes the Board of Regents immediately imported the former statutory language on tenure as Board policy. By doing this, the Board guaranteed a seamless transition and kept tenure intact. The Board's action required the Board to have a new policy in place by April 2016.

When the legislative changes were being discussed, then-Regent President Falbo and UW System President Ray Cross appointed the Tenure Policy Task Force to review current tenure policy and to make recommendations to the Board. As the chair of this task force, I am pleased to provide this report on our work.

Research and Review of Relevant Policies

A goal of the task force was to ensure that UW System tenure policy would remain comparable to and competitive with our peers. To achieve this goal, System staff researched and assembled information on the tenure, layoff and post-tenure review policies of peer institutions; the task force reviewed and discussed these policies at length.

The draft policies approved by the Education Committee on February 5, 2016 borrow heavily from tenure policies at the University of Maryland, the University of Michigan, the University of Colorado, the University of Tennessee, the University System of Georgia, Iowa State University, Minnesota State Colleges and Universities, Utah State, and the California State University System.

The task force also reviewed existing policies at each of our schools and in many cases recommended that the new systemwide policy embrace some existing institutional practices. Furthermore, in an effort to secure as much input from UW campuses as possible, almost every UW institution was represented on the task force.

Early on in this process, President Cross and I reached out to the American Association of University Professors (AAUP) to seek their guidance and for their review of several aspects of the Michigan tenure policy. In addition, staff and I met with or spoke by phone with AAUP representatives on a number of occasions to seek their input and feedback. Much of their guidance was incorporated into the draft policies attached to this report.

We also regularly briefed systemwide shared governance groups and incorporated their input into our consideration. On the Madison campus faculty began working on campus specific procedures. While these procedures cannot be approved by the Board until the systemwide policy is finished, UW-Madison's draft faculty policies proved to be very valuable.

Most importantly, the task force members provided a wealth of knowledge, expertise and experience, and I worked hard to incorporate their input throughout the process.

Work Products

The resulting work products were the three draft policies submitted to the Education Committee for its meeting on February 5, 2016. These draft policies were:

- Revisions to Regent Policy Document 20-23, "Faculty Tenure." The task force offered a series of technical amendments.
- Regent Policy Document 20-9, relating to "Post-Tenure Review." This policy would require post-tenure reviews be conducted for each faculty member every five years and require remediation for faculty who receive poor reviews. This policy creates a clear and responsible process for determining which faculty are meeting the standards set by their peers and empowers our chancellors with the authority to determine how best to manage faculty who aren't meeting those standards.

- The third policy is new and is being offered in response to the new statutory language passed and signed into law last year. It is titled, “Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination.” This policy outlines the criteria for determining when a faculty member can be laid off in situations of fiscal emergency or program discontinuation. The policy also clearly restricts institutions from laying off faculty when a program is modified, redirected or curtailed.

I instructed System staff to draft these policies with three goals in mind:

- to reaffirm the Board of Regents’ and the UW System’s commitment to strong tenure policies and academic freedom;
- to increase our accountability to the students and taxpayers of the state; and
- to ensure our state has a comparable tenure policy that allows us to continue to compete in the global education marketplace.

Overall, the draft policies submitted to the Education Committee largely reflected the input and recommendations of the task force members. A few examples include:

- We began task force meetings with the goal of providing recommended policy components. Task force members expressed strongly a desire for actual draft policies, and that is what we wrote.
- Task force members made it clear that they would prefer to see program discontinuance separated from program modification, redirection and curtailment when it came to the layoff of faculty. Treating the layoff of faculty members in the same manner under each circumstance made the most sense to some and would create the most consistent policy. However, task force members and several chancellors indicated otherwise. The policy brought forward reflects that and limits layoffs to situations where programs have been discontinued. Even with this limitation, I believe the goal of empowering our chancellors and increasing accountability is achieved with the draft policy.
- Task force members wanted strong language protecting tenure and academic freedom. The draft policies reflect this.

One area in the draft policies that may not fully reflect the input and recommendations of the task force members pertains to post-tenure review. Many members of the task force preferred additional grievance opportunities and wanted appeals to be heard by peer or faculty governance committees. The draft policy allows a faculty member to appeal a review to their dean and to the chancellor, in addition to augmenting their review documents. The policy continues to allow for a full grievance opportunity, as currently exists in Chapter UWS 4, if a faculty member is terminated, and allows that faculty member to appeal a termination to the full Board, something not allowed at other institutions, including Michigan. The draft policy language on post-tenure review is very similar to the way reviews are managed at the University of Maryland. I believe the policies I’ve brought forward are not only fair, but also comparable to our peers.

It is important to note that none of these policies, nor the statutory changes, eliminate due process or eliminate the grievance process regarding discipline and termination. UWS 4, which states those rights, is not affected or diminished in any way.

Conclusion

I believe that the draft policies I brought forward to the Board's Education Committee continue our university's longstanding tradition of protecting academic freedom, free speech and the freedom of expression.

These draft policies would hold campus leaders and faculty accountable and empower our campuses to operate more efficiently and effectively. We continue to seek more flexibility from the state legislature and the administration because we want to empower our chancellors. This is part of that effort.

These draft policies are in line with our peers and will allow our institutions to compete globally for faculty. We borrowed heavily from other states, systems and respected national organizations. These are comparable to policies in other states and we will be competitive for faculty with these in place.

The draft policies, should the full Board approve, will offer a critical new tool to help our chancellors better align their resources with the needs of the state, without jeopardizing academic freedom or putting us at a competitive disadvantage.

There is more that needs to be done, including making more resources available to bring our faculty salaries up to the level of our peer institutions. The policies demonstrate the accountability that the public wishes to see from the UW System. This will aid in our efforts to secure greater funding and greater flexibilities.

Again, I want to express my sincere appreciation for the valuable contributions of the task force to the discussion and review of the draft policies.

cc: Members of the Tenure Policy Task Force