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CHAPTER 4

SECTION 1

WISCONSIN ADMINISTRATIVE CODE, RULES OF THE BOARD OF REGENTS, UNIVERSITY OF WISCONSIN SYSTEM, CHAPTERS UWS 1 - 13, 15

(Chapters UWS 14, and 16 - 22 are in
part D of this chapter.)

The materials in this section were prepared from a computer disk provided by the University of Wisconsin System administrative offices. Aside from changes in formatting, so that this section conforms to the remainder of the *Handbook*, and moving statements referring to the Register history to the headings at the beginning of each chapter, no changes were made in copy.

The printed version of the Rules of the Board carries this notice:

"This document was prepared by the University of Wisconsin System Administration using the files maintained by the State Revisor of Statutes. This information is accurate as of October 1994. This is a verbatim reprint of the text files."

WISCONSIN ADMINISTRATIVE CODE

**Rules of
BOARD OF REGENTS
OF THE
UNIVERSITY OF WISCONSIN SYSTEM**

**BOARD OF REGENTS
UNIVERSITY OF WISCONSIN SYSTEM**

**1860 Van Hise Hall
1220 Linden Drive
Madison, Wisconsin
608/262-2324**

CHAPTER UWS 1

DEFINITIONS OF TERMS USED IN UWS 1 TO 6

UWS 1.01 Academic staff

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

UWS 1.02 Board of regents or board

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

UWS 1.03 Department

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

UWS 1.04 Faculty

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

UWS 1.05 Faculty status

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

UWS 1.06 Institution

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

UWS 1.07 University

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

UWS 1.08 Notice periods

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

UWS 1.01 Academic staff.

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

UWS 1.02 Board of regents or board.

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

UWS 1.03 Department.

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

UWS 1.04 Faculty.

"Faculty" means persons who hold the rank of professor, associate professor, assistant professor, or instructor in an academic department or its functional equivalent in an institution. The appointment of a member of the academic staff may be converted to a faculty appointment in accordance with s. UWS 3.01 (1)(c).

UWS 1.05 Faculty status.

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

UWS 1.06 Institution.

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

UWS 1.07 University.

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

UWS 1.08 Notice periods.

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

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

CHAPTER UWS 2 FACULTY RULES; COVERAGE AND DELEGATION

UWS 2.01 Rules

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

UWS 2.02 Delegation

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

UWS 2.01 Rules.

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

UWS 2.02 Delegation.

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

CHAPTER UWS 3 FACULTY APPOINTMENTS

UWS 3.01 Types of appointments

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

UWS 3.02 Recruiting

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

UWS 3.03 Appointments--general

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

UWS 3.04 Probationary appointments

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

renum. to be (1) and am., cr. (2) to (4), Register, February, 1994, No. 458, eff. 3-1 -94.

UWS 3.05 Periodic review

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

UWS 3.06 Renewal of appointments and granting of tenure

History: Cr. Register, January, 1975, No. 229,

eff. 2-1-75; am. (1) (b), Register, February, 1994, No. 458, eff. 3-1-94;

correction in (1) (a) made under s. 13.93 2m) (b) 5, Stats., Register, February, 1994, No. 458.

UWS 3.07 Nonrenewal of probationary appointments

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

UWS 3.08 Appeal of a nonrenewal decision

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

UWS 3.09 Notice periods

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

UWS 3.10 Absence of proper notification

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

UWS 3.11 Limitation

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

UWS 3.01 Types of appointments.

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

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

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

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

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

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

UWS 3.02 Recruiting.

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

UWS 3.03 Appointments--general.

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

UWS 3.04 Probationary appointments.

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

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

(3) Circumstances in addition to those identified under sub. (2) that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth or adoption shall be approved. A request shall be made before a tenure review commences under s. UWS 3.06 (1)(c). A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary faculty member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth or adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who

shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary faculty member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary faculty member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

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

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

UWS 3.05 Periodic review.

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

UWS 3.06 Renewal of appointments and granting of tenure.

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

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

(c) Procedures. The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules governing the procedures for renewal or probationary appointments and for recommending tenure. These rules shall provide for

written notice of the departmental review to the faculty member at least 20 days prior to the date of the departmental review, and an opportunity to present information on the faculty member's behalf. The probationary faculty member shall be notified in writing within 20 days after each decision at each reviewing level. In the event that a decision is made resulting in nonrenewal, the procedures specified in s. UWS 3.07 shall be followed.

UWS 3.07 Nonrenewal of probationary appointments.

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

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

1. Such reconsideration shall be undertaken by the individual or body making the nonrenewal decision and shall include, but not be limited to, adequate notice of the time of reconsideration of the decision, an opportunity to respond to the written reasons and to present any written or oral evidence or arguments relevant to the decision, and written notification of the decision resulting from the reconsideration.
2. Reconsideration is not a hearing or an appeal, and shall be non-adversary in nature.
3. In the event that a reconsideration affirms the nonrenewal decision, the procedures specified in s. UWS 3.08 shall be followed.

UWS 3.08 Appeal of a nonrenewal decision.

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

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

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

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

1. The procedures required by rules of the faculty or board were not followed, or
2. Available data bearing materially on the quality of performance were not considered, or
3. Unfounded, arbitrary or irrelevant assumptions of fact were made about work or conduct.

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

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

UWS 3.09 Notice periods.

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

- (a) When the appointment expires at the end of an academic year, not later than March 1 of the first academic year and not later than December 15 of the second consecutive academic year of service;
- (b) If the initial appointment expires during an academic year, at least 3 months prior to its expiration; if a second consecutive appointment terminates during the academic year, at least 6 months prior to its expiration;
- (c) After 2 or more years of continuous service at an institution of the university of Wisconsin system, such notice shall be given at least 12 months before the expiration of the appointment.

UWS 3.10 Absence of proper notification.

If proper notice is not given in accordance with s. UWS 3.09, the aggrieved faculty member shall be entitled to a one-year terminal appointment. Such appointments, however, shall not result in the achievement of tenure.

UWS 3.11 Limitation.

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

CHAPTER UWS 4 PROCEDURES FOR DISMISSAL

UWS 4.01 Dismissal for cause

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

UWS 4.02 Responsibility for charges

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

UWS 4.03 Standing faculty committee

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

UWS 4.04 Hearing

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

UWS 4.05 Adequate due process

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

UWS 4.06 Procedural guarantees

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

UWS 4.07 Recommendations: to the chancellor: to the regents

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

UWS 4.08 Board review

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

UWS 4.09 Suspension from duties

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

UWS 4.10 Date of dismissal

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

UWS 4.01 Dismissal for cause.

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

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

UWS 4.02 Responsibility for charges.

(1) Whenever the chancellor of an institution within the university of Wisconsin system receives a complaint against a faculty member which he/she deems substantial and which, if

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

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

(3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 262.06 (1)(c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper.

UWS 4.03 Standing faculty committee.

The faculty of each institution shall provide a standing committee charged with hearing dismissal cases and making recommendations under this chapter. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.12, Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the board according to s. UWS 4.07.

UWS 4.04 Hearing.

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

UWS 4.05 Adequate due process.

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

- (a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;
- (b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (c) A right to be heard in his/her defense;
- (d) A right to counsel and/or other representatives, and to offer witnesses;

- (e) A right to confront and cross-examine adverse witnesses;
- (f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (g) Written findings of fact and decision based on the hearing record;
- (h) Admissibility of evidence governed by s. 227.10, Stats.

UWS 4.06 Procedural guarantees.

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

- (a) The burden of proof of the existence of just cause is on the administration or its representatives;
- (b) No faculty member who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;
- (c) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open (see s. 66.77 Stats., Open Meeting Law);
- (d) The faculty hearing committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. UWS 4.03;
- (e) The faculty hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
- (f) If the faculty hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under s. UWS 4.03;
- (g) If a proceeding on charges against a faculty member not holding tenure is not concluded before the faculty member's appointment would expire, he/she may elect that such proceeding be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be discontinued at the expiration of the appointment;
- (h) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;

- (i) Nothing in par. (h) shall prevent the settlement of cases by mutual agreement between the administration and the faculty member, with board approval, at any time prior to a final decision by the board;
- (j) Adjournment shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

UWS 4.07 Recommendations: to the chancellor: to the regents.

(1) The faculty hearing committee shall send to the chancellor and to the faculty member concerned, as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. The committee may determine that while adequate cause for discipline exists, some sanction less severe than dismissal is more appropriate. Within 20 days after receipt of this material the chancellor shall review it and afford the faculty member an opportunity to discuss it. The chancellor shall prepare a written recommendation within 20 days following the meeting with the faculty member, unless his/her proposed recommendation differs substantially from that of the committee. If the chancellor's proposed recommendations differ substantially from those of the faculty hearing committee, the chancellor shall promptly consult the faculty hearing committee and provide the committee with a reasonable opportunity for a written response prior to forwarding his/her recommendation. If the recommendation is for dismissal, the recommendation shall be submitted through the president of the system to the board. A copy of the faculty hearing committee's report and recommendations shall be forwarded through the president of the system to the board along with the chancellor's recommendation. A copy of the chancellor's recommendation shall also be sent to the faculty member concerned and to the faculty committee.

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

UWS 4.08 Board review.

(1) If the chancellor recommends dismissal, the board shall review the record before the faculty hearing committee and provide an opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, unless the board decides to drop the charges against the faculty member without a hearing or the faculty member elects to waive a hearing. This hearing shall be closed unless the faculty member requests an open hearing (see s. 66.77, Stats., Open Meeting Law).

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

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

UWS 4.09 Suspension from duties.

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

UWS 4.10 Date of dismissal.

A decision by the board ordering dismissal shall specify the effective date of the dismissal.

CHAPTER UWS 5 LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY

UWS 5.01 General

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

UWS 5.02 Financial emergency

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

UWS 5.03 Layoff and termination

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

UWS 5.04 Faculty consultative committee

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

UWS 5.05 Consultation

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

UWS 5.06 Recommendation to the system president and the board

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

UWS 5.07 Individual designations

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

UWS 5.08 Seniority

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

UWS 5.09 Notification

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

UWS 5.10 Notification period

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

UWS 5.11 Faculty hearing committee

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

UWS 5.12 Review hearing

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

UWS 5.13 Hearing procedure

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

UWS 5.14 Recommendations and review by the board

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

UWS 5.15 Board review

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

UWS 5.16 Layoff status

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

UWS 5.17 Alternative employment

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

UWS 5.18 Reappointment rights

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

UWS 5.19 Retention of rank and salary

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

UWS 5.20 Rights of faculty members on layoff

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

UWS 5.21 Systemwide tenure

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

UWS 5.22 Lack of faculty action

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

UWS 5.01 General.

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

UWS 5.02 Financial emergency.

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

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

UWS 5.03 Layoff and termination.

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

UWS 5.04 Faculty consultative committee.

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

responsibility of this committee to represent the faculty before the board if a declaration of a state of financial emergency for the institution is being considered, and to assure that the procedures of ss. UWS 5.05 and 5.06 are followed.

UWS 5.05 Consultation.

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

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

(1m) The committee shall prepare a report, with supporting documents, for submission to the chancellor, the faculty senate, or institutional equivalent, and the board.

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

UWS 5.06 Recommendation to the system president and the board.

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

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

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

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

UWS 5.07 Individual designations.

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

UWS 5.08 Seniority.

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

- (1) Without regard to rank, with seniority established by total years of service in the institution;
- (2) By rank, and within rank according to total years of service in the institution; or
- (3) By rank, and within rank, according to length of service in the institution at that rank.

UWS 5.09 Notification.

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

- (1) A summary of the reasons and evidence supporting the declaration of a state of financial emergency and of the reasons and data leading to the choice of the colleges, schools, departments or programs in which reductions are to be made;
- (2) A statement of the basis on which the individual position was selected for elimination (if on the basis of seniority, the criterion used and data supporting the choice; if on another basis, the data and reasons supporting that choice);
- (3) A statement of the date on which the layoff is to be effective (this must be consistent with the provisions of s. UWS 5.10); and
- (4) A copy of these rules and such other information or procedural regulations as the chancellor or faculty hearing committee shall deem appropriate.

UWS 5.10 Notification period.

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

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

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

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

UWS 5.11 Faculty hearing committee.

The faculty of each institution shall, promptly after February 1, 1975, establish a committee or designate an existing committee to serve as a hearing committee for the purposes of this chapter. The committee shall consist of faculty members of the institution chosen by the faculty in a manner to be determined by the faculty. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.12, Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the board according to s. UWS 5.14

UWS 5.12 Review hearing.

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

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

- (a) Conduct, expressions, or beliefs on the faculty member's part which are constitutionally protected, or protected by the principles of academic freedom; or
- (b) Factors proscribed by applicable state or federal law regarding fair employment practices; or
- (c) Improper selection of the individual to be laid off. For the purposes of this section, "improper selection" occurs if material prejudice resulted from any of the following:

1. The procedures required by rules of the faculty or board were not followed; or
2. Available data bearing materially on the role of the faculty member in the institution were not considered; or
3. Unfounded or arbitrary assumptions of fact were made; or
4. Immaterial or improper factors other than those specified above entered into the decision.

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

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

- (a) The committee shall first consider whether one or more of the above specified improper factors entered significantly into the decision to lay off. Unless the committee is convinced that such factors did significantly enter into that decision, the committee shall find the decision to have been proper.
- (b) If the committee believes that improper factors may have entered into the decision, but is convinced that the same decision would have been reached had the error(s) not occurred, it shall find the decision to have been proper.
- (c) If the committee is convinced that improper factors entered significantly into and affected the decision, it shall be found to be improper.

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

UWS 5.13 Hearing procedure.

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

(2) The faculty hearing committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. UWS 5.11. No

faculty member who participated in the decision to lay off or who is a material witness may sit in on the hearing committee.

(3) The faculty member shall be given at least 10 days notice of the hearing; such hearing shall be held not later than 20 days after the request except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

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

- (a) A right to be heard in his or her own behalf;
- (b) A right to counsel and/or other representatives, and to offer witnesses;
- (c) A right to confront and cross-examine adverse witnesses;
- (d) A verbatim record of the hearing, which might be a sound recording, provided at no cost;
- (e) Written findings of fact and decision based on the hearing record; and
- (f) Admissibility of evidence governed by s. 227.10, Stats.

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

UWS 5.14 Recommendations and review by the board.

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

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

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

(3) If after a hearing, the faculty hearing committee's recommended findings of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the committee's finding. If the chancellor accepts the committee's findings the chancellor's decision shall be final. If the chancellor contests the recommended findings that the decision was improper, the verbatim record, a summary of the evidence and

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

UWS 5.15 Board review.

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

UWS 5.16 Layoff status.

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

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

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

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

1. Reappointment to the position from which laid off. Failure to accept such reappointment would terminate the faculty member's association with the university of Wisconsin system.
2. Acceptance of an alternative continuing position in the university of Wisconsin system. Failure to accept an alternate appointment would not terminate the faculty member's association with the university of Wisconsin system.
3. Resignation.
4. Failure by the affected faculty member to notify the chancellor not later than December 1, of each year while on layoff status as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notice of desire to remain on layoff status shall terminate the faculty member's association with the university of Wisconsin system.

UWS 5.17 Alternative employment.

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

UWS 5.18 Reappointment rights.

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

UWS 5.19 Retention of rank and salary.

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

UWS 5.20 Rights of faculty members on layoff.

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

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

UWS 5.21 Systemwide tenure.

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

UWS 5.22 Lack of faculty action.

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

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

representatives of the faculty may dispute the chancellor's recommendation for a state of financial emergency before the board.

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

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

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

CHAPTER UWS 6 COMPLAINTS AND GRIEVANCES

UWS 6.01 Complaints

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

UWS 6.02 Grievances

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

UWS 6.01 Complaints.

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

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

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

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

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

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

UWS 6.02 Grievances.

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

CHAPTER UWS 7 DISMISSAL OF FACULTY IN SPECIAL CASES

UWS 7.01 Declaration of policy.

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

UWS 7.02 Serious criminal misconduct.

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

UWS 7.025 Definition.

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

UWS 7.03 Dismissal for cause.

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

UWS 7.04 Reporting responsibility.

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

UWS 7.05 Expedited process.

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

UWS 7.06 Temporary suspension without pay.

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

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

procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.

UWS 7.02 Serious criminal misconduct.

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

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

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

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

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

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

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

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

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

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

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

UWS 7.03 Dismissal for cause.

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his or her term of appointment only by the board and only for just cause and only after due notice and hearing.

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

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

UWS 7.05 Expedited process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UWS 7.06 Temporary suspension without pay.

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

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

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

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

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

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

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

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

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

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

CHAPTER UWS 8

UNCLASSIFIED STAFF CODE OF ETHICS

UWS 8.01 Declaration of policy

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. (1) (a) 1. and 2. and (b) 4., renum. (1), (1) (a) (intro.) and (1) (b) 1., 2. and 3. to be (intro), (1) and (2) (a) to (c) and am., cr. (3), Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.02 Definitions

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. (1) (f), (i) and (j), renum. (1) (intro.), (1) (a) to (e), (g), and (h) to be (intro.), (4), (14), (13), (16), (5), (8) and (1) and am. (intro.), (5), (8) and (16), cr. (2), (3), (6), (7), (9) to (12) and (15), Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.025 Outside activities and interests; reports

History: Cr. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.03 Standards of conduct

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. and recr. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.035 Institutional ethics committee

History: Cr. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.04 Action to avoid possible conflict

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. and recr Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.05 Sanctions

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.06 Reports

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; am. Register, January 1986, No. 361, eff. 2-1-86.

UWS 8.01 Declaration of policy.

In view of the special relationship of the university of Wisconsin system to the state and to affirm as public policy within the system certain common standards to prevent conflicts of interest, the board hereby adopts the following code of ethics for unclassified staff pursuant to ss. 19.45 (11)(b) and 36.23, Stats.

(1) Every member of the unclassified staff at the time of appointment makes a personal commitment to professional honesty and integrity, to seek knowledge and to share that knowledge freely with others. Such a commitment is essential for the university to perform its proper function in our society and to ensure continued confidence of the people of this state in the university of Wisconsin system and its personnel. It is a violation of this commitment for unclassified staff members to seek financial gain for themselves, their immediate families or organizations with which they are associated through activities that conflict with the interests of the university of Wisconsin system.

(2) The board of regents, as a matter of policy, recognizes that:

(a) Members of the unclassified staff have personal and economic interests in the decisions and policies of national, state and local government.

(b) Members of the unclassified staff retain their rights as citizens to interests of a personal or economic nature.

(c) The code of ethics must distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material.

(3) In adopting the standards of conduct set forth in this chapter, it is the board's purpose to prohibit only those activities which will result in a conflict between the personal interests of an unclassified staff member and that staff member's public responsibilities to the university of Wisconsin system. It is not the board's purpose to prohibit an unclassified staff member from freely pursuing those teaching, research, professional and public service activities which will not result in such a conflict, nor to prohibit a staff member from accepting any compensation, fees, honoraria or reimbursement of expenses which may be offered in connection therewith.

NOTE. *This subsection, which is new, should be read in conjunction with new UWS 8.025 concerning outside activities. The approach reflects the view that the major inquiry in regard to the acceptability of outside activities is whether they may or do present conflicts with, or detract from performance of, university duties and responsibilities.*

UWS 8.02 Definitions.

In this chapter:

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

(2) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include:

(a) Any salary, expenses or other compensation received by a member of the unclassified staff from the university for his or her services;

(b) Any compensation, honoraria or expenses derived from outside activities permitted under this chapter;

(c) Political contributions which are reported under ch. 11, Stats.; or

(d) Hospitality extended for a purpose unrelated to university business.

(3) "Associated," when used with reference to an organization, means that a person or a member of a person's immediate family is a director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

(4) "Board" means the board of regents of the university of Wisconsin system.

(5) "Chancellor" means the chief executive officer of a university, the university of Wisconsin centers or the university extension.

(6) "Confidential university information" means information relating to university financial operations or personnel which is obtained from university records or in the course of official university business and which is not available to the general public upon request.

NOTE. *This definition is relocated from current UWS 8.03 (1)(c).*

(7) "Contracting personnel" means those persons who are designated in writing by the chancellor of an institution or the president of the system to negotiate, review, approve, or sign contracts for the purchase of goods and services on behalf of an institution, the university system, or the board. The term does not include persons who do either or both of the following:

(a) Contract only with outside agencies for research or for services to be performed by the university; or

(b) Negotiate, review, approve or sign only employment contracts.

NOTE. *This subsection revises current UWS 8.02 (1) (j), which is repealed.*

(8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution.

(9) "Immediate family" means:

(a) An unclassified staff member's spouse; and

(b) Any person who receives, directly or indirectly, more than one half of his or her support from an unclassified staff member or from whom an unclassified staff member receives, directly or indirectly, more than one half of his or her support.

(10) "Institution" means any university or an organizational equivalent designated by the board.

(11) "Limited appointees" means persons holding special appointments to administrative positions designated in s. 36.17, Stats., and ch. UWS 15, and who serve at the pleasure of the board or of the authorized official making the appointment.

(12) "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

(13) "President" means the president of the university of Wisconsin system.

(14) "Secretary" means the secretary of the board.

(15) "Unclassified staff" or "staff members" means faculty, academic staff and limited appointees of the university of Wisconsin system who are not subject to subch. III, ch. 19, Stats.

(16) "Vice President" means system administration officials with the title "Vice President" or other administrative officers with similar duties.

UWS 8.025 Outside activities and interests; reports.

(1) Outside activities. Members of the unclassified staff are free to engage in outside activities, whether or not such activities are remunerative or related to staff members' fields of academic interest or specialization. However, no member of the unclassified staff may engage in an outside activity if it conflicts with his or her public responsibilities to the university of Wisconsin system or the institution at which the unclassified staff member is employed.

(2) Reportable outside activities.

(a) The following outside activities must be reported to a staff member's dean, director or other appropriate administrator:

1. Associations with organizations, as defined in s. UWS 8.02 (3) and (12), related to staff members' fields of academic interest or specialization;

2. Private remunerative relationships between staff members and non governmental sponsors of university research for which the staff member is a principal investigator; and

3. Remunerative outside activities in a staff member's field of academic interest or specialization, including but not limited to consulting, and whether the staff member earns for such activities \$5,000 or more in a year from a single source.

(b) Each unclassified staff member engaging in outside activities reportable under this section shall annually, on or before April 30, file a report of outside activities with his or her dean, director or other appropriate administrator.

(c) If, during the year, significant changes in a staff member's reportable outside activities occur, the staff member shall immediately inform, in writing, his or her dean, director or other appropriate administrator. This information shall be placed on file with the staff member's annual statement of outside interests.

(3) Institutional policies. The unclassified staff members of each institution, with the approval of the chancellor, shall develop policies and procedures which shall, at a minimum, provide:

(a) Standards concerning the use of university facilities and personnel in connection with outside activities;

(b) Standards concerning absence from regular duties for the purpose of engaging in outside activities;

(c) Guidelines identifying types or categories of outside activities which may result in a material conflict of interest; and

(d) For such reports of anticipated outside activities as are necessary to insure compliance with s. UWS 8.04.

(4) Reports public. Information required to be reported under this section shall, unless otherwise privileged by law, be a matter of public record.

NOTE. *This section addresses outside activities. Several explanatory points provide relevant background:*

1. *The section addresses matters heretofore handled under UWS 7 and 14, which are accordingly repealed. This change in the scope of UWS 8 was made in response to legislative suggestion.*

2. *The rule recognizes the right of unclassified staff members to engage in outside activities, whether or not the activities are remunerative or related to staff members' fields of academic interest. However, in order to assure that such activities do not conflict with staff members' responsibilities to the university of Wisconsin system, or the institution at which the staff member serves, the rule provides that certain types of activities must be reported to staff members' deans, directors or other appropriate administrators. These reportable outside activities include associations with organizations related to staff members' fields of academic interest or specialization, certain private remunerative relationships between staff members and non governmental research sponsors, and remunerative outside activities in staff members' fields of academic interest or specialization and whether the staff member earns \$5,000 or more in a year from a single source. The language retains the requirements currently in UWS 7 and 14 that institutions develop policies to regulate the use of university facilities in connection with*

outside activities, and adds a similar requirement pertaining to use of personnel. It provides a more explicit requirement for institutional development of standards on absence from university duties, and for reports on outside activities which staff members anticipate they will perform during the academic year.

- 3. Guidelines and suggestions will be provided to institutions for implementation of the Regent rule. These guidelines would include examples of standards concerning use of university facilities and absence from university duties that might be adopted under UWS 8.025 (3)(a) and (b); categories or types of activities which might present a material conflict of interest under UWS 8.025 (3) (c); reporting procedures under UWS 8.025 (4); and other relevant information.*
- 4. The rule incorporates and codifies the result of litigation between the Madison Capital Times and the UW-Madison. That case, decided in Dane County Circuit Court in the spring of 1983, held that UW-Madison reports of outside activities required under UWS 7 and 14 were records open to public inspection. This section continues the existence of the reporting requirements (UWS 8.025 (2)) and declares the public nature of the reports (UWS 8.025 (4)), except in those instances where other legal principles establish a privilege for the information contained therein.*
- 5. UWS 8.025 (1) indicates that the Regents' purpose is not to dictate the financial or topical terms of outside activity but to ensure that it does not present conflicts of interest or time with university duties. (See also Note to UWS 8.01 (3)).*
- 6. Forms required under this section for the reporting of outside activities may be obtained from the Office of the Secretary to the Board of Regents, Room 1860 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706, at no charge.*

UWS 8.03 Standards of conduct.

(1) Personal gain from university position.

- (a) No member of the unclassified staff may, in a manner contrary to the interests of the university of Wisconsin system, use or attempt to use his or her public position or state property, including property leased by the state, to gain or attempt to gain anything of substantial value for the private benefit of the staff member, his or her immediate family or any organization with which the staff member is associated.
- (b) No member of the unclassified staff may solicit or accept from any person or organization anything of value pursuant to an express or implied understanding that his or her conduct of university business would be influenced thereby.
- (c) No member of the unclassified staff may intentionally use or disclose confidential university information in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person or organization with which the staff member is associated.

(2) Contracting and leasing.

- (a) No member of the unclassified staff, member of his or her immediate family, nor any organization with which an unclassified staff member is associated, may enter into any contract or lease involving payments of \$3,000 or more within a 12 month period, derived in

whole or in part from university funds, if the staff member is in a position to approve or influence, in his or her official capacity, the university's decision to enter into the contract or lease.

(b) If the staff member is not in a position to approve or influence the university's decision, the staff member may enter into a contract or lease described in par. (a) if the staff member first makes written disclosure of the nature and extent of any relationship described in par. (a) to the dean, director, or other appropriate administrator and he or she approves. The dean, director or other appropriate administrator shall approve a staff member's interest in a lease or contract unless he or she determines that the staff member's personal interest in the agreement will conflict substantially and materially with the staff member's discharge of his or her university responsibilities.

(c) This subsection does not affect the application of s. 946.13, Stats.

NOTE. *This subsection repeals and amends provisions on contracting and leasing which are found in current UWS 8.03 (1).*

(3) Nepotism.

(a) No member of the unclassified staff may participate, formally or informally, in the decision to hire, retain, grant tenure to, promote or determine the salary of a member of his or her immediate family.

(b) No member of the unclassified staff may, in the supervision or management of another unclassified staff member who is a member of his or her immediate family, give preferential or favored treatment.

(4) Student research protection. A member of the unclassified staff shall inform students engaged in research under his or her supervision of any financial interest which the unclassified staff member has in the research activity, including, but not limited to, financial arrangements involved in the direct support of the activity, agreements made by the unclassified staff member to obtain data for the research, or agreements concerning copyright or patent rights arising from the research.

(5) Waiver. The board may, upon written request and by action within a reasonable time of receipt thereof, waive any provision of this section whenever its literal application would be adverse to the best interests of the university of Wisconsin system or would work an unreasonable hardship on a member of the unclassified staff.

UWS 8.035 Institutional ethics committee.

Each institution shall establish a committee, or designate an existing committee, whose function shall be to provide to any member of the unclassified staff consultation and advice on the application of this chapter. Committee deliberations and actions upon requests for consultation or advice shall be in meetings not open to the public. Records obtained in connection with requests for consultation or advice shall be considered confidential university information. However, summaries of advice provided by institutional ethics committees, which do not disclose the identities of persons requesting such advice, shall be made public in an annual report.

UWS 8.04 Action to avoid possible conflict.

(1) When it appears that a material conflict may arise between the personal interests of a staff member and his or her public responsibilities to the university, the staff member shall notify his or her dean, director, or other appropriate administrator by submitting a written statement describing the nature of the possible conflict.

(2) Within 15 days after receipt of the statement, the dean, director or other appropriate administrator shall advise the staff member in writing that:

(a) There is no conflict prohibited by this chapter and the staff member may proceed; or

(b) There may be a conflict and further consultation is necessary prior to reaching a determination; or

(c) There is a conflict which must be resolved in one of the following ways:

1. The staff member shall not proceed with his or her university duties which result in the conflict, so long as the conflict remains; or

2. The staff member shall not proceed with his or her personal interests which result in the conflict, so long as the conflict remains.

(3) If the staff member is advised that sub. (2) (c) 1 or 2 applies to his or her case, the staff member, within 15 days after notice of the decision of the dean, director, or other appropriate administrator, may appeal the decision under ch. UWS 6 or 13.

UWS 8.05 Sanctions.

(1) Any person may file a written complaint charging a violation of this chapter. The complaint shall state the name of the member of the unclassified staff alleged to have committed a violation and describe the violation.

(2) A complaint involving a member of the unclassified staff serving within system administration shall be submitted to the president for investigation and disposition in accordance with system administration policies and procedures adopted pursuant to ch. UWS 11 or s. UWS 13.01, as appropriate.

(3) A complaint involving a member of the faculty or the academic staff serving at an institution of the university of Wisconsin system shall be submitted to the appropriate chancellor.

(a) Where the complaint is against a faculty member, the chancellor shall proceed under the policies and procedures adopted by his or her institution pursuant to ch. UWS 4 or s. UWS 6.01, as appropriate.

(b) Where the complaint is against a member of the academic staff, the chancellor shall proceed under the policies and procedures the institution has adopted pursuant to ch. UWS 11 or s. UWS 13.01, as appropriate.

(4) Complaints involving limited appointees serving at an institution of the university of Wisconsin system shall be submitted to the official who made the appointment and that official shall take appropriate action.

(5) Notwithstanding the other provisions of this section, the president or a chancellor may investigate possible violations of this chapter whenever the circumstances warrant and proceed in accordance with subs. (1) to (4).

NOTE. *For possible criminal penalties for intentional violations of this chapter, see s. 19.58, Stats.*

UWS 8.06 Reports.

The president, vice presidents, chancellors, and all contracting personnel shall annually, on or before April 30, file a statement of economic interest with the secretary. The statements shall be filed on a form provided by the secretary, and shall be considered matters of public record. The statements shall contain the information required by s. 19.44, Stats.

NOTE. *This section makes public the statements of economic interest filed with the secretary of the board by the president, vice presidents, chancellors and all contracting personnel. It specifies that the statement is to contain the information specified in s. 19.44, Stats., which sets forth the form of the statement of economic interests filed by public officials governed by the state ethics code.*

CHAPTER UWS 9 ACADEMIC STAFF RULES: COVERAGE AND DELEGATION

UWS 9.01 Coverage

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 9.02 Delegation

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 9.01 Coverage.

The rules of chs. UWS 8 to 13, and the policies and procedures developed by particular institutions or system administration thereunder, apply to all academic staff appointments within each institution or within the system administration. In chs. UWS 8 through 13, where appropriate, "president" may be substituted for "chancellor" and "system administration" for "institution."

UWS 9.02 Delegation.

Each chancellor shall provide for the establishment of a committee to advise the administration on policies and procedures for academic staff adopted by the institution pursuant to chs. UWS 8-13. At least a majority of the members of this committee shall be members of the academic staff elected by members of the academic staff. Members of the committee shall select the chairperson thereof. Institutions which now have persons with faculty rank holding positions which will become academic staff positions under the definitions of faculty and academic staff provided in ch. 36, Stats., may designate such persons as academic staff for purposes of eligibility to participate in the election of members of the committee chosen in this way, and eligibility for election to the committee. Wherever each institution is charged in chs. UWS 8-13 with adopting policies and/or procedures, the chancellor shall develop these policies and

procedures in consultation with the committee and, as appropriate, members of the faculty and student body. Policies and procedures developed by each institution for administering the elements of the academic staff personnel policies addressed by these rules shall be in full force and effect when finally approved by the chancellor and forwarded to the board. The board may undertake a review of any or all portions of such policies and procedures but shall complete such review within 90 days of the receipt of the policies and procedures. Should the board within 90 days return to the institution any portion or portions of its policies and procedures as disapproved, that portion or portions shall be suspended until reconsideration and resubmission has taken place.

CHAPTER UWS 10 ACADEMIC STAFF APPOINTMENTS

UWS 10.01 Types of appointments

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

UWS 10.02 Recruitment and letter of appointment

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

UWS 10.03 Appointments policies

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

UWS 10.04 Nonrenewal of probationary academic staff appointments

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

UWS 10.05 Notice

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

UWS 10.01 Types of appointments.

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

UWS 10.02 Recruitment and letter of appointment.

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

(2) The terms and conditions of the appointment shall be specified in a written letter of appointment. The appointment letter shall be signed by an authorized official of the institution and should contain details as to the terms and conditions of the appointment, including but not limited to type of appointment (fixed term, probationary or indefinite), duration of the appointment (starting date, ending date), salary, general position responsibilities, definition of

operational area, the length of the probationary period (if appropriate) and recognition of prior service as part of the probationary period (if appropriate). Accompanying this letter shall be an attachment detailing institutional and system regulations, rules, and procedures relating to academic staff appointments. If the appointment is subject to the approval of the board, a statement to this effect must be included in the letter. An amended letter of appointment should be sent in situations where a significant change in position responsibility occurs.

UWS 10.03 Appointments policies.

(1) Fixed term appointments. Each institution of the system may employ academic staff members on fixed term appointments. Such appointments shall be for a fixed term to be specified in the letter of appointment, are renewable solely at the option of the employing institution, and carry no expectation of reemployment beyond their stated term, regardless of how many times renewed. The initial fixed term appointment may include a specified period of time during which the appointee may be dismissed at the discretion of the authorized official. Such a dismissal is not subject to the provisions of ch. UWS 11. Unless otherwise specified, fixed term appointments shall be for a period of one year. Each institution shall develop policies and procedures for the use of such appointments. The policies and procedures of each institution shall specifically treat the issue of job security including appropriate due process protections in the case of non-reappointment for those fixed term academic staff members who have served the institution for a substantial period of time. Such policies and procedures shall be formulated so as to meet the continuing needs of the institution while at the same time recognizing the employment commitment and contribution to the institution provided by such fixed term academic staff members.

(2) Indefinite and probationary academic staff appointments. Indefinite appointments and probationary academic staff appointments shall be authorized by the chancellor or designee.

(a) Probationary academic staff appointments.

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

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

3. Circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's

progress toward achieving indefinite status. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before an indefinite status review commences under subd. 1. A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the academic staff member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request following consultation with the academic staff member's supervisor and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth and adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic staff member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

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

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

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

UWS 10.04 Nonrenewal of probationary academic staff appointments.

(1) Each institution shall establish procedures for dealing with instances where probationary academic staff are not renewed. Nonrenewal is not a dismissal under ch. UWS 11. A non-renewed member of the academic staff shall be provided with an opportunity to request and to receive, in writing, the reasons for nonrenewal and to receive a review of the decision upon written appeal by the academic staff member concerned within 20 days of notice of nonrenewal (25 days if notice is by first class mail and publication). The hearing body may be either an appropriate committee or a hearing examiner as designated in the institutional

procedures. Such review shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The burden of persuasion in such a review shall be on the non-renewed appointee and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

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

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

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

1. The procedures required by the chancellor or board were not followed; or

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

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

(2) Findings as to the validity of the appeal shall be reported to the official making the nonrenewal decision and to the appropriate dean or director and the chancellor.

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

UWS 10.05 Notice.

(1) Written notice that a fixed term or probationary academic staff appointment will not be renewed shall be given to the appointee in advance of the expiration of the appointment as follows:

(a) Fixed term appointments: At least 3 months before the end of the appointment in the first 2 years and 6 months thereafter. When the letter of offer for a fixed term appointment states that renewal is not intended, no further notice of nonrenewal is required.

(b) Probationary appointments: At least 3 months before the end of the appointment in the first year; 6 months before the end of the appointment in the second year; and 12 months thereafter.

(2) If proper notice of nonrenewal is not given in accordance with sub. (1), the appointment shall be extended so that at least the required notice is provided.

(3) The policies and procedures of each institution may provide for longer notice periods for teaching members of the academic staff. Unless specifically enumerated in the institutional policies and procedures, the above provisions shall govern.

CHAPTER UWS 11 DISMISSAL OF ACADEMIC STAFF FOR CAUSE

UWS 11.01 Dismissal for cause – indefinite academic staff appointments.

History: Cr. Register, October, 1975, No. 236, eff. 11-1-75; **CR 06-078: am. (1), cr. (3) Register May 2007, No. 617, eff. 6-1-07.**

UWS 11.015 Definition.

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

UWS 11.02 Responsibility for charges.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

UWS 11.03 Hearing body.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; **correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.**

UWS 11.04 Hearing.

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

UWS 11.05 Adequate due process.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; **correction in (1) (g) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.**

UWS 11.06 Procedural guarantees.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 11.07 Recommendations: to the chancellor.

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

UWS 11.08 Suspension from duties.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; **CR 06-078: am. Register May 2007 No. 617, eff. 6-1-07.**

UWS 11.09 Date of dismissal.

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

UWS 11.10 Board review.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 11.101 Dismissal for cause in special cases – indefinite academic staff appointments.

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

UWS 11.102 Serious criminal misconduct.

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

UWS 11.103 Reporting responsibility.

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

UWS 11.104 Expedited process.

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

UWS 11.105 Temporary suspension from duties without pay.

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

UWS 11.106 Board review.

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

UWS 11.11 Dismissal for cause – fixed term or probationary academic staff appointments.

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

UWS 11.12 Dismissal for cause – teaching members of the academic staff.

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

UWS 11.01 Dismissal for cause – indefinite academic staff appointments.

(1) A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. UWS 11.02 through 11.106 or for reasons of budget or program under ch. UWS 12.

(2) The board's policy is that members of the academic staff are entitled to enjoy and exercise all rights of United States citizens and to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

(3) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 11.102.

UWS 11.015 Definition. In this chapter, "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.

UWS 11.02 Responsibility for charges.

(1) Whenever the chancellor of an institution receives an allegation which concerns an academic staff member holding an indefinite appointment which appears to be substantial and which, if true, might lead to dismissal under s. UWS 11.01, the chancellor shall request within a reasonable time that the appropriate dean or director investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which members of the academic staff are entitled under this chapter. If such an investigation and discussion does not result in a resolution of the allegation and if the allegation is deemed sufficiently serious to warrant dismissal, the dean or director shall prepare a written statement of specific charges. A member of the academic staff may be dismissed only after receipt of such a statement of specific charges and, if a hearing is requested by the academic staff member, after a hearing held in accordance with the provisions of this chapter and the subsequently adopted procedures of the institution. If the staff member does not request a hearing, dismissal action shall proceed along normal administrative lines but the provisions of ss. UWS 11.02, 11.08, and 11.09 shall apply. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

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

UWS 11.03 Hearing body.

(1) The chancellor of each institution shall provide for a hearing body charged with hearing dismissal cases and making a report and recommendations under this chapter. Throughout this chapter, the term “hearing body” is used to indicate either a hearing committee or a hearing examiner as designated in the institutional procedures. This hearing body shall operate as the hearing agent for the chancellor pursuant to s. 227.46 (4), Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of fact and decision to the chancellor according to s. UWS 11.07.

(2) With the concurrence of the faculty and the academic staff advisory committee of each institution, the chancellor may provide that dismissal for cause of a member of the academic staff having teaching responsibilities may be heard by the hearing body specified in s. UWS 4.03. If so provided, the hearing shall be held pursuant to the provisions of ch. UWS 11.

UWS 11.04 Hearing. If the staff member requests a hearing within 20 days from the service of the statement of charges (25 days if notice is by first class mail and publication), such hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The request for a hearing shall be addressed in writing to the hearing body established pursuant to s. UWS 11.03. Service of written notice of hearing on the specific charges shall be provided at least 10 days prior to the hearing.

UWS 11.05 Adequate due process.

(1) Each institution shall develop policies and procedures to provide for a fair hearing upon request in the event of dismissal. A fair hearing for an academic staff member whose dismissal is sought under s. UWS 11.01 shall include the following:

- (a) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (b) A right to be heard in his or her defense;
- (c) A right to counsel and/or other representative, and to offer witnesses;
- (d) A right to confront and cross-examine adverse witnesses;
- (e) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (f) Written findings of fact and decision based on the hearing record;

(g) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.

UWS 11.06 Procedural guarantees.

(1) The following requirements shall also be observed:

(a) Any person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall not be qualified to participate as a member of the hearing body;

(b) The hearing shall be closed unless the staff member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);

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

(d) The burden of proof of the existence of just cause is on the administration or its representatives;

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

(f) Nothing in par. (e) shall prevent the settlement of cases by mutual agreement between the administration and the staff member, with the chancellor's approval, at any time prior to a final decision by the chancellor; or when appropriate, with the board's approval prior to a final decision by the board;

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

(2) If the institutional policies and procedures provide that dismissal cases be heard by a hearing committee, the following requirements shall be observed:

(a) The committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of replacements equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the policies and procedures adopted by the institution;

(b) If the hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the policies and procedures adopted by the institution.

UWS 11.07 Recommendations: to the chancellor. The hearing body shall send to the chancellor and to the academic staff member concerned, as soon as practicable after conclusion of a hearing, a verbatim record of the testimony and a copy of its report, findings,

and recommendations. After reviewing the matter on record and considering arguments if submitted by the parties, the chancellor shall issue a decision. In that decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants review based on the record.

UWS 11.08 Suspension from duties. Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except where, after consulting with the appropriate administrative officer, the chancellor finds that substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the chancellor makes a decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 11.105 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.105 shall apply.

UWS 11.09 Date of dismissal. A decision by the chancellor ordering dismissal shall specify the effective date of the dismissal.

UWS 11.10 Board review. A member of the academic staff on indefinite appointment who has been dismissed for cause by the chancellor following a hearing may appeal this action to the board. Any appeal must be made within 30 days of the date of the decision of the chancellor to dismiss. Upon receiving an appeal the board shall review the case on the record. Following such review the board may confirm the chancellor's decision, or direct a different decision, or approve a further hearing before the board with an opportunity for filing exceptions to the hearing body's recommendations or the chancellor's decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing. (See subch. V of ch. 19, Stats., Open Meeting Law.) All decisions of the board, whether after review on the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision.

UWS 11.101 Dismissal for cause in special cases – indefinite academic staff appointments. A member of the academic staff holding an indefinite appointment may be dismissed for serious criminal misconduct, as defined in s. UWS 11.102.

UWS 11.102 Serious criminal misconduct.

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

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

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

- (b) A substantial risk to the safety of members of the university community or others is posed.
 - (c) The university's ability, or the ability of the academic staff member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.
 - (d) The academic staff member's fitness or ability to fulfill the duties of his or her position is seriously impaired.
 - (e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.
- (2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.
- (3) Except as otherwise expressly provided, an academic staff member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 11.103 to 11.106.
- (4) Any act required or permitted by ss. UWS 11.103 to 11.106 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the board of regents under s. UWS 9.02.

UWS 11.103 Reporting responsibility. Any academic staff member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 11.102 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

UWS 11.104 Expedited process.

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 11.103 or other credible information that an academic staff member holding an indefinite appointment has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), in state or federal court, the chancellor shall:

- (a) Within 3 working days of receipt of the report or information, inform the academic staff member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and advise the chancellor as to whether to proceed under this section or ss. UWS 11.02 to 11.10.
- (b) Upon appointing an investigator and notifying the academic staff member, afford the academic staff member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The academic staff member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.

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

(3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the academic staff member in the manner specified in s. UWS 11.02 (2).

(a) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, the chancellor shall file charges within 2 working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, the chancellor shall file charges and proceed in accordance with the provisions of those sections of this chapter and implementing institutional policies. If, during the course of proceedings under ss. UWS 11.02 to 11.10, the chancellor receives a report under s. UWS 11.103 or other credible information that the academic staff member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), and one or more of the factors listed in s. UWS 11.102 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this section.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 13, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under sub. (3) (a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05 to 11.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.

(5) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written decision on the matter. In the decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants a review based on the record.

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

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

UWS 11.105 Temporary suspension from duties without pay.

(1) The chancellor, after consulting with appropriate academic staff governance representatives, may suspend an academic staff member holding an indefinite appointment from duties without pay pending the final decision as to his or her dismissal where:

(a) The academic staff member has been charged with a felony of a type listed in s. UWS 11.102 (1) (a) and the chancellor, after following the provisions of s. UWS 11.104 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 11.102 (1) (b) through (e) are present, and 2) that the academic staff member has engaged in the conduct as alleged; or

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

(c) The academic staff member has pleaded guilty or no contest to or been convicted of a felony of the type listed in s. UWS 11.102 (1) (a) and one or more of the conditions in s. UWS 11.102 (1) (b) through (e) are present.

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

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

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

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

(4) If, after affording the academic staff member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.

UWS 11.106 Board review. A member of the academic staff on an indefinite appointment who has been dismissed for serious criminal misconduct may appeal this action to the board as provided in s. UWS 11.10.

UWS 11.11 Dismissal for cause – fixed term or probationary academic staff appointments. A member of the academic staff holding a probationary appointment, or a member of the academic staff holding a fixed term appointment and having completed an initial specified period of time, may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program under ch. UWS 12. A nonrenewal of such an appointment is not a dismissal under this section. A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been

offered an opportunity for a hearing before the appropriate dean or director or his/her designee. If such hearing is requested, a determination of just cause and notification of dismissal shall be made by the dean or director or designee. If no hearing is requested the dismissal is effected by the specifications in the original notification of charges. The hearing before the dean, director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be effective immediately on receipt of written notification of the decision of the dean or director or designee unless a different dismissal date is specified by the dean or director. Dismissals for cause shall be appealable by filing an appeal with the hearing body established under s. UWS 11.03. The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. The provisions of s. UWS 11.04, procedural guarantees, contained in ss. UWS 11.05 and 11.06 and the review provisions of s. UWS 11.07, shall be applicable to the appeal proceeding. In no event, however, shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the chancellor's decision or the end of the contract period, whichever is earlier, shall be restored. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

UWS 11.12 Dismissal for cause – teaching members of the academic staff. The policies and procedures of each institution may provide that dismissal for cause of a member of the academic staff having teaching responsibilities and holding a probationary appointment or a fixed term appointment may proceed under ss. UWS 11.02 to 11.10. If the institutional policies and procedures do not specifically make such provisions, dismissal for cause shall be made pursuant to s. UWS 11.11.

CHAPTER UWS 12

LAYOFF OF ACADEMIC STAFF FOR REASONS OF BUDGET OR PROGRAM

UWS 12.01 General

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

UWS 12.02 Layoff

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

UWS 12.03 Individual layoff decision

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

UWS 12.04 Hearing body

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

UWS 12.05 Review and hearing for indefinite appointments

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

UWS 12.06 Review for fixed term and probationary academic staff members

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

UWS 12.07 Layoff status

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

UWS 12.08 Alternative employment

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

UWS 12.09 Reappointment rights

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

UWS 12.10 Retention of salary

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

UWS 12.11 Rights of academic staff members on layoff

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

UWS 12.01 General.

Notwithstanding s. 36.15, Stats., and chs. UWS 10 and 11, the chancellor of each institution or designee may layoff a member of the academic staff holding an indefinite appointment, or may layoff a member of the academic staff holding either a fixed term or a probationary appointment prior to the end of the appointment period, when such action is deemed necessary due to budget or program decision requiring program discontinuance, curtailment, modification, or redirection. Consistent with the limitation of academic staff appointments to an operational area, each institution shall establish policies and procedures which will ensure careful consideration of layoff decisions for reasons of budget or program. The institutional policies and procedures should recognize the constraints imposed on institutional response to an unanticipated cancellation of a contract or grant or to an unanticipated decline in an income account supporting a particular activity. The institution should take such constraints into account in designing the nature and timing of the consultation appropriate to such circumstances. The institution's policies and procedures may provide as needed the alternative forms of consultation appropriate to differences in the sources of funds for various programs or activities, or differences in the timing of information concerning a decline in resources for particular programs or activities. Program decisions made pursuant to a change in the level of resources available for a particular project shall be discussed by the chancellor or designee with such committee, committees, or committee representatives as may be specified by institutional policies and procedures as appropriate for such purposes.

Decisions affecting individuals shall be communicated to the affected persons by the chancellor or designee together with a description of the change in available resources which has required the layoff decision. Nonrenewal of a probationary academic staff appointment under s. UWS 10.04, or a fixed term appointment, even if for financial reasons, is not a layoff for reasons of program or budget.

UWS 12.02 Layoff.

For the purpose of this chapter, "layoff" is the suspension of an academic staff member's employment by the university of Wisconsin system during the appointment period, for reasons of budget or program. A laid-off academic staff member retains the rights specified in ss. UWS 12.07 through 12.11, inclusive. For the purposes of s. 36.21, Stats., termination occurs at the time of layoff.

UWS 12.03 Individual layoff decision.

When a reduction in program of a particular operational area is required, layoffs of academic staff members with indefinite, fixed term, or probationary appointments should normally follow seniority. This presumption in favor of seniority may be overcome where program needs dictate other considerations (e.g., the need to maintain specific expertise within the program or

operational area). The standard notice periods specified in s. UWS 10.05 should be used, unless there are compelling reasons to the contrary (e.g., almost immediate cutoff of funds), for layoff of probationary and fixed term appointments under this chapter. Indefinite appointees shall have 12 months' notice of layoff for reasons of budget or program, unless there are compelling reasons to the contrary.

UWS 12.04 Hearing body.

The chancellor of each institution shall provide for a hearing body for the purposes of this chapter. Throughout this chapter the term "hearing body" is used to indicate either a hearing committee or a hearing examiner as designated in the institutional procedures. This hearing body shall operate as the hearing agent for the chancellor pursuant to s. 227.12, Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with findings of fact and decision to the chancellor.

UWS 12.05 Review and hearing for indefinite appointments.

(1) An academic staff member with an indefinite appointment whose position is to be eliminated shall be notified in writing and shall, upon request made within 20 days after such notification, be given a written statement of the reasons for the decision within 15 days, including a statement of the reasons for the determination that the budgetary or program needs should be met by curtailing or discontinuing the program in which the individual concerned works. If the academic staff member requests in writing within 20 days after receipt of said statement, he or she shall be entitled to a hearing before the hearing body. However, such a request for hearing shall not forestall a layoff under this section.

(a) The request for hearing shall specify the grounds to be used in establishing the impropriety of the decision.

(b) The staff member shall be given at least 10 days notice of such hearing. Such hearing shall be held not later than 20 days after the request except that this time limit may be extended by order of the hearing body. Anyone who participated in the decision to layoff or who is a material witness shall not serve on the hearing body.

(2) The academic staff member shall have access to the evidence on which the administration intends to rely to support the decision to layoff and shall be guaranteed the following minimal procedural safeguards at the hearing:

(a) A right to be heard in his or her defense;

(b) A right to counsel and/or other representatives, and to offer witnesses;

(c) A right to confront and cross-examine adverse witnesses;

(d) A verbatim record of all hearings, which might be a sound recording, provided at no cost;

(e) Written findings of fact and decision based on the hearing record;

(f) Admissibility of evidence governed by s. 227.10, Stats.;

(g) The hearing shall be closed unless the staff member whose position is to be eliminated requests an open hearing, in which case it shall be open (see s. 66.77, Stats., Open Meeting Law);

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

(3) If the institutional policies and procedures provide that the review and hearing be conducted by a committee, the following requirements shall be observed:

(a) The committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the committee members disqualify themselves or are disqualified, the remaining members may select a number of other replacements equal to the number who have been disqualified to serve;

(b) If the committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and carry out such responsibilities as shall be determined by the committee within the policies and procedures adopted by the institution.

(4) The first question to be considered in the review is whether one or more of the following factors improperly entered into the decision to layoff:

(a) Conduct, expressions, or beliefs on the staff member's part which are constitutionally protected or actions which are consistent with an appropriate professional code of ethics;

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

(c) Improper consideration of the qualifications of the staff member. For the purposes of this section, "improper consideration" occurs if material prejudice resulted from any of the following:

1. The procedures required by the chancellor or board were not followed;

2. Available data bearing materially on the quality of the staff member's actual or potential performance were not considered; or

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

(5) The staff member shall present evidence on whether one or more of the factors specified above improperly entered into the decision to layoff. The hearing body shall then consider whether the evidence presented establishes a prima facie case that such factor or factors did enter significantly into the layoff decision. If the hearing body finds that a prima facie case has not been established, the layoff decision shall be found to have been proper and the hearing shall be ended.

(6) If the hearing body finds that a prima facie case has been established, the appropriate administration officer for the operational area shall be entitled to present evidence to support the layoff decision, and, thereafter, the staff member may present evidence in rebuttal. Thereafter, on the basis of all the evidence presented, the hearing body shall make its determinations as follows:

(a) The hearing body shall first consider whether one or more of the above specified factors improperly entered into the decision to layoff. Unless the body is convinced that such factor or factors did improperly enter into that decision, the body shall find the decision to have been proper;

(b) If the hearing body is convinced that such factor or factors entered into the decision to layoff, then the body shall find that decision to be improper, unless the body is also convinced 1) that there was a bona fide program or budgetary reason(s), and that the determination of such reason(s) was made in the manner prescribed by, and in accordance with, the standards established by the institution; and 2) that the decision to layoff the particular academic staff member was in accordance with the provisions of s. UWS 12.02.

(7) In determining whether a bona fide budgetary or program reason existed for layoff of the appointment of the academic staff member concerned, the hearing body shall presume that the decision to curtail the program was made in good faith and for proper reasons. The hearing body shall not substitute its judgment or priorities for that of the administration.

(8) If the hearing body finds that the layoff was improper, it shall report this decision and its recommendation to the chancellor and to the staff member. The chancellor shall review the matter, decide whether the staff member should be laid off, and notify the hearing body and academic staff member of the decision. This decision shall be deemed final unless the board, upon request of the academic staff member, grants review based on the record.

UWS 12.06 Review for fixed term and probationary academic staff members.

Each institution shall establish procedures for an impartial review of the layoffs for reasons of budget or program of academic staff members with fixed term and probationary appointments. Nonrenewal is not a layoff under this section.

UWS 12.07 Layoff status.

(1) An academic staff member whose position has been eliminated according to the provisions of this chapter may, at the end of the appropriate notice period, be placed on layoff status, unless the layoff notice has been rescinded prior to that time. The academic staff member whose notice period has expired, and who is placed on layoff status shall remain on layoff status until,

(a) For fixed term and probationary appointee, one of the following occurs:

1. The appointment expires under its own terms;
2. The staff member fails to accept an alternate appointment.

(b) For academic staff on indefinite appointment one of the following occurs:

1. The staff member is re-appointed to the position from which laid off. Failure to accept such reappointment would terminate the academic staff member's association with the institution;
2. The staff member accepts an alternative continuing position in the institution. Failure to accept an alternate appointment would not terminate the academic staff member's association with the institution;
3. The staff member resigns;
4. The staff member fails to notify the chancellor or his/her designee not later than December 1, of each year while on layoff status, as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notice of desire to remain on layoff status shall terminate the academic staff member's association with the institution;
5. A period of 3 years lapses.

UWS 12.08 Alternative employment.

Each institution shall devote its best efforts to securing alternative appointments within the institution in positions for which staff laid off under this chapter are qualified under existing criteria. Each institution should seek to provide financial assistance for academic staff members who have indefinite appointments and who are to be laid off to readapt within the operational area or within another operational area of the institution where such re-adaptation is feasible within one year's time. Further, the university of Wisconsin system shall devote its best efforts to insure that such staff members laid off in any institution shall be made aware of openings within the system.

UWS 12.09 Reappointment rights.

Each institution shall establish administrative procedures and policies to insure compliance with s. 36.21, Stats., in providing that where layoffs occur for reasons of budget or program, no person may be employed in that operational area at that institution within 3 years to perform reasonably comparable duties to those of the staff member laid off without first offering the laid off staff member on layoff status reappointment without loss of rights or status. In addition, an institution shall continue for 3 years from date of layoff to offer the reappointment rights stated in this section to a laid off fixed term appointee whose appointment has expired under its own terms if such appointee notified the chancellor or his/her designee by December 1 of each year, or more frequently if institutional policies and procedures require, as to his/her location, employment status, and desire to pursue reappointment rights. Failure to provide such notification shall terminate the academic staff member's reappointment rights under this section.

UWS 12.10 Retention of salary.

Any academic staff member re-appointed within 3 years after layoff to reasonably comparable duties within the operational area shall be reappointed with a salary rate at least equivalent to the salary rate when laid off, together with such other rights and privileges which may have accrued at that time.

UWS 12.11 Rights of academic staff members on layoff.

An academic staff member on layoff status in accord with the provisions of this chapter has the reemployment rights guaranteed by s. UWS 12.09 or 12.10, and has the following minimal rights:

- (1) Such voluntary participation in fringe benefit programs as is permitted by institutional policies;
- (2) Such continued use of campus facilities as is allowed by policies and procedures established by the institution; and
- (3) Such participation in institutional activities as is allowed by the policies and procedures established by the institution.

CHAPTER UWS 13 COMPLAINTS AND GRIEVANCES

UWS 13.01 Complaints

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

UWS 13.02 Grievances

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

UWS 13.01 Complaints.

Each institution shall establish policies and procedures to deal with allegations by persons other than the academic staff member's supervisor(s), including administrators, students, other academic staff, faculty, classified staff, or members of the public concerning conduct by an academic staff member which violates university rules or policies, or which adversely affects the staff member's performance or obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 11. Such procedures shall include the designation of an individual or body with the power and authority to conduct a hearing on the complaint and to recommend solutions to the chancellor if the problem cannot be otherwise resolved.

UWS 13.02 Grievances.

Each institution shall establish policies and procedures for adjudicating grievances involving members of the academic staff. Such procedures shall include the designation of an individual or body with the power and authority to investigate and to recommend solutions to the chancellor if the problem cannot be otherwise resolved.

CHAPTER UWS 15 LIMITED APPOINTMENTS

UWS 15.01 Limited appointments

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; am. (1), Register, June, 1977, No. 258, eff. 7-1-77.

UWS 15.01 Limited appointments.

(1) A limited appointment under s. 36.17, Stats., is a special appointment to a designated administrative position. A person in this type of appointment serves at the pleasure of the authorized official who made the appointment. A member of the academic staff granted a limited appointment shall not lose existing rights to an academic staff appointment by accepting the limited appointment, and a member of the faculty granted a limited appointment shall not lose existing rights to a faculty appointment by accepting the limited appointment. Termination of a limited appointment is not a dismissal under ch. UWS 4 or 11 and is not otherwise appealable. Wherever possible 3 months' notice of termination should be given if the appointee does not hold simultaneously another university appointment.

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

SECTION 2

UNIVERSITY OF WISCONSIN-STEVENSON POINT

PERSONNEL RULES FOR FACULTY AND ACADEMIC STAFF

CHAPTER UWSP 1

DEFINITIONS OF TERMS USED IN UWSP 1 TO UWSP 13

UWSP 1.01 ACADEMIC STAFF.

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

UWSP 1.02 BOARD OF REGENTS, OR BOARD.

"Board of Regents" or "Board" means the Board of Regents of the University of Wisconsin System.

UWSP 1.03 DEPARTMENT.

"Department" means a group of faculty members, or faculty and academic staff members, recognized by the faculty and chancellor of the university, and by the Board of Regents, as dealing with a common field of knowledge or as having a common or closely related disciplinary or interdisciplinary interest primarily for the purposes of classroom instruction. In addition, groups of faculty members who function as a department in personnel matters, regardless of their formal designation (school, college) shall be covered in all references herein to "department."

UWSP 1.03a UNIT.

"Unit" means a group of academic staff members, or academic staff members and faculty members, recognized by the chancellor of the university as working in the same office or closely related offices and dealing with a common or closely related activity, or having a common or closely related function. In addition, groups of academic staff members who function as a unit for personnel matters, regardless of their formal designation (divisions, service area) shall be covered in all references in UWSP 8 - 13 to "unit."

UWSP 1.04 FACULTY.

"Faculty" means persons who hold the rank of professor, associate professor, assistant professor, or instructor in an academic department or its functional equivalent in the university. The appointment of a member of the academic staff may be converted to a faculty appointment in accordance with Chapter UWSP 3.01 (1) (c).

UWSP 1.05 FACULTY STATUS.

By action of the Faculty Senate and chancellor of the university, members of the academic staff may be designated as having "faculty status." Faculty status means a right to participate in faculty governance of the university in accordance with the rules of the university. Faculty

status does not confer rank or tenure, or convert an academic staff appointment into a faculty appointment.

UWSP 1.06 INSTITUTION.

"Institution" as used throughout this document means the University of Wisconsin-Stevens Point.

UWSP 1.07 UNIVERSITY.

"University" as used throughout this document means the University of Wisconsin-Stevens Point.

UWSP 1.08 NOTICE PERIODS.

When an act is required by these rules to be done within a specified number of days: 1) day shall mean calendar day; 2) the 1st day shall be the day after the event, such as receipt of a notice or conclusion of a hearing; 3) each day after the 1st day shall be counted, except that a Sunday or a legal holiday shall not be counted if it would be the final day of the period.

UWSP 1.09 HEARING COMMITTEES.

"Hearing committee" means any committee established pursuant to Chapters UWSP 3, 4, 5, 6, 10, 11, 12, or 13 for the purpose of conducting a hearing under that chapter or Chapter UWSP 8. Hearings shall be conducted according to procedures adopted for each chapter by the Faculty Senate and approved by the chancellor.

CHAPTER UWSP 2 FACULTY RULES: COVERAGE AND DELEGATION

UWSP 2.01 RULES.

(1) These rules shall become effective June 11, 1975.

(2) **COVERAGE.** Any person who holds a tenure appointment under former chapters 36 and 37, Wis. Stats., 1971 and related rules shall continue to hold tenure as defined under those chapters and related rules. Any person who holds a probationary appointment under former chapters 36 and 37, Wis. Stats., 1971 and related rules shall continue to enjoy the contractual rights and guarantees as defined under those chapters and related rules, and may elect to be considered for tenure according to the procedures existing under that appointment or under rules and procedures in effect at the time of consideration. The rules in Chapters UWSP 4 through 8 apply to all appointments to faculty positions regardless of whether the appointment preceded the adoption of these rules.

UWSP 2.02

(1) **DELEGATION.** Rules and procedures in Chapters UWSP 3, 4, 5, 6, and 8, after adoption by the Faculty Senate, shall be forwarded by the chancellor to the president and by the president to the Board for approval prior to their taking effect. These rules, unless disapproved or altered by the Board, shall be in force and effect as rules of the Board.

(2) **AMENDMENTS.**

- (a) Amendments to these rules may be adopted at a regular meeting of the Faculty Senate by a majority vote of the entire Senate.
- (b) Proposed amendments shall have been published and distributed to the faculty at least 2 weeks prior to the Senate meeting at which such amendments are to be considered for adoption.
- (c) Amendments shall not be proposed or voted upon at any meeting of the Senate held during the summer session.
- (d) Amendments shall be forwarded by the chancellor to the president and by the president to the Board of Regents for its approval prior to their taking effect.

CHAPTER UWSP 3 FACULTY APPOINTMENTS

UWSP 3.01 TYPES OF APPOINTMENTS.

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

(a) Except as otherwise provided for in 3.08m, "tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the Board upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor, or the chancellor's designee as specified in writing by the chancellor, via the president of the System. Before making the recommendation to the Board, the chancellor (or designee) shall secure the advice of the appropriate dean and the vice chancellor for Academic Affairs.

(b) "Probationary appointment" means an appointment by the Board upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor, or the chancellor's designee as specified in writing by the chancellor, and which is held by a faculty member during the period which may precede a decision on a tenure appointment. Before making the recommendation to the Board, the chancellor (or designee) shall secure the advice of the appropriate dean and the vice chancellor for Academic Affairs.

(c) In accordance with section 36.05 (8), Wis. Stats., academic staff appointments may be converted to faculty appointments by the action of the Board upon the recommendation of the department in which the faculty member will hold rank and the chancellor, or the chancellor's designee as specified in writing by the chancellor, of the university. Before making the recommendation to the Board, the chancellor (or designee) shall secure the advice of the appropriate dean and the vice chancellor for Academic Affairs. Such faculty appointees shall enjoy all the rights and privileges of faculty.

(d) In accordance with Chapter UWSP 1.05 academic staff shall have faculty status as defined in the Faculty Constitution. Members of the academic staff who have been given

faculty status have employment rights under the rules and policies concerning academic staff.

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

UWSP 3.02 RECRUITING.

The faculty of each department or functional equivalent, in consultation with the appropriate students and with the approval of the dean, the vice chancellor, and the chancellor, shall develop procedures relating to recruitment of members of the faculty. The procedures shall be consistent with Board policy and state and federal laws, and the Affirmative Action Plan with respect to nondiscriminatory and affirmative action recruitment. These procedures shall provide for departmental peer review and judgment as the operative step in the recruiting process, and for transmittal, to each person to whom an appointment is offered, of a copy of all department personnel rules and procedures.

UWSP 3.03 APPOINTMENTS-GENERAL.

Appointments either probationary or to tenure except as otherwise provided for in 3.08m, may be made only upon the affirmative recommendation of the appropriate academic department, or the functional equivalent, and the chancellor, or the chancellor's designee as specified in writing by the chancellor. The faculty of each department or functional equivalent, in consultation with appropriate students and with the approval of the dean, vice chancellor, and chancellor, shall develop rules relating to both part-time and full-time faculty appointments. These rules shall require an affirmative recommendation by the department or appropriate departmental committee. This recommendation, together with a record of the vote, shall be forwarded to the chancellor through the appropriate channels. When specified by the Board, such institutional recommendations shall be transmitted to the Board for action via the president of the System with the president's recommendation.

Each person to whom an appointment is offered must receive an appointment letter in which the chancellor or a designee details the terms and conditions of the appointment, including but not limited to, duration of the appointment, salary, starting and ending date, general position responsibilities, probation or tenure status, and crediting of prior service. Accompanying the initial letter of appointment shall be an attachment detailing institutional and System rules and procedures relating to faculty appointments. If the appointment is subject to the advance approval of the Board, a statement to this effect must be included in the letter. The proportion of time provided for in the appointment letter may not be diminished or increased without the mutual consent of the faculty member and the proper institutional authorities, unless the faculty member is dismissed for just cause pursuant to 36.13 (5), Wis. Stats., or is terminated or laid off pursuant to 36.21, Wis. Stats.

UWSP 3.04 PROBATIONARY APPOINTMENT.

(1) The probationary period shall not exceed 7 consecutive academic years in a full time appointment. For faculty members holding a part-time appointment of at least half-time, the probationary period shall not exceed 10 consecutive academic years.

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

period.

(3) For a faculty member who wants to continue working but needs to reduce professional responsibilities, there are additional circumstances which do not constitute a break in continuous service and that shall not be included in the probationary period. These include, but are not limited to, significant responsibilities with respect to childbirth/adoption, significant responsibilities with respect to elder/dependent care obligations, disability/chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. A request, within a reasonable time before or after the fact, must be made before the semester in which a tenure review commences under section UWS 3.06 (1) (c). A request for a specified amount of additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary faculty member and shall be submitted to the vice chancellor, who is authorized to grant a request and who shall specify the length of time for which the request is granted. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth/adoption shall be approved. More than one request may be granted because of responsibilities with respect to childbirth/adoption. Requests made because of circumstances under this section other than responsibilities with respect to childbirth/adoption shall be initiated by the probationary faculty member and shall be submitted to the vice chancellor. The request must be supported by credible justification. The vice chancellor is authorized to grant a request following consultation with the faculty member's department or functional equivalent and the appropriate dean. It is anticipated that under ordinary circumstances the vice chancellor will approve the request and specify the length of time for which the request is granted. A denial of a request or a modification of the requested time shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted to a probationary faculty member but the total, aggregate length of time of all granted requests, excluding requests because of responsibilities with respect to childbirth or adoption, shall ordinarily be no more than one year.

(4) Any full-time faculty member who has been in probationary status for more than seven years shall be evaluated at the completion of seven years, excluding time granted because of one or more of the reasons set forth in subs (2) or (3). The university shall not expect additional activities during the excluded time. Activities conducted during the excluded time may be considered only at the request of the faculty member.

(5) Probationary faculty with appointment of half-time or more shall become eligible for a tenure appointment after 3 years, unless a shortened probationary period or no probationary period is agreed upon by the department, the dean, the vice chancellor and the chancellor, or the chancellor's designee as specified in writing by the chancellor, and specified in the initial letter of appointment. The department may recommend tenure at any time after completion of the 3rd year or at the time agreed upon in the initial letter of appointment. Recommendations regarding tenure must be made no later than during the 6th year of employment for full-time faculty and during the 9th year of employment for part-time faculty with at least a half-time appointment. Service prior to an initial faculty appointment at the University of Wisconsin-Stevens Point, except as specified in the initial letter of appointment, shall not count as part of the probationary period. Tenure is not acquired solely because of years of service. Tenure appointments shall not normally be granted prior to completion of a 3 year probationary period.

UWSP 3.05 PERIODIC STUDENT EVALUATION OF TEACHING

(1) Each department shall administer the "Student Evaluation of Course Instruction Form". The procedures for evaluation and the reporting of information from evaluations shall be consistent with the provisions of this subsection and the appropriate sections of the *University Handbook* (Chapter 4, Sec. 3).

(a) Every faculty member shall be evaluated at least once each year in all sections and courses taught. (Courses taught in both semesters do not need to be evaluated in both semesters.) The evaluation shall take place in the last quarter of the course or during the final exam period. The evaluation instrument(s) shall be distributed and collected by students during prearranged class or exam time, and submitted as specified by department procedures. The faculty member shall not be present during the administering of the evaluation.

(b) No information from the evaluations shall be released until grades have been turned in for the semester in which they were administered. The results of each instructor's evaluations shall be reported to that person by the department chairperson. The department chairperson shall make available the summaries and median scores from the evaluation to the appropriate personnel committee making departmental personnel recommendations to the dean of the college.

(c) The department shall retain copies of results of evaluations.

1. Evaluation results for probationary faculty shall be retained at least until a decision on tenure. If tenure is granted, summaries and modified median scores shall be retained; other materials shall become the property of the individual instructor. If tenure is not granted, all evaluation materials shall be sent to the Office of the Vice Chancellor. The Vice Chancellor shall dispose of evaluation materials 5 years after the date of the last evaluation and in accordance with procedures and policies of the Public Records Law.

2. Evaluation results for tenured faculty shall be retained at least until the next promotion decision or post-tenure review. Following a decision on promotion or a post-tenure review, at least summaries and mean scores shall be retained; other materials become the property of the individual instructor.

UWSP 3.06 RENEWAL OF APPOINTMENTS AND GRANTING OF TENURE.

(1) (a) *General.* Except as otherwise provided for in 3.08m, appointments either probationary or to tenure may be made only upon the affirmative recommendation of the appropriate academic department, or the functional equivalent, and the chancellor, or the chancellor's designee as specified in writing by the chancellor. When specified by the Board, such institutional recommendations shall be transmitted to the Board for action via the president of the System with the president's recommendation. Tenure appointments may be granted to any ranked faculty member who holds or will hold a half-time appointment or more.

(b) *Criteria.* Decisions relating to renewal of probationary appointments or recommending of tenure shall require an evaluation of the following activities: teaching, scholarship, and service. Each department, or its functional equivalent shall develop written criteria for

these evaluations which shall specify the relative importance of these activities in the evaluation process. The written criteria shall provide that any faculty member who has been in probationary status for more than seven consecutive years shall be evaluated at the completion of seven years, excluding time granted because of one or more of the reasons set forth in 3.04 (2) or (3). The university shall not expect additional activities during the excluded time. Activities conducted during the excluded time may be considered only at the request of the faculty member. Unless there are cogent extenuating circumstances, to be determined by the department, the dean, the vice chancellor, and the chancellor, tenure shall be awarded only to those who have acquired the appropriate terminal degree in their discipline, or to those who have met alternative criteria clearly specified in departmental regulations.

(c) *Procedures.* Each department, with the approval of the chancellor, and in consultation with appropriate students, shall establish rules governing the procedures for renewal of probationary appointments and for recommending tenure. These rules shall provide for:

1. written notice of the departmental review to the faculty member at least 20 days prior to the date of the review;
2. an opportunity to present information on the faculty member's behalf.

The probationary faculty member shall be notified in writing within 20 days after each decision at each reviewing level. In the event that a decision is made which results in nonrenewal, the procedures specified in 3.08 shall be followed.

(d) *Open Meetings.* All decisions relating to the granting of tenure shall be made in conformity with the requirements of the Wisconsin Open Meetings Law (Chapter 19.81 ff, Wis. Stats.).

(e) *Recommendations.* Department recommendations on renewal of probationary appointments and on tenure should emanate from the widest possible base of information which shall include advisory information from appropriate students. Normally department committees making recommendations on renewal of probationary appointments and on tenure shall include at least all tenured members of the department. These recommendations shall not be made by the department chairperson alone, but the department chairperson may make a separate recommendation.

UWSP 3.07 NONRENEWAL OF PROBATIONARY APPOINTMENTS.

(1) (a) *Request for reasons.* Any faculty member denied renewal of a probationary appointment may request of the department making the decision or of the chancellor (or designee) a written statement of the reasons for nonrenewal. Such request shall be made within 10 days of receiving the notice of nonrenewal. The written statement shall be provided within 10 days of the request and shall become part of the individual's personnel file.

(b) *Reconsideration.* Each department or functional equivalent, or the chancellor (or designee), shall provide for the reconsideration of all decisions that recommend nonrenewal of a probationary appointment. The purpose shall be to provide an opportunity for a fair and full reconsideration of the nonrenewal decision and to insure that all relevant

material is considered. A faculty member who has been denied renewal of a probationary appointment shall be granted a reconsideration upon timely written request. Such reconsideration shall be conducted by the same body or administrative officer which made the original decision.

1. Faculty members shall request reconsideration within 10 days of the receipt of the statement of reasons. The department shall reconsider within 20 days of the request, except that this time may be extended by mutual consent of the parties.
2. Rules governing a reconsideration shall provide, but not be limited to, adequate notice of the time and place of reconsideration, an opportunity to respond to the written reasons, presentation of written or oral evidence or arguments relevant to the decision, and written notification of the decision resulting from the reconsideration.
3. Reconsideration is not a hearing or an appeal and shall be non-adversarial in nature.
4. In the event that a reconsideration affirms the nonrenewal decision, the procedures in 3.08 shall be followed.

UWSP 3.08 APPEAL OF A NONRENEWAL DECISION.

(1) A faculty member who has been denied renewal of a probationary appointment by the department or the chancellor (or designee) may make a written appeal of that decision to the Faculty Mediation Subcommittee of the Faculty Senate within 20 days (25 days if notice is by 1st class mail and publication) of notice that reconsideration has affirmed the nonrenewal decision. A hearing committee appointed by the chairperson of the Faculty Mediation Subcommittee shall review the nonrenewal decision not later than 20 days after receipt of the written request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. The faculty member shall be given at least 10 days notice of the review. The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon 1 or more of the following factors, with material prejudice to the individual:

- (a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom or
- (b) Factors proscribed by applicable state or federal law regarding fair employment practices, or
- (c) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of the faculty member in question if material prejudice resulted because of any of the following:
 1. The procedures required by rules of the Faculty or Board were not followed, or
 2. Available data bearing materially on the quality of performance were not considered, or

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

(2) The hearing committee shall report on the validity of the appeal to the faculty member, the decision-maker(s), the appropriate dean, the vice chancellor, the chancellor, and other appropriate parties.

(3) If the committee finds for the appellant, the report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision maker, a reconsideration by the decision maker under instructions from the hearing committee, or a recommendation to the next higher appointing level.

(a) Cases shall be remanded for reconsideration by the decision maker in all instances unless the hearing committee specifically finds that such a remand would serve no useful purpose.

(b) The hearing committee shall retain jurisdiction during the pendency of any reconsideration.

(c) The recommendation of the hearing committee becomes the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendation.

1. If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the appellant.

2. The chancellor shall send written notification of decision to the appellant, the chairperson of the hearing committee, and other appropriate parties within 30 days of the receipt of the committee's report.

3. The decision of the chancellor shall be final on such matters.

UWSP 3.08m APPEAL OF A DENIAL OF TENURE.

NOTE. There is no Code equivalent to UWSP 3.08m because the language of the statute as revised in 1993-94 explicitly provides for the Board to grant tenure without the affirmative recommendation of a department in very narrowly limited cases and under explicit conditions. That language is quoted here within the boxed area. The statutory reference is 36.13 (2)(b) Wis. Stats.

(2) APPOINTMENTS. . . .

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

1. The board has the affirmative recommendation of the appropriate chancellor.
2. A faculty committee authorized by the board by rule to review the negative recommendation of the academic department or its functional equivalent finds that the decision of the academic department or its functional equivalent was based upon impermissible factors, as defined by the board by rule.
3. The board has the affirmative recommendation of a committee appointed according to the policies and procedures of the appropriate institution to review the individual's record with reference to criteria for tenure published by the institution under procedures established by the board by rule. No person may be appointed to the committee under this subdivision unless the person is knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. No member of the committee appointed under this subdivision may be a member of the academic department, or its functional equivalent, that made the negative recommendation. The committee appointed under this subdivision may not base its tenure recommendation upon impermissible factors, as defined by the board by rule.

(1) A faculty member who has been denied tenure may make a written appeal of that decision to the Faculty Mediation Subcommittee of the Faculty Senate within 20 days (25 days if notice is by 1st class mail and publication) of (1) notice that reconsideration has affirmed the decision not to grant tenure or (2) receipt of written reasons.

(a) Procedures in UWSP 3.08m shall be followed in all cases where a faculty member chooses to appeal a departmental decision denying tenure or denying tenure and renewal.

(2) A hearing committee appointed by the chairperson of the Faculty Mediation Subcommittee shall review the decision not to grant tenure not later than 20 days after receipt of the written request, except that this time limit may be enlarged by mutual consent of the parties, or by order of the hearing committee. The faculty member shall be given at least 10 days notice of such review. The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon 1 or more of the following factors, with material prejudice to the individual:

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

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

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

1. The procedures required by the rules of the Faculty or Board were not followed, or
2. Available data bearing materially on the quality of performance were not considered, or
3. Unfounded, arbitrary or irrelevant assumptions of fact were made about work or conduct.

(3) The hearing committee shall report on the validity of the appeal to the department making the decision not to recommend tenure, to the appellant, to the appropriate dean, to the vice chancellor, and to the chancellor.

(4) If the committee finds for the appellant, the report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the department or reconsideration by the department under instructions from the hearing committee.

(a) Cases shall be remanded for a reconsideration by the department in all instances unless the hearing committee specifically finds that such a remand would serve no useful purpose.

(b) The hearing committee shall retain jurisdiction during the pendency of any reconsideration.

(c) The recommendation of the hearing committee becomes the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendation.

1. If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the appellant.

2. The chancellor shall send written notification of decision to the appellant, the chairperson of the hearing committee, and other appropriate parties within 30 days of the receipt of the committee's report.

3. The decision of the chancellor shall be final on such matters.

(5) Where the hearing committee has specifically found that impermissible factors were used by the department in rendering a negative recommendation for tenure, or for tenure and renewal, and that no useful purpose would be served by a remand for reconsideration, it shall so inform the chancellor, and recommend that a special committee be convened to provide an independent recommendation for tenure.

(a) If the chancellor accepts the recommendation of the hearing committee, the chancellor or a designee shall, within 10 days of receipt of the recommendation, direct the chairperson of the Faculty Senate to convene such a committee.

1. The committee shall consist of not fewer than 5 nor more than 9 faculty or retired faculty, all of whom shall be knowledgeable and experienced in the appellant's field or in a substantially similar academic field.

2. Committee membership may include or be restricted to faculty who are not or have not been at UWSP.

3. The committee shall begin its deliberations as expeditiously as possible but not later than 45 days after receipt of the committee's recommendation by the chancellor.

4. The recommendation of the special committee shall be sent to the department making the decision not to recommend tenure, to the appellant, to the appropriate dean or administrative officer, to the vice chancellor, and to the chancellor.

(b) It shall be the Faculty Senate chairperson's responsibility to monitor the special committee to determine if impermissible factors were used to render its recommendation. In the case of impermissible factors, the chancellor, the chairperson of the Faculty Senate, and the chairperson of the mediation subcommittee shall meet to determine an appropriate course of procedural action.

(6) If the special committee affirms the department's recommendation, the decision shall be final and not subject to appeal.

(7) If the special committee recommends tenure, normal procedures for tenure shall be followed, and the next decision shall be that of the dean of the appropriate college.

(8) The Board of Regents may grant a tenure without the affirmative recommendation of the appropriate academic department if and only if all of the following apply:

(a) a hearing committee appointed by the chairperson of the Faculty Mediation Subcommittee upon timely appeal by the faculty member denied tenure has determined that impermissible factors were used in rendering a negative recommendation by the department, and

(b) an independent committee appointed pursuant to the provisions of UWSP 3.08m recommends tenure, and

(c) the chancellor recommends tenure.

UWSP 3.09 NOTICE PERIODS.

(1) A faculty member who is employed on probationary appointment pursuant to 36.13, Wis. Stats., shall be notified in writing by the chancellor of reappointment or non-reappointment for another academic year in advance of the expiration of the current appointment as follows:

- (a) When the appointment expires at the end of the academic year, not later than March 1 of the 1st academic year and not later than December 15 of the 2nd consecutive academic year of service;
- (b) If the initial appointment expires during an academic year, at least 3 months prior to its expiration; if a 2nd consecutive appointment terminates during the academic year, at least 6 months prior to its expiration;
- (c) After 2 or more years of continuous service at the university, such notice shall be given at least 12 months before the expiration of the appointment.

UWSP 3.10 ABSENCE OF PROPER NOTIFICATION.

If proper notice is not given in accordance with 3.09, the aggrieved faculty member shall be entitled to a 1-year terminal appointment. Such appointment, however, shall not result in the achievement of tenure.

UWSP 3.11 LIMITATION.

A tenure appointment is limited to the University of Wisconsin-Stevens Point, unless another institution has, through normal procedures and explicit agreement, undertaken to share in the appointment. The explicit agreement shall specify both the tenure responsibility and the budget responsibility.

CHAPTER UWSP 4 PROCEDURES FOR DISMISSAL

UWSP 4.01 DISMISSAL FOR CAUSE.

(1) A tenured faculty member may be dismissed only by the Board, only for just cause, and only after due notice and hearing. A faculty member on probationary appointment may be dismissed prior to the end of a term of appointment only by the Board, and only for just cause and only after due notice and hearing. A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal.

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

UWSP 4.02 RESPONSIBILITY FOR CHARGES.

(1) Whenever the chancellor receives a complaint against a faculty member which the chancellor deems substantial and which, if true, might lead to dismissal under 4.01, the chancellor shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member. A faculty member may be dismissed only after receipt of a written statement of specific charges from the chancellor as the chief administrative officer of the institution, and if a hearing is requested by the faculty member, in accordance with the provisions of this chapter. If the

faculty member does not request a hearing, action shall proceed along normal administrative lines but the provisions of 4.02, 4.09, and 4.10 shall still apply.

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

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

UWSP 4.03 STANDING FACULTY COMMITTEE: FACULTY MEDIATION SUBCOMMITTEE.

Hearing committees appointed by the chairperson of the Faculty Mediation Subcommittee are charged with hearing dismissal cases and making recommendations under this chapter. Any such hearing committee shall operate as the hearing agent for the Board pursuant to Sec. 227.46, Wis. Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the Board according to 4.07.

UWSP 4.04 HEARING.

If the faculty member requests a hearing within 20 days of notice of the statement of charges (25 days if notice is by 1st class mail and publication), such a hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual written consent of the parties, or by order of the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the Faculty Mediation Subcommittee.

UWSP 4.05 ADEQUATE DUE PROCESS.

(1) A fair hearing for a faculty member whose dismissal is sought under 4.01 shall include:

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

(h) Admissibility of evidence governed by Sec. 227.45, Wis. Stats.

UWSP 4.06 PROCEDURAL GUARANTEES.

(1) Any hearing shall comply with the requirements set forth in 4.05. The following requirements shall also be observed:

(a) The burden of proof of the existence of just cause is on the administration or its representatives;

(b) No person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the hearing committee in that case;

(c) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open (see Sec. 19.85, Wis. Stats., Open Meetings Law);

(d) The hearing committee may, on motion of either party, disqualify any of its members for cause by a majority vote. If one or more of the members disqualify themselves or are disqualified, the remaining members shall, in consultation with the chairperson of the Faculty Affairs Committee and the chairperson of the Faculty Mediation subcommittee, select a number of other members of the faculty to serve, equal to the number who have been disqualified;

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

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

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

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

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

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

UWSP 4.07 RECOMMENDATIONS TO THE CHANCELLOR AND TO THE BOARD OF REGENTS.

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

If the recommendation is for dismissal, it shall be submitted through the president of the System to the Board. A copy of the hearing committee's report and recommendation shall be forwarded through the president of the System to the Board along with the chancellor's recommendation. A copy of the chancellor's recommendation shall also be sent to the faculty member concerned and to the hearing committee.

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

UWSP 4.08 BOARD REVIEW.

(1) If the chancellor recommends dismissal, the Board shall review the record before the hearing committee and provide an opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, unless the Board decides to drop the charges against the faculty member without a hearing or the faculty member elects to waive a hearing. This hearing shall be closed unless the faculty member requests an open hearing (see Sec. 19.85, Wis. Stats., Open Meetings Law).

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

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

UWSP 4.09 SUSPENSION FROM DUTIES.

Pending the final decision concerning dismissal, the faculty member shall not normally be relieved of duties; however, if the chancellor, after consultation with the Executive Committee

of the Faculty Senate, finds that substantial harm to the institution may result if the faculty member is continued in his/her position, the faculty member may be relieved of duties immediately, but payment of salary shall continue until the Board makes its decision as to dismissal.

UWSP 4.10 DATE OF DISMISSAL.

A decision by the Board ordering dismissal shall specify the effective date of the dismissal.

CHAPTER UWSP 5 LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY

UWSP 5.01 GENERAL.

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

UWSP 5.02 FINANCIAL EMERGENCY.

(1) For the purposes of this Chapter, "financial emergency" is a state which may be declared by the Board to exist for the University of Wisconsin-Stevens Point, if and only if the Board finds that the following conditions exist:

- (a) The total General Program Operations (GPR/fee) budget of the institution, excluding adjustments for salary/wage increases and for inflationary impact on non-salary budgets, has been reduced;
- (b) Institutional operation within this reduced budget requires a reduction in the number of faculty positions such that tenured faculty must be laid off, or probationary faculty must be laid off prior to the end of their respective appointments. Such a reduction in faculty positions shall be deemed required only if in the Board's judgment it will have an effect substantially less detrimental to the institution's ability to fulfill its mission than would other forms of budgetary curtailment available to the institution;
- (c) The procedures described in 5.05 and 5.06 have been followed.

UWSP 5.03 LAYOFF AND TERMINATION.

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

UWSP 5.04 FACULTY CONSULTATIVE COMMITTEE.

The University Planning Committee shall serve as the Faculty Advisory Committee on Financial Emergency. The Committee shall consult with the chancellor if at any time a

declaration of financial emergency is to be considered. It is the right and responsibility of this Committee to represent the faculty before the Board if a declaration of a state of financial emergency for the institution is being considered, and to assure that the procedures of 5.05 and 5.06 are followed.

UWSP 5.05 CONSULTATION.

(1) In the event that a declaration of financial emergency is contemplated, the chancellor shall consult with and seek advice from the Faculty Advisory Committee on Financial Emergency at least 3 months before the matter is taken to the Board. The chancellor and the Committee shall:

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

(1 m) The Faculty Advisory Committee on Financial Emergency shall prepare a report, with supporting documents, for submission to the chancellor, the Faculty Senate, the student government, and the Board.

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

UWSP 5.06 RECOMMENDATION TO THE SYSTEM PRESIDENT AND TO THE BOARD.

(1) If the chancellor decides to recommend that the Board declare a state of financial emergency for the University of Wisconsin-Stevens Point, the recommendation to the System president and the Board shall be accompanied by a report which shall include:

- (a) A statement of the procedures followed in arriving at the recommendation, showing compliance with 5.05;
- (b) Data clearly demonstrating the need for a reduction of faculty positions in accord with the provisions of this Chapter;
- (c) An identification of the colleges, schools, departments or program areas in which reductions will be made, with data indicating the appropriateness of such choices;

(d) The report of the Faculty Advisory Committee on Financial Emergency expressing its views on these matters;

(e) A report of any action of the Faculty Senate and student government.

(2) The chancellor and the chairperson of the Faculty Advisory Committee on Financial Emergency, or their designees, and representatives of affected colleges, schools, departments, and programs, may appear before the Board at the time the recommendation is considered. Other interested parties may submit in writing alternative recommendations or challenges to any part of the report.

UWSP 5.07 INDIVIDUAL DESIGNATIONS.

Once the Board has declared a state of financial emergency, it shall be the primary responsibility of the tenured members of the affected department(s) to recommend which individuals are to be laid off. These recommendations shall follow seniority, as provided in 5.08 unless the department makes a clear and convincing case that program needs dictate other considerations, e.g., the need to maintain diversity of specializations within a department. Curricular programs are defined as undergraduate majors and minors, graduate degree programs, and sub-programs such as course sequences and courses essential to programs and general degree requirements. The department may seek the advice of other groups or individuals in formulating its recommendations. The departmental recommendation shall be forwarded to the chancellor via the dean and vice chancellor, and the chancellor shall prepare recommendations for the System president and the Board, as provided in 5.14.

UWSP CHAPTER 5.08 SENIORITY.

(1) Designation for reassignment or layoff shall follow the order of seniority according to years of service at the University of Wisconsin-Stevens Point.

(2) Except as noted in paragraph (4) below, seniority is determined by the date of the beginning of the semester in which the faculty member began to teach at the University of Wisconsin-Stevens Point and by the years of full-time service here. Thus, someone who taught half-time for 2 academic years shall have acquired 1 full academic year of seniority. Summer session teaching shall not count toward seniority. All leaves and TIA's granted prior to January 1, 1976 shall be counted in determining seniority. All leaves for professional purposes granted with the concurrence of the department after January 1, 1976 shall be counted toward seniority except that no more than 2 consecutive years of leave shall be counted.

(3) Faculty members holding a joint or split appointment shall have a "home" department, usually the department in which the person holds rank. Seniority shall be lodged in that department.

(4) A person who, prior to the adoption of these rules, transferred to the University of Wisconsin-Stevens Point from another Chapter 37 institution without interruption of service shall, for purposes of determining seniority, be credited with all years of uninterrupted service at the other Chapter 37 institution(s).

(5) When it is necessary to select from among persons of identical seniority:

- (a) Persons of lower rank shall be reassigned or laid off before persons of higher rank;
- (b) Among persons of identical seniority and rank, those not holding the earned doctorate or terminal degree normal for the discipline shall be reassigned or laid off first;
- (c) Among persons of identical seniority, rank, and educational preparation, those with fewer years in rank shall be reassigned or laid off first;
- (d) Among persons of identical seniority, rank, educational preparation, and time in rank, other academic credentials shall be considered: teaching effectiveness, disciplinary contributions, scholarly development, professional affiliation and activity, and contributions to the department or university.

UWSP 5.09 NOTIFICATION.

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

- (1) A summary of the reasons and evidence supporting the declaration of a state of financial emergency and of the reasons and data leading to the choice of the colleges, schools, departments, or programs in which reductions are to be made;
- (2) A statement of the basis on which the individual position was selected for elimination (if on the basis of seniority, the criteria used and the data supporting the choice; if on another basis, the data and reasons supporting that choice);
- (3) A statement of the date on which the layoff is to be effective (this must be consistent with the provisions of 5.10);
- (4) A copy of these rules and such other information or procedural regulations as the chancellor or the Faculty Mediation Subcommittee shall deem appropriate.

UWSP 5.10 NOTIFICATION PERIOD.

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

UWSP 5.11 FACULTY HEARING COMMITTEE.

Hearing committees appointed by the chairperson of the Faculty Mediation Subcommittee shall serve as hearing committees for the purposes of this Chapter. Any such hearing committee shall operate as the hearing agent for the Board pursuant to Sec. 227.46, Wis. Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the Board according to 5.14.

UWSP 5.12. REVIEW HEARING.

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

(2) A hearing must be requested within 20 days of the receipt by the faculty member of notification of recommended layoff. The request, which shall be addressed to the chairperson of the Faculty Mediation Subcommittee, shall state with particularity the grounds to be relied upon in establishing the impropriety of the decision. Relevant information supplementary to that contained in the notification statement may be requested. The question to be considered in the review is whether 1 or more of the following improper factors entered into the decision to lay off:

(a) Conduct, expressions, or beliefs on the faculty member's part which are constitutionally protected, or protected by the principles of academic freedom;

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

(c) Improper selection of the individual to be laid off. For the purposes of this section, "improper selection" occurs if material prejudice resulted from any of the following:

1. The procedures required by these rules or the Board rules were not followed;
2. Available data bearing materially on the role of the faculty member at the University of Wisconsin-Stevens Point were not considered;
3. Unfounded or arbitrary assumptions of fact were made;
4. Immaterial or improper factors other than those specified above entered into the decision.

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

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

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

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

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

(5) The hearing committee shall report its findings and recommendations to the chancellor, the faculty member, and other appropriate individuals.

UWSP 5.13 HEARING PROCEDURE.

(1) If the hearing committee requests, the chancellor shall provide legal counsel to the hearing committee. The hearing shall be closed unless the faculty member whose position has been recommended for elimination requests an open hearing, in which case it shall be open (see Sec. 19.85, Wis. Stats., Open Meetings Law).

(2) The hearing committee may, on motion of either party, disqualify any of its members for cause by a majority vote. If 1 or more of the hearing committee members disqualify themselves or are disqualified, the remaining members shall, in consultation with the chairperson of the Faculty Affairs Committee and the chairperson of the Faculty Mediation Subcommittee, select a number of other members of the faculty to serve equal to the number who have been disqualified. No faculty member who participated in the decision to lay off or who is a material witness may sit in on the hearing committee.

(3) The faculty member shall be given at least 10 days notice of the hearing. The hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

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

(a) A right to be heard in one's own behalf;

(b) A right to counsel and/or other representatives, and to offer witnesses;

(c) A right to confront and cross-examine adverse witnesses;

(d) A verbatim record of the hearing, which might be a sound recording, provided at no cost;

(e) Written findings of fact and decision based on the hearing record;

(f) Admissibility of evidence governed by Sec. 227.45, Wis. Stats.

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

UWSP 5.14 RECOMMENDATIONS AND REVIEW BY THE BOARD.

The recommendations of the chancellor and the recommendations, if any, of the hearing committee, shall be transmitted to the president of the UW System and to the Board and acted upon as follows:

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

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

(3) If after a hearing, the hearing committee's recommended findings of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the hearing committee's findings. If the chancellor accepts the hearing committee's findings, the chancellor's decision shall be final. If the chancellor contests the recommended findings that the decision was improper, the verbatim record, a summary of the evidence, and the recommended findings of law and decision shall be forwarded to the Board review panel (see 5.15). The chancellor and the faculty member shall be furnished with copies of this material and shall have a reasonable opportunity to file written exceptions to such summary and proposed findings and decision and to argue with respect to them orally and in writing before the Board review panel. The Board review panel shall hear and decide the case in accordance with Sec. 227.46, Wis. Stats. The decision of the Board review panel shall be final.

UWSP 5.15 BOARD REVIEW.

A review panel shall be appointed by the president of the Board, and shall include 3 members of the Board, and 2 non-voting staff members from the Academic Affairs Office of the UW System. The panel shall review the criteria and reasoning of the chancellor and the findings and recommendations of the hearing committee in each case forwarded for its review, and shall reach a decision on the recommendation to be approved. The decision shall be final and binding upon the chancellor and the faculty member affected unless 1 or more of the regent members of the review panel request that the decision be reviewed by the full Board, in which case the record shall be reviewed and a decision reached by the full Board.

UWSP 5.16 LAYOFF STATUS.

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

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

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

(b) For tenured faculty, 1 of the following occurs:

1. Reappointment to the position from which laid off. Failure to accept such reappointment would terminate the faculty member's association with the UW System;
2. Acceptance of an alternative continuing position in the UW System. Failure to accept an alternate appointment would not terminate the faculty member's association with the UW System;
3. Resignation;
4. Failure by the affected faculty member to notify the chancellor not later than December 1 of each year while on layoff status as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notice of desire to remain on layoff status shall terminate the faculty member's association with the UW System.

UWSP 5.17 ALTERNATIVE EMPLOYMENT.

The university shall devote its best efforts to securing alternative appointments within the institution in positions for which faculty laid off under this chapter are qualified under existing criteria. Faculty on layoff status shall be notified of all classified and unclassified vacancies at the University of Wisconsin-Stevens Point. In addition, the UW System shall provide financial assistance for 1 year for faculty who are designated for layoff to readapt within the department, or within another department of the institution, where such re-adaptation is feasible. Further, the UW System shall devote its best efforts to insure that faculty members laid off or terminated in any institution shall be made aware of openings within the System.

UWSP 5.18 REAPPOINTMENT RIGHTS.

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

UWSP 5.19 RETENTION OF RANK AND SALARY.

Any faculty member reappointed within 3 years after layoff or termination shall be reappointed with a rank and salary at least equivalent to the rank and salary when laid off or terminated, together with such other rights and privileges which may have accrued at that time. Any faculty member relocated within the University of Wisconsin-Stevens Point or within the UW System shall have neither rank nor salary adversely affected except by consent at the time of relocation.

UWSP 5.20 RIGHTS OF FACULTY MEMBERS ON LAYOFF.

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

- (1) Such participation in fringe benefit programs as is allowed by state regulations and institutional policies governing rights of laid off state employees;
- (2) Such continued use of campus facilities as is allowed the faculty by policies and procedures of the institution; and use of departmental facilities as determined by the individual department;
- (3) Such participation in departmental activities as is allowed by guidelines established by the department; and such participation in institutional activities as is allowed by the Faculty Senate except that participation in university governance shall not be allowed.

UWSP 5.21 SYSTEM-WIDE TENURE.

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

UWSP 5.22 LACK OF FACULTY ACTION.

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

CHAPTER UWSP 6 COMPLAINTS AND GRIEVANCES

UWSP 6.01 COMPLAINTS.

The following procedure shall apply to all allegations by the administration, students, academic staff, classified staff, other faculty, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member's performance of obligations to the university and which are serious enough, if true, to warrant disciplinary action short of dismissal. Complaints which, if true, could lead to dismissal are governed under Chapter UWSP 4.

- (1) Disciplinary action means any sanction imposed by the administration, including: an official reprimand; a reduction in salary or in a recommended increase in salary, for other than budgetary reasons; a change in assigned duties; a temporary suspension from duties without pay; or any other action against a faculty member for misconduct.

(2) Faculty members shall be subject to discipline only for adequate cause, a finding of which must be based upon a determination that the faculty member's conduct violates university rules or policies or directly and substantially affects adversely the faculty member's ability to carry out responsibilities to the university. Exercise of rights guaranteed by the United States Constitution, by the Constitution of the State of Wisconsin, by Regent action, by UW System rules, or by the principles of academic freedom as generally understood in higher education shall not constitute adequate cause for discipline.

(3) Upon receiving a complaint against a faculty member, the chancellor or an appropriate designee shall act quickly to determine whether sufficient evidence exists which could warrant disciplinary action. If it does not, the complaint shall be dismissed. If the chancellor or the chancellor's designee determines that sufficient evidence exists, the chancellor or designee may:

(a) Consult with the faculty member concerned and reach a mutually acceptable response to the complaint;

(b) Invoke an appropriate disciplinary action if consultation does not produce a mutually acceptable solution. In this instance a hearing committee appointed by the chairperson of the Faculty Mediation Subcommittee shall conduct a hearing at the request of the faculty member;

(c) Refer the complaint to the chairperson of the Faculty Mediation Subcommittee for a hearing, to be conducted by a hearing committee appointed by the chairperson of the Subcommittee. If the chancellor or designee refers the case to the Subcommittee, the chancellor or the designee shall immediately notify the faculty member concerned.

(4) There shall be only 1 hearing on any single case. The decision of the administrator on the recommendations from a hearing committee or on the complaint in the absence of a hearing committee recommendation, shall be final, except that the Board of Regents may, at its option, grant a review on the record. The faculty member shall not again be put in jeopardy for the same alleged misconduct after a final decision.

UWSP 6.02 GRIEVANCES.

Faculty members who feel that their rights have been violated or that they have been dealt with unfairly shall first seek a mutually satisfactory resolution of the problem at the departmental level, then at the school or college level, unless the problem initially arises at a higher level. If a mutually satisfactory resolution cannot be found, a hearing committee appointed by the chairperson of the Faculty Mediation Subcommittee shall conduct a hearing at the request of the faculty member.

(1) Every request for a hearing shall be in writing and addressed to the chairperson of the Faculty Mediation Subcommittee. A request for hearing must be received by the chairperson of the Subcommittee not later than 60 days after the occurrence of the action which precipitated the grievance.

(2) After the conclusion of the hearing, the hearing committee shall recommend to the chancellor a solution to the grievance and shall transmit a written report of its findings and recommendations to the faculty member, the chancellor, and other appropriate individuals.

(a) The recommendations of the hearing committee become the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendations.

1. If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the grievant.

2. The chancellor shall send written notification of decision to the grievant, the chairperson of the hearing committee, and to other appropriate parties within 30 days of the receipt of the committee's report.

3. The decision of the chancellor shall be final on such matters except that the Board may, at its option, grant a review on the record, at the request of the grievant or the hearing committee.

CHAPTER UWSP 7

[Chapter 7 has been deleted from the Code, and from UWSP rules.]

CHAPTER UWSP 8 UNCLASSIFIED STAFF CODE OF ETHICS

UWSP 8.01 Declaration of policy.

In view of the special relationship of the university to the state and to affirm as public policy within the university certain common standards to prevent conflicts of interest, the university, pursuant to Sec. 19.45 (11) (b) and 36.23, Wis. Stats., and Chapter UWS 8 of the Wisconsin administrative code, rules of the board of regents, hereby adopts the following code of ethics for faculty, academic staff, and limited appointees (hereafter "unclassified staff").

(1) At the time of appointment, every member of the unclassified staff makes a personal commitment to professional honesty and integrity, to seek knowledge and to share that knowledge freely with others. Such a commitment is essential for the university to perform its proper function in our society and to ensure continued confidence of the people in the university and its personnel. It is a violation of this commitment for unclassified staff to seek financial gain for themselves, their immediate families, or organizations with which they are associated, through activities which conflict with the interests of the university.

(2) The university, as a matter of policy, recognizes that:

- (a) Members of the unclassified staff have personal and economic interests in the decisions and policies of national, state and local government.
- (b) Members of the unclassified staff retain their rights as citizens to interests of a personal or economic nature.
- (c) This code of ethics must distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material.

(3) In adopting the standards of conduct set forth in this chapter, it is the university's purpose to prohibit only those activities which will result in a conflict between the personal interests of an unclassified staff member and that individual's public responsibilities to the university. It is not the university's purpose to prohibit a member of the unclassified staff from freely pursuing those teaching, research, professional, and public service activities which will not result in such a conflict, nor to prohibit an individual from accepting any compensation, fees, honoraria or reimbursement of expenses which may be offered in connection therewith [see UWSP 8.025, below].

UWSP 8.02 DEFINITIONS.

In this chapter:

- (1) "Academic staff" means professional and administrative personnel other than faculty with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration.
- (2) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include:
 - (a) Any salary, expenses, or other compensation received by a member of the faculty or academic staff from the university for that individual's services;
 - (b) Any compensation, honoraria, or expenses derived from outside activities permitted under this chapter;
 - (c) Political contributions which are reported under ch. 11, Stats.; or
 - (d) Hospitality extended for a purpose unrelated to university business.
- (3) "Associated," when used with reference to an organization, means that a person or a member of a person's immediate family is a director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.
- (4) "Board" means the board of regents of the university of Wisconsin system.
- (5) "Chancellor" means the chief executive officer of the university.

(6) "Confidential university information" means information relating to university financial operations or personnel which is obtained from university records or in the course of official university business and which is not available to the general public upon request.

(7) "Contracting personnel" means those persons who are designated in writing by the chancellor or the president of the system to negotiate, review, approve, or sign contracts for the purchase of goods and services on behalf of the university. The term does not include persons who do either or both of the following:

(a) Contract only with outside agencies for research or for services to be performed by the university; or

(b) Negotiate, review, approve or sign only employment contracts.

(8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in the university.

(9) "Immediate family" means:

(a) An unclassified staff member's spouse; and

(b) Any person who receives, directly or indirectly, more than one half of his or her support from an unclassified staff member or from whom an unclassified staff member receives, directly or indirectly, more than one half of his or her support.

(10) "Institution" means the university of Wisconsin-Stevens Point.

(11) "Limited appointees" means persons holding special appointments to administrative positions designated in s. 36.17, Stats., ch. UWS 15, and ch. UWSP 15, and who serve at the pleasure of the board or of the authorized official making the appointment.

(12) "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

(13) "President" means the president of the university of Wisconsin system.

(14) "Secretary" means the secretary of the board.

(15) "Unclassified staff" or "staff members" means faculty, academic staff and limited appointees of the university of Wisconsin-Stevens Point who are not subject to subch. III, ch. 19, Stats.

UWSP 8.025 Outside activities and interests; reports.

(1) OUTSIDE ACTIVITIES. Members of the unclassified staff are free to engage in outside activities, whether or not such activities are remunerative or related to staff members' fields of academic interest or specialization. However, no member of the unclassified staff may engage in an outside activity if it conflicts with that individual's public responsibilities to the university or the university of Wisconsin system.

(2) REPORTABLE OUTSIDE ACTIVITIES. (a) These outside activities must be reported [see (d) for reporting lines]:

1. Associations with organizations, as defined in UWSP 8.02 (3) and (12), related to staff members' fields of academic interest or specialization;
2. Private remunerative relationships between staff members and non-governmental sponsors of university research for which the staff member is a principal investigator; and
3. Remunerative outside activities in a staff member's field of academic interest or specialization, including but not limited to consulting, and whether the staff member earns for such activities \$5,000 or more in a year from a single source.

(b) Each unclassified staff member engaging in outside activities reportable under this section shall annually, on or before April 30, file a report of outside activities with the appropriate administrator as defined under (d).

(c) If, during the year, significant changes in a staff member's reportable outside activities occur, the staff member shall immediately inform, in writing, the appropriate administrator. This information shall be placed on file with the staff member's annual statement of outside interests.

(d) *Reporting lines.*

1. Faculty and classroom teaching academic staff shall report reportable outside activities to the provost/vice chancellor for academic affairs, through the dean of their college.
2. Academic staff who are not primarily classroom teachers shall report reportable outside activities to the provost, through the appropriate vice chancellor.
3. Limited appointees shall report reportable outside activities to the vice chancellor, through the appropriate appointing authority.

(3) UNIVERSITY STANDARDS AND GUIDELINES. Recognizing the fulfillment of their position responsibilities at the university as their primary professional obligation and encouraging unclassified staff to engage in outside activities, the faculty and academic staff of the university adopt these principles to govern participation in outside activities.

(a) *Use of university facilities.* Unclassified staff may use university facilities, equipment, and supplies for activities related to their university responsibilities in the areas of

- academic, research, or professional activities;
- public service; and
- community service;

according to the provisions of UWS 18 and 21, and within guidelines established by their departments/units.

(b) *Absence from regular duties.*

1. Outside activities which cause an unclassified staff member to be absent from regular duties shall normally be related to the staff members area of expertise.

2. Faculty and classroom teaching academic staff. [a] Members of the faculty (including department chairpersons) and classroom teaching academic staff shall provide for collegial coverage, an appropriate alternative educational experience, or a substitute instructor if they must miss a teaching commitment due to outside activities.

[a] Any such absence shall require the approval of the department chairperson and shall be reported in writing to the appropriate dean prior to the absence of the individual. In the case of a department chairperson, written approval shall be required from the dean.

[b] Departments shall make reasonable accommodations for individuals wishing to engage in outside activities but shall give primary consideration to classroom teaching and other educational responsibilities of the department and the individual.

[c] If a dean believes the number of absences of an individual to be excessive, the dean shall consult with the department chairperson. If, following consultation, the dean continues to believe the absences to be excessive, the dean may disapprove the absences.

[d] In considering individual requests to be absent from regular university duties, the department shall also determine at what point the individual may no longer receive remuneration from the university.

[e] A member of the faculty or academic staff whose request for approval of participation in outside activities has been denied, whether by the department chairperson or the dean, or who has been denied university salary while engaged in outside activities, may file a grievance with the appropriate subcommittee.

3. Academic staff who are not classroom teachers. Members of the academic staff who wish to engage in outside activities which will require them to be absent from their position at the university shall require the approval of the unit director. Any such proposed absence shall be reported in writing to the appropriate vice chancellor or (where appropriate) the provost.

[a] Unit directors may require colleague coverage for responsibilities to be missed or that work assignments missed as a result of outside activities be completed in alternative ways or at an alternative time.

[b] Directors shall make reasonable accommodations for individuals wishing to engage in outside activities which require them to be absent from regular duties but shall give primary consideration to the responsibilities of the unit and the individual.

[c] If an vice chancellor (or, where appropriate, the provost) believes the number of absences of an individual to be excessive, the vice chancellor provost shall consult with the unit director. If, following consultation, the vicet chancellor or provost

continues to believe the absences to be excessive, the vice chancellor or provost may disapprove the absences.

[d] In considering individual requests to be absent from regular university duties, the director shall also determine at what point the individual may no longer receive remuneration from the university.

[e] An academic staff member whose request for approval of participation in outside activities has been denied, whether by the director, vice chancellor, or provost, or who has been denied university salary while engaged in outside activities, may file a grievance with the appropriate subcommittee.

4. Persons on limited appointments (other than department chairpersons). Members of the unclassified staff on limited appointment who wish to engage in outside activities which will require them to be absent from their regular duties at the university shall require the approval of the appointing authority. Any such proposed absence shall be reported in writing through the appropriate appointing authority to the vice chancellor. In the case of the vice chancellor, any such proposed absence shall be reported to the chancellor; in the case of the chancellor, proposed absences shall be reported to the appropriate university of Wisconsin system administrator.

[a] Administrators may require colleague coverage for responsibilities to be missed or that work assignments missed as a result of outside activities be completed in alternative ways or at an alternative time.

[b] Administrators shall make reasonable accommodations for individuals wishing to engage in outside activities which require them to be absent from regular duties but shall give primary consideration to the responsibilities of the unit and the individual.

[c] If an administrator believes the number of absences of an individual to be excessive, the administrator shall consult with the appropriate administrative personnel. If, following consultation, the administrator continues to believe the absences to be excessive, the administrator may disapprove the absences.

[d] In considering individual requests to be absent from regular university duties, administrators shall also determine at what point the individual may no longer receive remuneration from the university.

[e] An unclassified staff member whose request for approval of participation in outside activities has been denied or who has been denied university salary while engaged in outside activities, may file a grievance with the appropriate subcommittee.

(c) *Outside activities which may result in a material conflict of interest.* Outside activities which may result in a material conflict of interest include but are not limited to

- personal gain through contracting on the university's behalf with companies in which the individual or a member of the individual's immediate family holds a substantial financial interest;
- personal gain at the expense of university responsibilities;

- personal gain of a continuing or substantial nature while continuing to receive compensation from the university, where such outside activity occurs at the same time as one's university responsibilities;
- serving in a decision-making or major advisory capacity for personal gain for any organization doing business with the university or the university of Wisconsin system;
- university research in which the staff member has a financial interest and which is funded completely or partially through grants, gifts, or contracts by non-governmental sponsors, or other university research for which the staff member has a private remunerative relationship with a sponsor other than the university;
- situations which may result in research that would normally be carried out at the university being diverted to a private establishment to the detriment of the university; and
- activities referred to under UWSP 8.03.

(d) *Informal consultation regarding contemplated outside activities.* Members of the unclassified staff who are contemplating outside activities but are unsure whether the activities are permissible shall normally consult informally with their chairperson or dean.

1. When consultation with a chairperson or dean does not provide a resolution, or when the ethical implications of the proposed activity seem unusual or unclear, either the staff member or the administrator may request that the Ethics Committee [see 8.035] consider the question.
2. If informal consultation with the chairperson, dean, or Ethics Committee indicates that a material conflict may arise, the staff member shall either
 - drop the proposed activity;
 - modify the proposed activity to eliminate the perceived conflict; or
 - proceed under the provisions of UWSP 8.04.

(e) Reports of anticipated outside activities. The vice chancellor shall annually distribute notice to all unclassified personnel of

- the kinds of outside activities which may constitute conflict of interest;
- those outside activities which must be reported;
- where unclassified personnel may obtain the necessary reporting forms;
- the date by when and the individual(s) with whom reports must be filed; and
- the membership and role of the Ethics Committee.

(4) **REPORTS PUBLIC.** Information required to be reported under this section shall, unless otherwise privileged by law, be a matter of public record.

UWSP 8.03 Standards of conduct.

(1) PERSONAL GAIN FROM UNIVERSITY POSITION.

(a) No member of the unclassified staff may, in a manner contrary to the interests of the university, use or attempt to use a position with the university, or state property--including property leased by the state--to gain or attempt to gain anything of substantial value for the

private benefit of the staff member, the staff member's immediate family, or any organization with which the staff member is associated.

(b) No member of the unclassified staff may solicit or accept from any person or organization anything of value pursuant to an express or implied understanding that the staff member's conduct of university business would be influenced thereby.

(c) No member of the unclassified staff may intentionally use or disclose confidential university information in any way that could result in the receipt of anything of value for the staff member, the staff member's immediate family, or any other person or organization with which the staff member is associated.

(2) CONTRACTING AND LEASING.

(a) No member of the unclassified staff, the staff member's immediate family, or any organization with which the staff member is associated, may enter into any contract or lease involving payments of \$3,000 or more within a 12 month period, derived in whole or in part from university funds, if the staff member's official capacity places the staff member in a position to approve or influence the university's decision to enter into the contract or lease.

(b) An unclassified staff member who wishes to enter into any contract or lease involving payments of \$3,000 or more within a 12 month period and with those funds derived in whole or in part from university funds and whose official capacity does not place the staff member in a position to approve or influence the university's decision to enter into the contract or lease may enter into such a contract or lease only after first making known to the staff member's dean, director, or other appropriate administrator the staff member's association with the contracting or leasing organization.

The administrator to whom such a disclosure is made shall approve a staff member's interest in a lease or contract unless the administrator determines that the staff member's personal interest in the agreement will conflict substantially and materially with the staff member's university responsibilities.

(c) This subsection does not affect the application of Sec. 946.13, Stats.

(3) NEPOTISM.

(a) No member of the unclassified staff may participate in any way in the decision to hire, retain, grant tenure or indefinite appointment to, promote, or determine the salary of any of the staff member's immediate family.

(b) No member of the unclassified staff in a supervisory or managerial position may give a family member preferential or favored treatment.

(4) STUDENT RESEARCH PROTECTION. A member of the unclassified staff shall inform students engaged in research under the staff member's supervision of any financial interest which the staff member has in the research activity, including but not limited to

- financial arrangements involved in the direct support of the activity;

- agreements made by the staff member to obtain data for the research; or
- agreements concerning copyright or patent rights arising from the research.

(5) **WAIVER.** The board may, upon written request and by action within a reasonable time of receipt thereof, waive any provision of this section whenever its literal application would be adverse to the best interests of the university of Wisconsin system or would work an unreasonable hardship on a member of the unclassified staff.

- (a) Any unclassified staff member seeking board waiver of the provisions of this chapter shall forward the request for waiver to the board through the chancellor.
- (b) A request for waiver shall not require the approval or authorization of any university administrator, and shall be forwarded by the chancellor to the board without comment. If the individual requesting the waiver also requests comments from university administrators, any such comments shall be forwarded to the board by the chancellor with the request.
- (c) If the board specifically requests comment from the chancellor or any other administrator of the university, a copy of the comments shall be sent to the individual requesting the waiver.

UWSP 8.035 Institutional ethics committee.

(1) The chairperson of the Faculty Affairs Committee shall annually appoint 3 members and the chairperson of the Academic Staff Council shall annually appoint 2 members to the Ethics Committee.

- (a) The Ethics Committee shall provide consultation and advice on the application of this chapter to any member of the unclassified staff seeking its assistance.
- (b) Committee deliberations and actions upon requests for consultation or advice shall be in closed meetings, as required by Chapter UWS 8.035 and permitted under the provisions of Sec. 19.85 (1) (c), (f), and (h), Wis. Stats..
- (c) Records obtained in connection with requests for consultation or advice shall be considered confidential university information.
- (d) Summaries of advice provided by the Ethics Committee, which do not disclose the identities of persons requesting such advice, shall be reported annually to the Secretary of the Senate.
- (e) The Secretary of the Senate shall publish these annual reports for placement in the University Library.

UWSP 8.04 Action to avoid possible conflict.

(1) When it appears that a material conflict may arise between the personal interests of an unclassified staff member and the staff member's responsibilities to the university, the staff member shall notify the dean, director, or other appropriate administrator by submitting a written statement describing the nature of the possible conflict.

(2) Within 15 days after receipt of the statement, the administrator shall advise the staff member in writing that:

(a) There is no conflict prohibited by this chapter and the staff member may proceed; or

(b) There may be a conflict and further consultation is necessary prior to reaching a determination; or

(c) There is a conflict which must be resolved in one of the following ways:

1. The staff member shall not proceed with university duties which result in the conflict, so long as the conflict remains; or

2. The staff member shall not proceed with the personal interests which result in the conflict, so long as the conflict remains.

(3) If the staff member is advised that either (2) (c) 1 or 2 above is applicable, the staff member may appeal the decision under UWSP 6 or UWSP 13, as appropriate, within 15 days after notice of the administrative decision.

UWSP 8.05 SANCTIONS.

(1) Any person may file a written complaint charging a violation of this chapter. The complaint shall state the name of the member of the unclassified staff alleged to have committed a violation and describe the violation.

(2) A complaint involving the chancellor shall be submitted to the president for investigation and disposition in accordance with system administration policies and procedures adopted pursuant to ch. UWS 11 or s. UWS 13.01, as appropriate.

(3) A complaint involving any other member of the faculty or the academic staff at the university shall be submitted to the chancellor.

(a) Where the complaint is against a faculty member, the chancellor shall proceed under the policies and procedures of UWSP 4 or UWSP 6.01, as appropriate.

(b) Where the complaint is against a member of the academic staff, the chancellor shall proceed under the policies and procedures of UWSP 11 or UWSP 13.01, as appropriate.

(4) Complaints involving limited appointees shall be submitted to the official who made the appointment and that official shall take appropriate action under the provisions of UWSP 4 or UWSP 6.01, or UWSP 11 or UWSP 13.01, as appropriate.

(5) Notwithstanding the other provisions of this section, the president or chancellor may investigate possible violations of this chapter whenever the circumstances warrant and proceed in accordance with (1) to (4) above.

(6) Possible criminal penalties for intentional violations of this chapter may be found in Sec.19.58, Wis. Stats.

UWSP 8.06 REPORTS.

The chancellor and all contracting personnel shall annually, on or before April 30, file a statement of economic interest with the secretary of the board. The statements shall be filed on a form provided by the secretary, and shall be considered matters of public record. The statements shall contain the information required by Sec. 19.44, Wis. Stats.

CHAPTER UWSP 9 ACADEMIC STAFF RULES: COVERAGE AND DELEGATION

UWSP 9.01 COVERAGE.

(1) The definitions of Chapter UWSP 1 and the policies and procedures of UWSP 8 to 13 apply to all academic staff appointments.

(2) **EFFECTIVE DATE.** These policies and procedures shall become effective when approved by the chancellor and forwarded to the Board.

(3) **BOARD REVIEW.** The Board may undertake a review of any or all of these policies and procedures and any subsequent amendments thereto but shall complete such review within 90 days of the receipt of them. Should the Board within 90 days return to the university any of these policies and procedures as disapproved, that portion shall be suspended until reconsideration and resubmission has taken place.

UWSP 9.02 ACADEMIC STAFF GOVERNANCE.

(1) **THE ACADEMIC STAFF COUNCIL.**

(a) The Academic Staff Council, hereafter referred to as "the Council," shall be a standing committee of the Senate.

(b) The Council shall have the authority to recommend to the Senate policies and procedures pertaining to the members of the academic staff, and pursuant to Chapter UWS 9 shall consult with and advise the chancellor on all policies and procedures adopted by the university pursuant to Chapters UWS 8-13 and UWSP 8-13.

(c) Composition of the Council, eligibility for membership, term of office, and nomination and election shall be as stated in the Faculty Constitution (see Article XIV).

(2) **FACULTY STATUS.** By action of the Faculty Senate and the chancellor, members of the academic staff have been designated as having faculty status, which means a right to participate in faculty governance in accordance with the Constitution of the Faculty of the University. Faculty status does not confer rank or tenure, or convert an academic staff appointment into a faculty appointment. Academic staff members who have been given faculty status for governance purposes have employment rights under the policies and procedures concerning academic staff.

UWSP 9.03 AMENDMENTS.

Amendments to these policies and procedures may be recommended for adoption to the Senate and to the chancellor at a regular meeting of the Council by a majority vote.

(1) Any proposed amendment shall have been published and distributed to all members of the Council and to all members of the academic staff at least 2 weeks prior to the Council meeting at which such amendment is to be considered.

(2) Amendments shall be in force and effect when approved by the Council, the Senate and the chancellor and forwarded to the Board, as described in 9.01 (3).

UWSP 9.04 ACADEMIC STAFF HEARING BODY.

The hearing body referred to throughout Chapters UWS 9-13 and UWSP 9-13, and in UWS 8 and UWSP 8 where the reference is to academic staff, shall be a hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee, a permanent subcommittee of the Academic Staff Council.

(1) Any such hearing committee shall have the authority to conduct hearings on any of the following: nonrenewal of probationary appointment; failure to reappoint to a fixed term appointment after the 7th year an academic staff member who has served 7 years or more on .5 FTE or more fixed term appointment; dismissal; layoff and termination for reasons of budget or program; and complaints or grievances.

(2) Hearings conducted for an academic staff member shall provide for adequate due process.

CHAPTER UWSP 10 ACADEMIC STAFF APPOINTMENTS

UWSP 10.01 TYPES OF APPOINTMENTS.

(1) Academic staff appointments may be fixed term, probationary, or indefinite. An appointment shall be limited to an operational area (e.g., an academic department) specified at the time of the appointment and shall not carry rights beyond that limitation.

(2) In accordance with 36.05 (8), Wis. Stats., academic staff appointments may be converted to faculty appointments by the action of the Board upon the recommendation of the department in which the faculty member will hold rank, and of the chancellor. Before making the recommendation to the Board, the chancellor shall secure the advice of the appropriate administrative officers. Such faculty appointees shall enjoy all rights and privileges of faculty.

UWSP 10.02 Recruitment and Letter of Appointment.

(1) Each department/unit, with the approval of the chancellor, shall develop procedures relating to the recruitment of members of the academic staff for that operational area. Procedures shall be consistent with all departmental/unit, university, and System personnel rules and procedures.

(2) Each person to whom an appointment is offered must receive an appointment letter in which the chancellor or a designee details the terms and conditions of the appointment, including but not limited to: type of appointment (fixed term, probationary, or indefinite); name and title of immediate supervisor; duration of the appointment; salary and source of funding (GPR or other); starting and ending dates; general position responsibilities; definition of

operational area; probationary or indefinite appointment status or potential; and crediting of prior service, if any. Accompanying the initial letter of appointment shall be an attachment detailing institutional and System rules and procedures relating to academic staff appointments. If the appointment is subject to the advance approval of the Board, a statement to this effect must be included in the letter. The proportion of time provided for in the appointment letter may not be diminished or increased during the term of the appointment without the mutual consent of the parties, unless the academic staff member is dismissed for just cause, pursuant to 36.13 (5), Wis. Stats., or is terminated or laid off pursuant to 36.21, Wis. Stats. (see Chapters UWSP 11 and 12). An amended letter of appointment shall be sent in situations where a significant change in position responsibility occurs; however, no such change may be made during a contractual period without the mutual consent of the parties, except as may be necessary under 36.21, Wis. Stats., and Chapter UWSP 12.

UWSP 10.03 Appointment Policies.

(1) FIXED TERM APPOINTMENTS.

(a) Fixed term appointments shall be for a definite period of time specified in the letter of appointment, are renewable solely at the option of the university, and carry no expectation of reemployment beyond their stated term, regardless of how many times renewed.

(b) An academic staff member who has served 7 or more years on .5 FTE or more fixed term appointment and whose appointment is not renewed shall have the right to a written statement of reasons and a reconsideration by the decision-maker. If reconsideration affirms the original decision, the fixed term appointee shall have the right to grieve that decision except when it is based on reasons of budget or program need as determined by the department/unit head and agreed to by the dean or other appropriate administrator. To grieve such a decision, the academic staff member shall file a grievance under the provisions of Chapter UWSP 13.

1. The academic staff member shall have 20 days from the date of receipt of notification that reconsideration has affirmed the original decision not to renew the staff member's appointment to file a written statement of grievance with the appropriate mediation subcommittee.

a. Academic staff hired primarily for classroom teaching may elect to file their grievance with either the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee but shall have access to only 1 subcommittee for each case.

b. Academic staff wishing to file a grievance under this subsection shall send written notification to the chairperson of the Academic Staff Mediation Subcommittee or, where appropriate, to the chairperson of the Faculty Mediation Subcommittee.

2. Regardless of the subcommittee with which the grievance is filed, the academic staff member's grievance shall be dealt with under the provisions of Chapter UWSP 13.

(c) Fixed term appointments are appropriate only under 1 or more of the conditions listed below, and shall be given in every instance in which 1 or more of the conditions obtain:

1. the appointment is primarily for classroom teaching duties;
2. the appointment is less than one-half time;
3. the appointment is for a term of 1 year or less, to replace someone on leave;
4. the appointment is funded by non-GPR money, except that certain appointments specified by the chancellor shall normally be limited appointments with a concurrent probationary academic staff appointment; or
5. the appointment is to a position designated as appropriate for fixed term employment by the Academic Staff Council and the chancellor, at the request of the hiring unit prior to the initial appointment.

- a. Such request shall be made in writing prior to the advertising of the position, or
- b. in the case of personnel on academic staff appointment at the time such a request is approved by the Academic Staff Council and by the chancellor, the change will be effective at the proffer of the next new contract or appointment.

(d) Academic staff personnel employed primarily for classroom teaching duties may be hired only upon the affirmative recommendation of the department in which the person will hold the appointment. Such academic staff shall be evaluated for all personnel actions by the department in which the person holds the appointment, according to procedures developed by the department.

(e) Any person who has served for 10 years or longer on fixed term appointments may request and shall receive review for indefinite appointment. If the review leads to an indefinite appointment, the academic staff member shall enjoy all rights, privileges, and protections accorded indefinite appointment academic staff. If the review does not lead to indefinite appointment, the person may continue to be employed on fixed term contracts. The Academic Staff Council, in consultation with the chancellor, shall develop appropriate policies and procedures for such review of fixed term academic staff.

(f) Appointments of .5 FTE or more shall normally be for 1-year periods or more during the first 7 years of service, for 2-year terms or more during the 8th through 10th years and for 3-year terms or more thereafter. If appointments are for less than these periods, the academic staff member may request and shall receive a written statement of reasons.

(g) If a department wishes, search-and-screen will not be necessary to hire fixed-term teaching academic staff who have taught during 1 of the 2 semesters immediately preceding the one under consideration, nor will it be necessary to search and screen to hire fixed-term, non-teaching academic staff who have been employed for at least 5 months at a 0.33 FTE appointment or more during the preceding 12 months.

(2) INDEFINITE AND PROBATIONARY ACADEMIC STAFF APPOINTMENTS. Academic staff appointments of one-half time or more, other than fixed term, shall be probationary or indefinite appointments.

(a) *Probationary academic staff appointments.*

1. Probationary appointments are appointments of .5 FTE or more which lead to a review and a decision on an indefinite appointment. The probationary period shall not exceed 7 consecutive academic years in a full-time appointment and shall not exceed 10 consecutive academic years in a part-time appointment. Although a person may be hired on an indefinite appointment, normally a person may be recommended for indefinite appointment only after 3 years of full-time probationary service (or equivalent part-time probationary service) at UWSP.
2. A leave of absence or an approved professional improvement leave shall not constitute a break in continuous service nor shall it be included in the probationary period.
3. For a probationary academic staff member who wants to continue working but needs to reduce professional responsibilities, there are additional circumstances which do not constitute a break in continuous service and that shall not be included in the probationary period. These include, but are not limited to, significant responsibilities with respect to childbirth/adoption, significant responsibilities with respect to elder/dependent care obligations, disability/chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. Within a reasonable time before or after the fact, a request must be made before the semester in which an indefinite status review commences under 10.03 (2). A request for a specified amount of additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary academic staff member and shall be submitted to the individual's cabinet officer who shall be authorized to grant a request following consultation with the academic staff member's supervisor. The cabinet officer shall specify the length of time for which the request is granted. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth/adoption shall be approved. More than one request may be granted because of responsibilities with respect to childbirth or adoption. Requests made because of circumstances under this section other than responsibilities with respect to childbirth/adoption shall be initiated in writing by the probationary academic staff member and shall be submitted to the individual's cabinet officer. The request must be supported by credible justification. The cabinet officer is authorized to grant a request following consultation with the academic staff member's supervisor. A denial of a request or a modification of the requested time shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all granted requests, excluding requests granted because of responsibilities with respect to childbirth or adoption, ordinarily shall be no more than one year.
4. Any full-time academic staff member who has been in probationary status for more than seven years shall be evaluated at the completion of seven years of actual service, excluding time granted because of one or more of the reasons set forth in subs 2 or 3. The university shall not expect additional activities during the excluded time. Activities conducted during the excluded time may be considered only at the request of the academic staff member.

5. Each department/unit, in consultation with the chancellor, shall develop procedures for the annual review and evaluation of probationary academic staff. Such procedures shall provide for the use of the standard evaluation instrument(s) for evaluation of academic staff, and the appropriate method for handling annual evaluations of academic staff personnel. Additional evaluation instruments or questions added to the standard form, the procedures for evaluation, and the reporting of information from the evaluations shall be consistent with the provisions of this subsection and the appropriate sections of the University Handbook. This may be accomplished through the establishment of a committee, or in units too small for committees, by the appropriate administrative officer, after consultation with the personnel of the unit. All academic staff in a department/unit shall be notified in writing of the criteria for, and the method of, annual evaluation; copies of such statements shall be filed with the Academic Staff Council. These procedures shall also provide for written notice of departmental/unit review to the academic staff member at least 20 days prior to the date of the review, and an opportunity to present information on the person's behalf. The probationary academic staff member shall be notified in writing within 20 days after each decision at each reviewing level. In the event that a decision is made which results in a non-renewal, the procedures specified in 10.04 shall be followed. All decisions relating to renewal of probationary appointments or the granting of indefinite appointments shall be made in conformity with the provisions of the Wisconsin Open Meetings Law, except that any person being considered for purposes of a recommendation or decision on granting of an indefinite appointment may request an open meeting, and such request shall be granted.

6. Except as extended under 2 and 3 above, recommendations for indefinite appointment shall be made no later than in the 6th year of continuous full-time probationary service and no later than in the 9th year of probationary service for an academic staff member holding a probationary appointment of at least half-time. Service prior to an initial academic staff appointment at the university, except as specified in the initial letter of appointment, shall not count as part of the probationary period. The appointment letter must clearly state the amount of prior service to be counted. All or a portion of full-time equivalent fixed term service may be counted as part of probationary service; all or a portion of prior service at another institution may be counted in the probationary period.

(b) *Indefinite Appointment.*

1. An indefinite appointment is an appointment with permanent status for an unlimited term granted by the chancellor to an academic staff member. Such an appointment is terminable only for cause under Chapter UWSP 11 or for reasons of program or budget under Chapter UWSP 12. Indefinite appointments may be granted to any academic staff member who holds or will hold a half-time appointment or more.

2. Indefinite appointment may be granted only to those who have met criteria clearly specified in departmental/unit procedures, and only after annual review and evaluation, following the procedures described under (2) (a) 1. above.

3. An indefinite appointment is not acquired solely because of years of service.

UWSP 10.04 Nonrenewal of Probationary Academic Staff Appointments.

(1) **REQUEST FOR REASONS.** Any academic staff member denied renewal of a probationary appointment may request of the decision-maker a written statement of reasons for nonrenewal. Such request shall be made within 10 days of receiving the notice of nonrenewal; the written statement shall be provided within 10 days of the request.

(2) **RECONSIDERATION.** An academic staff member who has been denied renewal of a probationary appointment and who has requested a written statement of the reasons for the nonrenewal shall be granted a reconsideration by the decision-maker if the academic staff member has new and relevant material which was not considered in the original decision. Otherwise, the person who has been denied renewal may respond to the written statement of reasons and request reconsideration by the decision-maker; the reconsideration may be granted at the discretion of the decision-maker.

(a) Reconsideration shall be requested within 10 days of the receipt of the written statement of reasons. Any reconsideration shall be held within 20 days of the request, except that this time may be extended by mutual consent of the parties.

(b) The person granted a reconsideration shall be entitled to adequate notice of the time and place of the reconsideration, an opportunity to respond to the written reasons and to present new written or oral evidence or arguments relevant to the decision, and written notification of the decision resulting from the reconsideration. Reconsideration is not a review or a hearing, and shall be non-adversarial.

(3) **APPEAL OF A NONRENEWAL DECISION.** In the event that a reconsideration affirms the nonrenewal decision, or a request for reconsideration is denied, the following procedures shall be used:

(a) The person who has been denied renewal of a probationary appointment may request review of that decision by written appeal to the Academic Staff Mediation Subcommittee within 20 days of notice of nonrenewal (or 25 days if notice is by 1st-class mail and publication); such a request must be preceded by a request for a written statement of reasons for the nonrenewal under subsection (1) above. If a reconsideration has been granted under (2) above, the written appeal for a review shall be requested within 10 days of notification that the reconsideration has affirmed the decision not to grant renewal.

(b) A hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee shall review the decision not later than 20 days after receipt of the written request, except that this time may be extended by mutual consent of the parties or by order of the hearing committee. The appellant shall be given at least 10 days notice of the review. The burden of persuasion in such an appeal shall be on the appellant, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon 1 or more of the following factors, with material prejudice to the appellant:

1. Conduct, expression, or beliefs which are constitutionally protected, or actions which are consistent with an appropriate professional code of ethics;

2. Employment practices proscribed by applicable state or federal law;
 3. Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of the staff member in question if material prejudice resulted because of any of the following:
 - a. Procedures required by the chancellor or Board were not followed;
 - b. Available data bearing materially on the quality of performance were not considered;
 - c. Unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.
- (c) The hearing committee shall report on the validity of the appeal to the academic staff member, the decision-maker, the appropriate vice chancellor or dean, the provost, the chancellor, or other appropriate individuals.
- (d) If the committee finds for the appellant, the report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision-maker, a reconsideration by the decision-maker under instructions from the hearing committee, or a recommendation to the next higher administrative level.
1. Cases shall be remanded for reconsideration by the decision-maker in all instances unless the hearing committee specifically finds that such a remand would serve no useful purpose.
 2. The hearing committee shall retain jurisdiction during the pendency of any reconsideration.
 3. The recommendation of the hearing committee becomes the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendation.
 - a. If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the appellant.
 - b. The chancellor shall send written notification of decision to the appellant, the chairperson of the hearing committee, and other appropriate individuals within 30 days of the receipt of the committee's report.
 4. The decision of the chancellor shall be final on such matters.

UWSP 10.05 Notice Periods.

(1) **FIXED TERM APPOINTMENTS.** Written notice that a fixed term appointment will not be renewed shall be given to those holding less than .5 FTE appointments in advance of the expiration of the appointment as follows:

(a) at least 3 months before the end of the appointment in the first 2 years, and 6 months thereafter;

(b) in addition, academic staff members holding a .5 FTE or more appointment or those who have accumulated 7 academic years of service at .5 FTE or more per semester shall be notified at least 6 months before the end of the appointment in the 3rd through 7th years, at least 9 months before the end of the appointment in the 8th through 10th years, and, thereafter, at least 12 months before the end of the appointment;

(c) when the letter of appointment states that renewal is not intended, no further notice of nonrenewal is required.

(2) **PROBATIONARY APPOINTMENTS.** An academic staff member who is employed on probationary appointment shall be notified in writing by the chancellor or a designee of reappointment or nonrenewal for another term in advance of the expiration of the current appointment as follows:

(a) at least 3 months before the end of the appointment in the 1st year;

(b) at least 6 months before the end of the appointment in the 2nd year;

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

(3) **ABSENCE OF PROPER NOTIFICATION.** If proper notice is not given in accordance with 10.05 above, the aggrieved person shall be entitled to a 1-year terminal appointment (academic year appointment if appropriate) without penalty. Such appointment, however, shall not result in the attainment of indefinite status.

CHAPTER UWSP 11 DISMISSAL OF ACADEMIC STAFF FOR CAUSE

UWSP 11.01 Indefinite Appointments.

(1) An academic staff member having an indefinite appointment may be dismissed only for just cause and only after due notice and hearing and only in accordance with the provisions of this Chapter.

(2) An academic staff member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges inherent in the appropriate professional code of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

(3) Layoff or termination of academic staff in accordance with the provisions of Chapter UWSP 12 shall not constitute dismissal under the provisions of this chapter.

UWSP 11.02 Responsibility for Charges.

(1) Whenever the chancellor receives an allegation concerning an academic staff member holding an indefinite appointment, which appears to be substantial, and which, if true, might lead to dismissal under 11.01, the chancellor shall request within a reasonable time that the appropriate dean or director investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which academic staff members are entitled under this chapter. If the investigation and discussion do not result in a resolution of the allegation, and if the allegation is deemed sufficiently serious to warrant dismissal, the dean or director shall prepare a written statement of specific charges. An academic staff member may be dismissed only after receipt of such a statement of specific charges and, if a hearing is requested by the academic staff member, after a hearing held in accordance with the provisions of this chapter. If the staff member does not request a hearing, dismissal action shall proceed along normal administrative lines but the provisions of 11.03, 11.08 and 11.09 shall apply. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

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

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

UWSP 11.03 Hearing Committee.

(1) Hearing committees appointed by the chairperson of the Academic Staff Mediation Subcommittee are charged with hearing dismissal cases and making recommendations under this chapter. Any such hearing committee shall operate as the hearing agent for the chancellor pursuant to Sec. 227.46, Wis. Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of fact and decision to the chancellor according to UWSP 11.07.

(2) An academic staff member whose primary responsibility is classroom teaching may appeal a dismissal for cause to either the Faculty Mediation Subcommittee or to the Academic Staff Mediation Subcommittee but shall have access to only 1 Subcommittee for each case. If the academic staff member selects the Faculty Mediation Subcommittee, the hearing shall nonetheless be held pursuant to the provisions of this chapter.

UWSP 11.04 HEARING.

If the academic staff member requests a hearing within 20 days of service of the statement of charges (25 days if notice is by 1st-class mail and publication), such a hearing shall be held

not later than 20 days after the request, except that this time limit may be extended by mutual written consent of the parties, or by order of the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the appropriate Subcommittee. Service of written notice of hearing on the specific charges shall be provided at least 10 days prior to the hearing.

UWSP 11.05 Adequate Due Process.

(1) A fair hearing for an academic staff member whose dismissal is sought under 11.01 shall include the following:

- (a) a right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (b) a right to be heard in one's defense;
- (c) a right to counsel and/or other representative, and to offer witnesses;
- (d) a right to confront and cross-examine adverse witnesses;
- (e) a verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (f) written findings of fact and decision based on the hearing record; and
- (g) admissibility of evidence governed by Sec. 227.45 Wis. Stats.

UWSP 11.06 Procedural Guarantees.

(1) Any hearing held shall comply with the requirements set forth in 11.05. The following requirements shall also be observed:

- (a) The burden of proof for the existence of just cause is on the administration or its representatives.
- (b) No person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the hearing committee in that case.
- (c) The hearing shall be closed unless the academic staff member under charges requests an open hearing, in which case it shall be open (see 19.85 Wis. Stats., Open Meetings Law).
- (d) The hearing committee may, on motion of either party, disqualify any of its members for cause by a majority vote. If any members of the committee disqualify themselves or are disqualified, the remaining members shall, in consultation with the chairperson of the Academic Staff Mediation Subcommittee and the chairperson of the Academic Staff Council, select replacements.
- (e) The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude im-

material, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.

(f) If the hearing committee requests, the chancellor shall provide legal counsel after consulting with the hearing committee concerning its wishes in this regard. The function of legal counsel shall be to advise the hearing committee, consult with it on legal matters, and such other responsibilities as shall be determined by the hearing committee.

(g) If an academic staff member whose dismissal is sought has requested a hearing, discontinuance of the proceedings by the institution is deemed a withdrawal of charges and a finding that the charges were without merit. All reference to the initiation and discontinuance of the proceedings shall be removed from the individual's personnel file.

(h) Nothing in paragraph (f) shall prevent the settlement of cases by mutual agreement between the administration and the academic staff member, with the approval of the chancellor, at any time prior to a final decision by the chancellor, or when appropriate, with the Board's approval prior to a final decision by the Board.

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

UWSP 11.07 Recommendations to the chancellor.

The hearing committee shall send to the chancellor and to the academic staff member concerned as soon as practical after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. As promptly as possible after receipt of this material the chancellor shall review it and afford the academic staff member an opportunity to discuss it. The chancellor shall prepare a written decision as promptly as possible following the meeting with the academic staff member. If the proposed decision differs substantially from the recommendations, the chancellor shall promptly consult with the hearing committee and provide it with a reasonable opportunity for a written response prior to making the final decision. After receipt and review of any response from the hearing committee, the chancellor shall issue a written decision. In that decision, the chancellor may order dismissal of the academic staff member, may impose a lesser disciplinary action, or may find in favor of the academic staff member. This decision shall be deemed final unless the Board, upon request of the academic staff member, grants review based on the record.

UWSP 11.08 Suspension from Duties.

Pending the final decision as to dismissal, the academic staff member on indefinite appointment shall not normally be relieved of duties. If the chancellor, after consultation with the appropriate administrative officer and the Academic Staff Council, finds that substantial harm to the institution may result if the academic staff member is continued in the position, the academic staff member may be immediately relieved of duties, but salary shall continue until the chancellor makes a decision as to dismissal.

UWSP 11.09 DATE OF Dismissal.

A decision by the chancellor ordering the dismissal shall specify the effective date of the dismissal. In the event an appeal is granted by the Board and the Board concurs in the decision to dismiss, the decision of the Board shall specify the effective date of dismissal.

UWSP 11.10 BOARD REVIEW.

(1) An academic staff member on indefinite appointment who has been dismissed for cause by the chancellor following a hearing may appeal this action to the Board. Any appeal shall be made within 30 days of the date of the receipt of the decision of the chancellor to dismiss. Upon receiving an appeal the Board shall review the case on the record. Following such review the Board may confirm the chancellor's decision, or direct a different decision, or approve a further hearing before the Board with an opportunity for filing exceptions to the hearing committee's recommendations or the chancellor's decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing (see 19.85, Wis. Stats., Open Meetings Law). All decisions of the Board, whether after review of the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision.

(2) If, after review, the Board decides to take action different from the recommendations of the hearing committee or the decision of the chancellor, then before taking final action, the Board shall consult with the chancellor.

UWSP 11.11 Fixed Term or Probationary Academic Staff.

An academic staff member holding a probationary or a fixed term appointment may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program under Chapter UWSP 12. A nonrenewal of such an appointment for reasons of budget or program is not a dismissal under this section.

(1) Whenever the chancellor receives an allegation concerning a fixed term or probationary academic staff member, which appears to be substantial and which, if true, might lead to dismissal under this section, the chancellor shall request within a reasonable time that an appropriate administrative officer investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which such academic staff members are entitled under this section. If the investigation and discussion do not result in a resolution of the allegation and if the allegation is deemed sufficiently serious to warrant dismissal, the officer conducting the investigation shall prepare a written statement of specific charges, including the effective date of dismissal. An academic staff member may be dismissed only after receipt of such a statement of specific charges, and the proffer of an opportunity for a hearing before the appropriate vice chancellor or dean, or for those departments/units reporting directly to the provost, the provost.

(2) Any formal statement of specific charges for dismissal shall be served personally or by certified mail, return receipt requested, and shall be accompanied by a statement of the appeal procedures available to the academic staff member. If personal or certified mail service cannot be made within 20 days, service of charges shall be accomplished by 1st class mail and by publication, effective as of the 1st insertion of the statement of charges in the newspaper.

(3) If a hearing is requested, it shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. If the vice chancellor or dean or, for departments/units reporting directly to the provost, the provost decides that the allegations are true and warrant dismissal, dismissal shall be effective upon receipt of the written notice of this decision, unless a different dismissal date is specified by the vice chancellor or dean or provost. If no hearing is requested, the dismissal is effective according to the specifications in the original notification of charges.

(4) An academic staff member who has received a formal statement of dismissal may appeal to the Academic Staff Mediation Subcommittee pursuant to the provisions of 11.03 through 11.07.

(5) In no event shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceedings shall be discontinued at the expiration of the appointment.

(6) If the chancellor or the Board ultimately decide in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the chancellor's or the Board's decision or the end of the contract period, whichever is earlier, shall be restored.

UWSP 11.12 Teaching Members of the Academic Staff.

Members of the academic staff having teaching responsibilities and holding an indefinite or fixed-term appointment of .5 FTE or more and who have accumulated 7 academic years of service at .5 FTE or more per semester may proceed under the provisions of 11.02 to 11.10.

CHAPTER UWSP 12 LAYOFF OF ACADEMIC STAFF FOR REASONS OF BUDGET OR PROGRAM

UWSP 12.01 GENERAL.

(1) Notwithstanding 36.15, Wis. Stats., and Chapters UWS 10 and 11, and UWSP 10 and 11, the chancellor, after consultation with the Academic Staff Council, may lay off a member of the academic staff holding either an indefinite or a fixed term or probationary appointment prior to the end of the appointment period when such action is deemed necessary due to budget or program decision requiring program discontinuance, curtailment, modification, or redirection. A nonrenewal, regardless of reasons, is not a layoff under this section.

(2) The chancellor may lay off members of the academic staff for budgetary reasons when the budget supporting the position or program has been reduced substantially or the workload justifying the position has been reduced substantially.

(3) The chancellor may lay off members of the academic staff for reasons of program decision when 1 or more of the following conditions exists:

- (a) increased workload in another area demands reallocation of resources;
- (b) an external mandate for a new activity or service demands reallocation of resources;
- (c) the need for a new support service for the instructional program or student welfare demands a reallocation of resources;
- (d) the function(s) of the position(s) in question is being duplicated elsewhere; or

(e) the function(s) of the position(s) in question has been contracted or sold to an outside agency.

(4) In the event that the chancellor contemplates the layoff of members of the academic staff, the chancellor shall consult and seek the advice of the Academic Staff Council at least 3 months before the affected people would be notified of layoff. The chancellor shall provide to the Academic Staff Council all of the evidence and justification to support the contemplated layoffs, including evidence that alternatives (such as, but not limited to, those listed below) have been exhausted. The Academic Staff Council shall:

(a) review the documentation provided by the chancellor;

(b) consult with the faculty and staff of the affected budget area or program;

(c) consult with such other individuals and groups as it feels may be able to provide valuable advice;

(d) consult with the Faculty Senate, or a designated committee of the Faculty Senate;

(e) determine whether alternatives to the proposed layoff(s), such as the following, have been exhausted: increase in fees, retraining, non-renewal of fixed term or probationary academic staff, reassignment, other methods of budget reduction;

(f) provide the chancellor, in writing, with its best advice concerning the contemplated layoffs and the rationale supporting that advice.

UWSP 12.02 LAYOFF.

For purposes of this chapter, "layoff" is the suspension of an academic staff member's employment by the University of Wisconsin-Stevens Point, or an involuntary reduction in services and compensation during the appointment period for reasons of budget or program decision. A laid off academic staff member retains the rights specified in 12.09 to 12.12 inclusive. For the purposes of 36.21, Wis. Stats., termination occurs at the time of layoff.

UWSP 12.03 Individual Layoff Decision.

(1) Within the operational area(s) which the chancellor has designated for layoffs, layoffs of academic staff for reasons of budget or program shall affect fixed term, probationary, and indefinite academic staff in that order, unless a clear and convincing case is made that program or service needs dictate other considerations. Within each of these categories designation for layoff shall follow the order of seniority according to years of service at the university, unless a clear and convincing case is made that program or service needs dictate other considerations.

(2) Seniority is determined by the date of the beginning of employment at UWSP and by the years of full-time service here (e.g., someone who worked half-time for 2 years shall have acquired 1 full year of seniority). For purposes of seniority, a full year of service shall be credited for 39 or more weeks of employment during any twelve-month period. All leaves and Teacher Improvement Assignments granted prior to January 1, 1976, shall be counted in determining seniority. All leaves for professional purposes granted with the concurrence of the department/unit after January 1, 1976, shall be counted toward seniority except that no more

than 2 consecutive years of leave shall be counted. Academic staff members holding joint or split appointments shall have a "home" department/unit or operational area, usually the department/unit or operational area in which the staff member has the larger percentage of appointment, and seniority shall be lodged in that department/unit or operational area.

(3) The Academic Staff Council, in consultation with the chancellor, shall establish criteria for the selection for layoff of people with identical seniority. Such criteria may include academic or other appropriate professional preparation, professional activity, professional affiliation, and contributions to one's department/unit, and to the university.

(4) Each academic staff member who is being laid off shall receive prompt written notification from the chancellor.

(5)(a) For an academic staff member with an indefinite appointment, the effective date of layoff shall be 12 months after the date of notification, barring compelling reasons to the contrary (i.e., almost immediate cutoff of funds).

(b) For an academic staff member with a probationary appointment, notification of layoff must be given at least 3 months before the end of the appointment in the 2nd year; and 12 months thereafter, barring compelling reasons to the contrary (i.e., almost immediate cutoff of funds).

(c) For academic staff members with a .5 FTE or more fixed term appointment and those who have accumulated 7 academic years of service at .5 FTE or more per semester, notification of layoff must be given at least 3 months before the end of the appointment in the first 2 years and 6 months before the end of the appointment during the 3rd to 7th years, 9 months before the end of the appointment in the 8th through 10th years, and 12 months thereafter, barring compelling reasons to the contrary (i.e., almost immediate cutoff of funds).

(d) For an academic staff member with a fixed term appointment of less than .5 FTE, notification of layoff must be given at least 3 months before the end of the appointment in the first 2 years and 6 months before the end of the appointment thereafter, barring compelling reasons to the contrary (i.e., almost immediate cutoff of funds).

(6) For academic staff members with a probationary or indefinite appointment who have received notification of layoff, the chancellor may, prior to the effective date of the layoff, offer terminal leave and early retirement, offer relocation leave accompanied by resignation, or negotiate alternate employment at the university. Acceptance by the academic staff member of either terminal leave and early retirement or relocation leave accompanied by resignation will terminate the academic staff member's association with the university on the effective date of layoff.

UWSP 12.04 Hearing Committee.

Hearing committees appointed by the chairperson of the Academic Staff Mediation Subcommittee shall operate as the hearing agent for the chancellor pursuant to Sec. 227.46, Wis. Stats. If a hearing is requested, any such hearing committee shall conduct the hearing, make a verbatim record of the hearing (which may be a sound recording), prepare a summary

of the evidence, and transmit such record and summary along with its recommended findings of fact and decision to the chancellor.

UWSP 12.05 Review and Hearing for Indefinite Appointments.

(1) An academic staff member with an indefinite appointment who has been designated for layoff shall receive prompt written notification from the chancellor and shall, upon written request made within 20 days after such notification, be given the following within 15 days of the request:

- (a) a written statement of the reasons for the decision to layoff;
- (b) a summary of the reasons and data leading to the selection of the colleges, schools, department/units, operational areas, or programs in which reductions are to be made;
- (c) a statement of the basis on which the person was selected for layoff;
- (d) a statement of the date on which the layoff is to be effective, which must be consistent with the provisions of 12.03; and
- (e) a copy of these rules and such other information or procedural regulations as the chancellor or Academic Staff Council shall deem appropriate.

(2) An academic staff member with an indefinite appointment is entitled to a hearing. If the staff member desires such a hearing, a written request must be received by the chancellor and the chairperson of the Academic Staff Mediation Subcommittee within 20 days after receipt of the statements in subsection (1) above.

- (a) The request for a hearing shall specify the grounds to be used in establishing the impropriety of the decision. A request for a hearing shall not forestall a layoff under this section.
- (b) The staff member shall be given at least 10 days notice of such hearing. The hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. Anyone who participated in the decision to lay off or who is a material witness shall not serve on the hearing body.

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

- (a) a right to be heard in one's defense;
- (b) a right to counsel and/or other representatives, and to offer witnesses;
- (c) a right to confront and cross-examine adverse witnesses;
- (d) a verbatim record of all hearings, which might be a sound recording, provided at no cost;

- (e) written findings of fact and decision based on the hearing record;
- (f) admissibility of evidence governed by Sec. 227.45, Wis. Stats.;
- (g) a closed hearing unless the staff member whose position is to be eliminated requests an open meeting, in which case it shall be open (see 19.85, Wis. Stats., Open Meetings Law);
- (h) adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

(4) The following requirements shall also be observed in the conduct of the hearing:

- (a) The hearing committee may, on motion of either party, disqualify any of its members for cause by a majority vote. If any committee members disqualify themselves or are disqualified, the remaining members shall, in consultation with the chairperson of the Academic Staff Mediation Subcommittee and the chairperson of the Academic Staff Council, select replacements. No person who participated in the decision to lay off or who is a material witness may sit on the hearing committee.
- (b) If the hearing committee requests, the chancellor shall provide legal counsel to the hearing committee. The function of legal counsel shall be to advise the hearing committee, consult with it on legal matters, and carry out such other responsibilities as shall be determined by the hearing committee within policies and procedures approved by the Faculty Senate for hearings under UWSP 12.

(5) The first question to be considered in the review is whether 1 or more of the following factors improperly entered into the decision to lay off:

- (a) Conduct, expressions, or beliefs on the staff member's part which are constitutionally protected or actions which are consistent with an appropriate professional code of ethics.
- (b) Employment practices proscribed by applicable state or federal law.
- (c) Improper consideration of the qualifications of the staff member. For the purposes of this section, "improper consideration" occurs if material prejudice resulted from any of the following:

1. the procedures required by this chapter or by the Board were not followed;
2. available data bearing materially on the quality of the staff member's actual or potential performance were not considered; or
3. unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

(6) The academic staff member shall present evidence on whether 1 or more of the factors specified above entered into the decision to lay off. The hearing committee shall then consider

whether the evidence presented establishes a prima facie case that such factor or factors did enter significantly into the layoff decision. If the hearing committee finds that a prima facie case has not been established, the layoff decision shall be found to have been proper and the hearing shall be ended. The hearing committee shall report this finding to the chancellor and to the academic staff member.

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

(a) The hearing committee shall first consider whether 1 or more of the above specified factors improperly entered into the decision to lay off. Unless the hearing committee is convinced that such factor or factors did improperly enter into that decision, the hearing committee shall find the decision to have been proper.

(b) If the hearing committee believes that such factor or factors entered into the decision to lay off, then the hearing committee shall find that decision to be improper, unless the hearing committee is convinced (1) that there were bona fide program or budgetary reasons, and that the determination of such reasons was made in the manner prescribed by and in accordance with 12.01, and (2) that the decision to lay off the particular academic staff member was in accordance with the provisions of 12.03.

(8) In determining whether bona fide reasons existed for the layoff of the academic staff member concerned, the hearing committee shall presume that the decision to curtail the program was made in good faith and for proper reasons; the hearing committee shall not substitute its judgment or priorities for that of the administration. However, if evidence has been presented to show that the chancellor's decision to lay off the person is contrary to the advice provided by the Academic Staff Council pursuant to 12.01 (4) (f), the chancellor or a designee shall present evidence and data in support of the decision to the hearing committee.

(9) The hearing committee shall report its findings and recommendations to the chancellor and to the academic staff member. If the hearing committee finds that the layoff was improper and so reports to the chancellor and the academic staff member, the chancellor shall review the matter, decide whether the staff member should be laid off, and notify the hearing committee and academic staff member of the decision. This decision shall be final unless the Board, upon the timely written request of the academic staff member, grants review based on the record.

UWSP 12.06 Review for Fixed Term and Probationary Academic Staff Members.

(1) An academic staff member with a probationary appointment, or one with a fixed term appointment who has served at the university for a period of at least 3 years, who has been designated for layoff shall receive prompt written notification from the chancellor pursuant to 12.03 (4).

(2) Such academic staff members shall have the right to review and hearing pursuant to 12.05.

(3) Nonrenewal, regardless of reasons, is not a layoff under this section.

UWSP 12.07 LAYOFF STATUS.

(1) An academic staff member who has been laid off in accordance with the provisions of this chapter shall, at the end of the appropriate notice period, be placed on layoff status unless the layoff notice has been rescinded prior to that time. The academic staff member whose notice period has expired and who is placed on layoff status shall remain on layoff status until:

(a) For fixed term and probationary academic staff, 1 of the following occurs:

1. The appointment expires under its own terms;
2. The staff member fails to accept an appropriate alternative appointment.

(b) For academic staff on indefinite appointment, 1 of the following occurs:

1. Reappointment to the position from which laid off. Failure to accept such reappointment would terminate the staff member's association with the university.
2. Acceptance of an alternative continuing position in the university. Failure to accept an alternate appointment would not terminate the staff member's association with the university.
3. Resignation.
4. Failure by the affected staff member to notify the chancellor not later than December 1 of each year while on layoff status as to his/her location, employment status, and desire to remain on layoff status shall terminate the staff member's association with the university.
5. A period of 3 years from the date of layoff elapses.

UWSP 12.08 Alternative Employment.

The university shall devote its best efforts to securing alternative appointments within the institution in positions for which academic staff laid off under this chapter are qualified under existing criteria. Academic staff on layoff shall be notified of all classified and unclassified vacancies at the university. In addition, the university shall seek to provide financial assistance for 1 year to those academic staff on indefinite appointment who are designated for layoff, to readapt within the department/unit or operational area or within another department/unit or operational area in the university, where such readaptation is feasible. Further, the UW System shall devote its best efforts to insure that academic staff members laid off or terminated in any institution shall be made aware of openings within the System.

UWSP 12.09 Reappointment Rights.

(1) The university shall establish administrative policies and procedures to insure that where layoff or terminations occur under this chapter, no person may be employed in that operational area in the institution within 3 years to perform reasonably comparable duties to those of the staff member laid off without first offering the laid off staff member reappointment without loss of rights or status. The 3-year period shall be computed from the effective date of layoff as specified in the original notice.

(2) The university shall establish administrative policies and procedures to insure that where layoff of fixed term or probationary staff has occurred under this chapter, and the appointment has expired under its own terms, such appointees shall, for a period of 3 years from the effective date of layoff specified in the original notice, have all reappointment rights under this section provided that the staff member notified the chancellor by December 1 of each year as to his/her location, employment status, and desire to pursue reappointment rights. Failure to provide such notification shall terminate the staff member's reappointment rights under this section.

UWSP 12.10 Retention of Salary.

An academic staff member reappointed to reasonably comparable duties within 3 years after layoff shall be reappointed with a salary at least equivalent to the salary rate when laid off, together with such other rights and privileges which may have accrued at that time.

UWSP 12.11 Rights of Academic Staff Members on Layoff.

An academic staff member on layoff status in accordance with the provisions of this Chapter has the reemployment rights guaranteed by 12.09 and 12.10 and has the following minimal rights:

- (1) Such voluntary participation in fringe benefit programs as is allowed by state regulations and university policies governing laid off employees.
- (2) Such continued use of campus facilities as is allowed the academic staff by policies and procedures of the university; and use of departmental/unit facilities as determined by the individual department/unit.
- (3) Such participation in department activities as is allowed by guidelines established by the department/unit.
- (4) Such participation in university activities as is allowed by the Faculty Senate, except that participation in university governance shall not be allowed.

CHAPTER UWSP 13 COMPLAINTS AND GRIEVANCES

UWSP 13.01 COMPLAINTS.

The following procedure shall apply to all allegations by persons other than the academic staff member's supervisor(s), including allegations from the administration, students, academic staff, classified staff, faculty, or members of the public concerning conduct by an academic staff member which violates university rules or policies, or which adversely affects the staff member's performance of duties, and which are serious enough, if true, to warrant disciplinary action short of dismissal. Complaints which, if true, could lead to dismissal are governed under Chapter UWSP 11.

- (1) Disciplinary action means any sanction imposed by the administration including: an official reprimand; a reduction in salary or in a recommended increase in salary, for other than

budgetary reasons; a change in assigned duties; a temporary suspension from duties without pay; or any other action against an academic staff member for misconduct.

(2) Academic staff members shall be subject to discipline only for adequate cause, a finding of which must be based upon a determination that the person's conduct violates university rules or policies or directly and substantially affects adversely the ability to carry out university responsibilities. Exercise of rights guaranteed by the United States Constitution, by the Constitution of the State of Wisconsin, by Regent action or by UWS rules shall not constitute cause for discipline.

(3) Upon receiving a complaint against an academic staff member, the chancellor or a designee shall act quickly to determine whether sufficient evidence exists which could warrant disciplinary action; if it does not, the complaint shall be dismissed. If the chancellor or the chancellor's designee determines that sufficient evidence exists, the chancellor may:

(a) Consult with the academic staff member concerned and reach a mutually acceptable response to the complaint;

(b) Invoke an appropriate disciplinary action if consultation does not produce a mutually acceptable solution. In this instance a hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee shall conduct a hearing at the request of the academic staff member;

1. Academic staff hired primarily for classroom teaching may elect to file their request with either the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee. Academic staff wishing to request a hearing under this subsection shall send written notification to the chairperson of the Academic Staff Mediation Subcommittee or, where appropriate, to the chairperson of the Faculty Mediation Subcommittee.

2. Regardless of which Subcommittee is elected, the academic staff member shall have access to only 1 subcommittee for each case, there shall be only one hearing on any single case, and the hearing shall be conducted under the provisions of this subchapter and the procedures adopted by the Faculty Senate for hearings under UWSP 13.01.

(c) Refer the complaint to the chairperson of the Academic Staff Mediation Subcommittee for a hearing. If the chancellor or designee refers the case to the Subcommittee, the chancellor or the designee shall immediately notify the academic staff member concerned.

(4) The decision of the administrator on the recommendations from a hearing committee or on the complaint in the absence of a hearing committee recommendation, shall be final, except that the chancellor may, at the chancellor's option, grant a review on the record. If the chancellor grants review, the decision of the chancellor shall be final. The academic staff member shall not again be put in jeopardy for the same alleged misconduct after a final decision.

UWSP 13.02 GRIEVANCES.

(1) Academic staff members who feel that their rights have been violated or that they have been dealt with unfairly, shall first seek a mutually satisfactory resolution of the problem at the department/unit or operational area level, then at the next higher appropriate administrative level, unless the problem initially arises at a higher level. If a mutually satisfactory resolution cannot be found, a hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee shall conduct a hearing at the request of the academic staff member.

(a) Academic staff hired primarily for classroom teaching may elect to file their request with either the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee.

(b) Every request for a hearing shall be in writing and addressed to the chairperson of the Academic Staff Mediation Subcommittee or, where appropriate, to the chairperson of the Faculty Mediation Subcommittee. A request for hearing must be received by the chairperson of the Subcommittee not later than 60 days after the occurrence of the action which precipitated the grievance.

(c) Regardless of which Subcommittee is elected, the academic staff member shall have access to only 1 subcommittee for each case; there shall be only one hearing on any single case; and the hearing shall be conducted under the provisions of this subchapter and the procedures adopted by the Faculty Senate for hearings under UWSP 13.02.

(2) After the conclusion of the hearing, the hearing committee shall recommend to the chancellor a solution to the grievance and shall transmit a written report of its findings and recommendations to the academic staff member, the chancellor, and other appropriate individuals.

(a) The recommendations of the hearing committee become the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendation.

1. If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the grievant.
2. The chancellor shall send written notification of decision to the grievant, the chairperson of the hearing committee, and to other appropriate parties within 30 days of the receipt of the committee's report.
3. The decision of the chancellor shall be final on such matters except that the Board may, at its option, grant a review on the record, at the request of the grievant or the hearing committee.

APPROVAL OF CHANGES TO CHAPTER 4A

- Chapter 4A, Section 1, may only be amended by the Board of Regents.
- Changes to Chapter 4A, Section 2, require the approval of Faculty Senate, the Chancellor, and the Board of Regents.