

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>1</b>
<b>CHAPTER 4</b> .....	<b>3</b>
<b>SECTION 3: INTERPRETATIONS, GUIDELINES, AND IMPLEMENTATION PROCEDURES FOR PERSONNEL RULES AND POLICIES: FACULTY APPOINTMENT</b> .....	<b>3</b>
<b>DEPARTMENTAL/UNIT POLICIES AND PROCEDURES</b> .....	<b>3</b>
<b>FACULTY RANKS</b> .....	<b>3</b>
MINIMUM QUALIFICATIONS.....	3
ALTERNATIVES TO THE DOCTORATE.....	3
EXCEPTIONS.....	4
MODIFICATION OR REMOVAL OF RANK.....	4
<b>DEPARTMENTAL ALTERNATIVE QUALIFICATIONS FOR RANK</b> .....	<b>4</b>
ACCOUNTING.....	4
APPLIED MUSIC.....	4
BUSINESS ADMINISTRATION.....	6
COMPUTING AND NEW MEDIA TECHNOLOGIES (CNMT).....	6
INTERIOR ARCHITECTURE.....	6
SOCIOLOGY: FACULTY IN SOCIAL WORK.....	7
UNIVERSITY LIBRARY.....	7
WEB AND DIGITAL MEDIA DEVELOPMENT (WDMD).....	8
<b>LIMITED APPOINTMENTS</b> .....	<b>9</b>
DEFINITION.....	9
APPOINTMENT RIGHTS.....	10
SALARY.....	10
<b>EDUCATIONAL CODE, CREDITING OF PRIOR SERVICE, AND SALARY INFORMATION</b> .....	<b>10</b>
EDUCATIONAL PREPARATION CODE.....	10
TIME GRANTED TOWARD TENURE: PRIOR SERVICE CREDIT.....	11
SALARY INFORMATION.....	11
<b>PROBATIONARY AND TENURE APPOINTMENTS</b> .....	<b>13</b>
TENURE DENSITY.....	13
ACQUIRING TENURE.....	13
CONTRACTUAL PERIODS AND SCHEDULES FOR RECOMMENDATIONS ON RETENTION, TENURE, PROMOTION, AND MERIT.....	14
APPOINTMENTS.....	14
<b>EVALUATION OF FACULTY BY STUDENTS AND PEERS</b> .....	<b>16</b>
GENERAL PRINCIPLES.....	16
PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATING FACULTY.....	18
GENERAL GUIDELINES FOR DEPARTMENTAL POLICIES AND PROCEDURES.....	18
PROMOTION PROCEDURES IN DEPARTMENTS.....	20
PROCEDURES FOR POST-TENURE REVIEW AND DEVELOPMENT.....	20
DEPARTMENTAL MERIT PROCEDURES.....	22
DEPARTMENT CHAIRPERSONS' MERIT PROCEDURES.....	24
ADMINISTRATIVE MERIT PROCEDURES.....	24
<b>SECTION 4: OVERVIEW OF THE PROCESS AND PROCEDURES FOR FACULTY APPEAL OF NONRENEWAL OF PROBATIONARY APPOINTMENT (UWSP 3.07 AND 3.08) AND DENIAL OF TENURE (UWSP 3.07 AND 3.08M)</b> .....	<b>26</b>
INTRODUCTORY COMMENTS.....	26
DESCRIPTION OF NONRENEWAL PROCESS.....	28
FILING AN APPEAL.....	29
GUIDELINES FOR HEARINGS.....	32
<b>OUTLINE OF APPEAL PROCESS</b> .....	<b>38</b>
<b>SECTION 5: INTERPRETATIONS, GUIDELINES, AND IMPLEMENTATION PROCEDURES FOR PERSONNEL RULES AND POLICIES: ACADEMIC STAFF APPOINTMENT</b> .....	<b>39</b>
<b>DEPARTMENTAL/UNIT POLICIES AND PROCEDURES</b> .....	<b>39</b>
<b>ACADEMIC STAFF APPOINTMENTS</b> .....	<b>39</b>
TYPES OF APPOINTMENTS.....	39
<b>ACADEMIC STAFF CATEGORIES</b> .....	<b>40</b>
TITLE CATEGORIES.....	40
<b>TYPES OF APPOINTMENTS FOR SPECIFIC CATEGORIES</b> .....	<b>40</b>
CATEGORY A.....	40

CATEGORY B.....	41
CATEGORY C.....	41
<b>LIMITED APPOINTMENTS.....</b>	<b>41</b>
DEFINITION.....	41
APPOINTMENT RIGHTS.....	41
SALARY.....	41
<b>MINIMUM QUALIFICATIONS FOR APPOINTMENT AND PROMOTION.....</b>	<b>41</b>
GENERAL.....	42
CATEGORY A OR C.....	42
CATEGORY B.....	42
<b>EDUCATIONAL CODE, CREDITING OF PRIOR SERVICE, AND SALARY INFORMATION.....</b>	<b>42</b>
EDUCATIONAL PREPARATION CODE.....	42
GRANTING PRIOR SERVICE CREDIT: TIME TOWARD INDEFINITE APPOINTMENT.....	43
SALARY INFORMATION.....	43
<b>FIXED TERM, PROBATIONARY, AND INDEFINITE APPOINTMENTS.....</b>	<b>45</b>
CONTRACTUAL PERIODS AND SCHEDULES FOR RECOMMENDATIONS ON RETENTION, INDEFINITE APPOINTMENT, PROMOTION, AND MERIT.....	45
APPOINTMENTS.....	46
<b>EVALUATION OF ACADEMIC STAFF: ALL CATEGORIES.....</b>	<b>48</b>
PROCEDURAL RIGHTS.....	48
PRESENCE AT MEETINGS.....	48
MERIT.....	49
ACTIVITIES.....	49
<b>EVALUATION OF CATEGORY A AND C ACADEMIC STAFF.....</b>	<b>49</b>
PURPOSE.....	49
USE.....	49
IMPLEMENTATION/TRAINING RESPONSIBILITIES.....	49
EVALUATION OF FIXED TERM, PROBATIONARY, AND INDEFINITE PERSONNEL.....	50
STUDENT EVALUATIONS.....	50
PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATING CATEGORY A AND C ACADEMIC STAFF.....	50
PROMOTION PROCEDURES IN UNITS.....	53
MERIT PROCEDURES IN UNITS.....	54
<b>EVALUATION OF CATEGORY B ACADEMIC STAFF.....</b>	<b>55</b>
GENERAL PRINCIPLES.....	55
PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATION.....	57
GENERAL GUIDELINES FOR DEPARTMENTAL POLICIES AND PROCEDURES.....	58
PROMOTION PROCEDURES IN DEPARTMENTS.....	59
ANNUAL SALARY ADJUSTMENTS AND DEPARTMENTAL MERIT PROCEDURES.....	60
DEPARTMENT CHAIRPERSONS' MERIT PROCEDURES.....	63
ADMINISTRATIVE MERIT PROCEDURES.....	63
<b>SECTION 6: ACADEMIC STAFF APPOINTMENT APPEALS.....</b>	<b>66</b>
<b>OVERVIEW OF THE PROCESS AND PROCEDURES FOR ACADEMIC STAFF APPEAL OF DENIAL OF REAPPOINTMENT OF FIXED TERM APPOINTMENT UNDER UWSP 10.03.....</b>	<b>66</b>
COVERAGE.....	66
FIXED TERM CATEGORY A AND C ACADEMIC STAFF.....	66
CLASSROOM TEACHING ACADEMIC STAFF.....	66
COUNSEL.....	66
DECISIONS AND RECOMMENDATIONS DISTINCT; WHICH MAY BE APPEALED.....	66
GRIEVANCES.....	67
<b>OVERVIEW OF THE PROCESS AND PROCEDURES FOR ACADEMIC STAFF APPEAL OF NONRENEWAL OF PROBATIONARY APPOINTMENT UNDER UWSP 10.04.....</b>	<b>68</b>
INTRODUCTORY COMMENTS.....	68
DESCRIPTION OF NONRENEWAL PROCESS.....	70
FILING AN APPEAL.....	71
GUIDELINES FOR HEARINGS.....	74
<b>APPROVAL OF CHANGES TO CHAPTER 4B.....</b>	<b>81</b>

## CHAPTER 4

### SECTION 3: INTERPRETATIONS, GUIDELINES, AND IMPLEMENTATION PROCEDURES FOR PERSONNEL RULES AND POLICIES: FACULTY APPOINTMENT

*This section interprets, amplifies, and provides procedures for the implementation of UWSP Personnel Rules for Faculty, Chapters 1 - 6, and 15. This material follows the approximate order of the rules.*

#### **DEPARTMENTAL/UNIT POLICIES AND PROCEDURES**

Wherever UWSP Personnel Rules or policies or procedures provide for the development of departmental/unit policies and procedures and the approval of those policies or procedures by the chancellor or vice chancellor, approval has been delegated to designees--

- for departments/units reporting to a dean, the designee is the dean;
- for departments/units reporting to vice chancellors, the designee is the vice chancellor; and
- for departments/units reporting directly to the provost, the designee is the provost.

#### **FACULTY RANKS**

##### MINIMUM QUALIFICATIONS.

An individual to be considered for appointment or promotion must meet at least the stated minimum qualifications of training and experience for the appropriate rank--

##### Instructor:

master's degree or equivalent, preferably with evidence of progress toward a higher degree;

##### Assistant Professor:

earned doctorate or the highest degree normally earned in the field;

##### Associate Professor:

earned doctorate or the highest degree normally earned in the field and, normally, a minimum of 5 years (7 years for part-time) of teaching experience at the college level; or

##### Professor:

earned doctorate or the highest degree normally earned in the field and, normally, a minimum of 10 years (13 years for part-time) of teaching experience at the college level, plus evidence of scholarly academic standing as demonstrated through publication or other professional attainment.

##### ALTERNATIVES TO THE DOCTORATE.

##### Terminal Degrees.

The university includes departments and specializations in which the highest degree normally earned is not the doctorate and in which a requirement for the earned doctorate would be inappropriate.

##### Departmental Determination.

These areas and specializations are determined by the relevant faculty in cooperation with the appropriate administrative officers. In such areas and specializations, appropriate educational requirements other than the earned doctorate shall be established by the appropriate faculty and administrative officers and thereafter approved by faculty governance.

#### Requirements.

Such requirements should be established using nationally recognized professional standards and shall be published and be available to the appropriate faculty.

Promotions on the basis of such requirements shall not be considered exceptions to the minimal qualifications stated above.

#### EXCEPTIONS.

Any of the requirements above may be waived in exceptional instances where the faculty member possesses unusual qualities exceeding those normally acceptable. Exceptions to the requirements for promotion are granted by the chancellor.

#### MODIFICATION OR REMOVAL OF RANK.

Modification or removal of rank without the agreement of the department, school, or other administrative unit, and of the individual faculty member, may occur only after appropriate notice, hearing, and finding of inappropriate behavior or activity under the provisions of chapters UWS/UWSP 4 or 6.

#### Administrative Assignment and Academic Staff Titles.

Already employed faculty reassigned or employed as administrators or other specialized personnel may be employed as academic staff or with academic staff titles but retain rank and status as faculty.

### **DEPARTMENTAL ALTERNATIVE QUALIFICATIONS FOR RANK**

#### ACCOUNTING.

##### Instructor.

A master's degree with a major in accounting (such as an MBA, master's in accountancy, or equivalent) plus a CPA or CMA certificate.

##### Assistant Professor.

In addition to the requirements for the instructor rank, 2 years of either college-level teaching experience or responsible professional experience in accounting.

##### Associate Professor.

In addition to the requirements for the instructor rank, 5 years of teaching experience at the college level plus evidence of scholarly achievement as demonstrated through research and publication or other professional achievement.

##### Tenure.

Master's degree with a major in accounting (such as an MBA, master's in accountancy, or equivalent) plus a CPA or CMA shall be treated as a terminal degree for tenure purposes.

#### APPLIED MUSIC.

##### Assistant Professor.

##### Degree.

Required training and experience: a master's degree in music and 4 years of college teaching experience, or as a professional performer, or a combination of both.

#### Other Requirements.

Excellence in the appropriate applied area, as demonstrated by either

- active participation in public concerts on or off campus, as either a member of a professional orchestra, opera company, or other ensemble, or as a soloist, or
- recordings, tours, engagements, critical reviews, recognition by colleagues, etc.

#### Teaching.

In addition to peer and student evaluations, teaching excellence shall be supported by activities outside the university as a clinician and educator, and by the accomplishments of former and present students.

#### *Associate Professor, Music Department Artist Faculty.*

(i.e., faculty whose major teaching expertise is in the performance areas: voice, instrument, conducting, composition).

#### Degree.

A master's degree in music.

#### Teaching Experience.

Required training and experience: a minimum of 5 years of college teaching experience.

#### Performance.

Proven excellence in performance and teaching at the college level as evaluated by faculty and students.

#### Professional Experience.

Professional experience that includes associations with professionally recognized artists, through participation as a permanent member of a recognized major symphony, opera company, choral organization, chamber group, etc., or through participation as a solo performer or conductor in professional activities outside the university.

#### Professional Growth.

Evidence of continued professional growth and study in categories such as

- study with eminent teachers who may or may not be affiliated with schools of higher education;
- participation as teacher, performer, conductor, or other active member in recognized music festivals, workshops, seminars, or master classes;
- performance in professional recordings;
- finalist in a major competition;
- advanced-level scholarship or fellowship recipient; and
- publications (articles, books, compositions).

#### Tenure.

Faculty members qualifying for assistant professor under the criteria above shall be considered for tenure on the same basis as an assistant professor who holds the terminal degree.

## BUSINESS ADMINISTRATION.

### Assistant Professor.

Required training and experience: on rare occasions, an individual with the appropriate master's degree and significant relevant practical experience may be nominated for assistant professor.

### Tenure.

For these exceptional cases, the master's degree shall be treated as a terminal degree for tenure purposes.

## COMPUTING AND NEW MEDIA TECHNOLOGIES (CNMT)

### Instructor

Appointment - The candidate must have a master's degree in a CNMT-related field with proven expertise in computing.

### Assistant Professor

Appointment - The candidate must have a master's degree or higher in a CNMT-related field with proven expertise in computing as well as demonstrable and continuous professional development activities in computing during the most recent five years. In addition, the candidate should have at least one of the following: three years of college teaching experience in computing, equivalent professional work experience in computing, or current certification by a recognized certification body.

Promotion to Rank - The candidate must satisfy the appointment criteria, must have three years of college teaching experience, must be promotable according to the Department Handbook, and must receive a rating of "better than promotable performance" in both teaching and professional disciplinary growth using the criteria defined in the Department Handbook.

### Associate Professor

Appointment - The candidate must have a master's degree or higher in a CNMT-related field with proven expertise in computing, demonstrable and continuous professional development activities in computing during the most recent seven years, five years of college teaching experience in computing, and three years of additional professional work experience in computing.

Promotion to Rank - The candidate must satisfy the appointment criteria at the Assistant Professor level, must have five years of college teaching experience in computing, must be promotable according to the Department Handbook, and must receive a rating of "better than promotable performance" in both teaching and professional disciplinary growth using the criteria defined in the Department Handbook.

## INTERIOR ARCHITECTURE.

These are criteria for appointment, promotion, and tenure.

### Instructor.

The candidate must have a master's degree and significant professional managerial and/or creative design experience.

Assistant Professor.

The candidate must have a master's degree and 3 years of experience; a combination of professional experience and post-secondary teaching experience.

Associate Professor.

In addition to the qualifications for Assistant Professor, 5 years of superior performance in college teaching and superior status in professional development is required.

Professor.

In addition to the qualifications for Associate Professor, a record of continuous and consistent superior professional development with recognized national status by peers is required. An exceptional record of teaching performance and continuous high quality service must be achieved.

Tenure.

Faculty hired through the fall of 1998 who have met the criteria for associate professor shall be considered as having terminal degrees for tenure purposes.

SOCIOLOGY: FACULTY IN SOCIAL WORK.

Instructor.

Required training and experience: an MSW degree or its equivalent from an institution accredited by the Council on Social Work Education, plus 2 years of acceptable field experience.

Assistant Professor.

Required training and experience: an MSW degree or its equivalent from an institution accredited by the Council on Social Work Education, a minimum of 1 year of college teaching in social work, and 3 years of varied field experience in social work agencies.

Associate Professor.

Required training and experience: A DSW or Ph.D. in social work and five years college teaching experience, plus evidence of scholarly work and professional development. Alternatively, an MSW degree or its equivalent from an institution accredited by the Council on Social Work Education, evidence of scholarly work and professional development, five years college teaching experience and three years field experience with social work agencies.

Professor.

Required training and experience: A DSW or Ph.D. in social work and ten years of college teaching experience, plus evidence of scholarly work and professional development. Alternatively, an MSW degree or its equivalent from an institution accredited by the Council on Social Work Education, evidence of scholarly work and professional development, ten years college teaching experience and five years field experience with a social work agency, including at least two years of demonstrated involvement in administrative program development or agency consultation.

Tenure.

An MSW degree shall be treated as a terminal degree for tenure purposes.

UNIVERSITY LIBRARY.

The nature of professional performance in libraries makes the acquisition of knowledge over a broad spectrum necessary. Combining an ALA accredited master's degree in Library/Information Science with additional breadth (a subject area master's degree or less commonly a doctoral degree), enables library faculty to be effective in meeting the needs of our diverse university community.

Instructor.

An ALA accredited master's degree in Library/Information Science Or in the case of the University Archivist, also acceptable is a master's degree in History with an archives sequence.

Assistant Professor.

- a. An ALA accredited master's degree in Library/Information Science, plus
- b. A subject area master's degree or earned doctorate.

Associate Professor.

- a. An ALA accredited master's degree in Library/Information Science, plus
- b. A subject area master's degree or earned doctorate, plus
- c. Evidence of scholarly standing as demonstrated through research and publication and other professional attainment. High quality job performance. A record of general educational service, plus
- d. Normally, a minimum of 5 years of professional library experience at the college level (7 years part-time). Exceptions to this criterion must be successfully argued by the candidate.

Professor.

- a. An ALA accredited master's degree in Library/Information Science, plus
- b. A subject area master's degree or an earned doctorate, plus
- c. Evidence of excellent achievements in scholarship, as demonstrated by research, publication, and other scholarly attainments. Outstanding performance as a faculty member in the University Library. A record of continuous high quality general educational service, plus
- d. Normally, a minimum of 10 years of professional library experience at the college level (13 years for part-time). A minimum of 5 years (7 years for part-time) of professional library experience in the rank of Associate Professor is also acceptable when the candidate has 10 years of combined professional library and college-level teaching experience.

WEB and DIGITAL MEDIA DEVELOPMENT (WDMD)

The following appointment, promotion, and tenure exceptions for ranked faculty in WDMD shall expire after Fall Semester 2011.

### Instructor

Appointment - The candidate must have a master of fine arts degree (MFA) with proven expertise in Web and/or digital media development.

### Assistant Professor

Appointment - The candidate must have a master of fine arts degree (MFA) with proven expertise in Web and/or digital media development as well as demonstrable and continuous professional development activities in Web and/or digital media development during the most recent five years. In addition, the candidate should have at least one of the following: three years of college teaching experience in Web and/or digital media development, equivalent professional work experience in Web and/or digital media development, or current certification by a recognized Web and/or digital media development certification body.

Promotion to Rank - The candidate must satisfy the appointment criteria, must have three years of college teaching experience, must be promotable according to the Department Handbook, and must receive a rating of "better than promotable performance" in both teaching and professional disciplinary growth using the criteria defined in the Department Handbook.

### Associate Professor

Appointment - The candidate must have a master of fine arts degree (MFA) with proven expertise in Web and/or digital media development, demonstrable and continuous professional development activities in Web and/or digital media development during the most recent seven years, five years of college teaching experience in Web and/or digital media development, and three years of additional professional work experience in Web and/or digital media development.

Promotion to Rank - The candidate must satisfy the appointment criteria at the Assistant Professor level, must have five years of college teaching experience in Web and/or digital media development, must be promotable according to the Department Handbook, and must receive a rating of "better than promotable performance" in both teaching and professional disciplinary growth using the criteria defined in the Department Handbook.

### Professor

Promotion to Rank - The candidate must satisfy the appointment criteria at the Associate Professor level, must have ten years of college teaching experience in Web and/or digital media development, must be promotable according to the Department Handbook, and must receive a rating of "better than promotable performance" in both teaching and professional disciplinary growth using the criteria defined in the Department Handbook.

### Tenure

Present ranked faculty and newly hired ranked faculty through Fall 2011, who have met the appointment or promotion criteria for Associate Professor, shall be considered as having a terminal degree for tenure purposes.

## **LIMITED APPOINTMENTS**

### DEFINITION.

A limited appointment is an appointment to a designated administrative position in which the individual serves at the pleasure of the appointing official. Such appointments are governed by the provisions of Chapter UWS 15.

### APPOINTMENT RIGHTS.

#### Current Faculty.

A member of the faculty granted a limited appointment does not lose existing rights to a faculty appointment by accepting the limited appointment.

#### Initial Appointment.

Whenever feasible, an individual granted a limited appointment and not already holding a faculty [or academic staff] appointment shall be given an appropriate faculty [or academic staff] appointment.

#### Termination.

Termination of a limited appointment is not a dismissal under Chapters UWS/UWSP 4 and is not otherwise appealable.

#### Notice.

Whenever possible, an individual holding a limited appointment without another faculty [or academic staff] appointment shall be given notice of termination of the limited appointment at least 3 months in advance of the expiration of the appointment.

### SALARY.

The salary for an individual with a limited appointment is determined by an vice chancellor, the provost, or the chancellor, as appropriate. Such salaries are based upon the appointee's duties and shall be in conformity with the salary structure prescribed in the UW System. Annual salary increases for faculty holding limited appointments are also determined by the appointing authority.

## **EDUCATIONAL CODE, CREDITING OF PRIOR SERVICE, AND SALARY INFORMATION**

### EDUCATIONAL PREPARATION CODE.

Effective 2006-2007, a faculty member's code assignment is based on the following academic preparation.

#### Code 1.

- Ph.D.
- Ed.D.
- Earned doctor's degree equivalent to the Ph.D. or Ed.D., requiring an original contribution to the field and requiring the minimum equivalent of 3 full years of graduate study beyond the baccalaureate.
- MFA in creative arts (specifically: studio art, creative writing, dance and technical areas of drama) when a higher terminal degree is not normally awarded.

#### Code 2.

- Earned degrees, such as the J.D., requiring a minimum of 90 semester credit hours of graduate level work beyond the baccalaureate degree.
- All requirements for the doctorate met except completion of the dissertation.

#### Code 3.

- Master's degree plus 30 semester credit hours of graduate level work in a coherent program of study. If the master's degree requires more than 30 semester credit hours, then the additional graduate level work only needs to bring the total semester credit hours to 60 (for example, a master's degree requiring 36 semester credit hours would need to be supplemented with an additional 24 credits to qualify for this educational code.)
- A specialist degree or its equivalent.
- University Library faculty with an MLS and a second approved master's degree.

Code 4.

- A master's degree.

Code 5.

- A bachelor's degree.

Code 6.

- No bachelor's degree.

TIME GRANTED TOWARD TENURE: PRIOR SERVICE CREDIT.

General Guideline.

The practice of granting credit for prior service is not universal but has been most common in traditional four-year universities. When prior service credit is granted, it is usually limited to 3 years, leaving 3 to 4 years for evaluating the individual prior to making the mandatory tenure decision.

Impact.

Tenure may be awarded at any time during the probationary period, so granting of credit for prior service does not necessarily speed up this decision. The sole consequence of granting credit for prior service is that it does shorten, by a stipulated number of years, the time period in which the decision to award tenure or non-renew must be made.

Individual Decisions.

Decisions on crediting of prior service are made on an individual, case-by-case basis: there is no automatic or formula-based credit for prior service.

SALARY INFORMATION.

Salary at Time of Hiring.

The hiring salary schedule is updated annually to help establish starting salaries for new hires. The salary schedule considers previous experience and the assigned educational preparation code and specifies the minimum salary at the time of hire. Market factors may dictate a higher starting salary than that suggested by the hiring schedule. Starting salaries are negotiated among the applicant, the chairperson, and the dean. The provost or appropriate vice chancellor must approve all salaries.

Crediting of Prior Years.

When a newly hired person receives credit for previous experience in determining salary, fractional years of credit are rounded to the next higher number of full years (e.g., 1.2 years are counted as 2 years on the salary schedule).

Salary Adjustments.

Annual Adjustments.

Each year the Board approves the average base salary increase for the following year (usually expressed as a percentage of salary). The Board also establishes

guidelines for salary increase distribution. Using Board guidelines, the Faculty Senate recommends to the chancellor specific criteria for determining individual salary increases and the percentage to be assigned to the various criteria. The criteria normally considered include experience, rank, and performance in the areas of teaching, scholarship, and general educational service.

#### Promotion Adjustments.

Promotions from the rank of Instructor to Assistant Professor are accompanied by a salary increase of 5%. Promotions from the rank of Assistant Professor to Associate Professor are accompanied by a salary increase of 7%. Promotions from the rank of Associate Professor to Professor are accompanied by a salary increase of 9%.

#### Notification.

The time of salary announcements varies each year, depending upon state legislative and Board of Regents' actions. Notification of the established salary is given each person following Regent action.

#### Summer Session.

##### Compensation.

Summer session compensation is normally 9.3% of the previous academic year salary for the equivalent of three credits of instruction (half-time); full-time is normally compensated at 18.6%.

##### Contracts.

Summer session contracts are all contingency contracts, based on negotiations between the faculty member and appropriate dean on the number of students anticipated to enroll. When enrollment is less than anticipated, the dean determines whether the class is to be canceled and the contract voided or to keep the class at the lower enrollment and reduce the salary of the faculty member.

#### Paychecks.

Academic year salaries for new faculty appointees are paid in 9 checks.

##### Date Available.

Faculty payroll checks are usually available on the first work day of each month but are not issued on Saturday, Sunday, or a holiday. Checks will be delivered only to the faculty member or to a spouse employed by the university.

The first check for the academic year is issued on October 1, the last on June 1 (July 1 for those faculty remaining on the 10 month pay plan).

##### Direct Deposit.

Faculty members may have payroll checks deposited directly to the financial institution of their choice. Deposit is by courier (local) or mail (out of town). Checks are deposited or mailed for deposit on the night before payday; however, the deposit may not legally be credited to the faculty member's account until the first.

Persons with questions regarding direct deposit of payroll checks should call the UWSP Payroll Office.

##### Summer Session.

Summer school checks are issued on August 1 and September 1.

##### Optional Twelve-payment Plan.

For faculty on academic year appointments, an optional twelve-payment plan (rather than 9 or 10) is available, and can be arranged through the UWSP Credit Union.

#### Post-retirement Teaching.

Faculty who teach after retirement will be appointed as fixed-term academic staff with a Hayes-Hill title in the lecturer series. A working title of professor (or associate or assistant) emeritus may be used in conjunction with the Hayes-Hill title. The scheduled salary for such an appointment will be that provided by the salary schedule for Category B academic staff at the appropriate education code and experience level. Unscheduled salary may be negotiated based on appropriate factors. Each academic year in which an academic staff member is employed by the university will be counted as 1 year of experience for salary purposes.

## **PROBATIONARY AND TENURE APPOINTMENTS**

### TENURE DENSITY.

Tenure density refers to the ability of a department to accommodate a 10% reduction in workload without loss of tenured faculty.

### ACQUIRING TENURE.

#### General.

The vice chancellor, in consultation with the dean and department chairperson will determine whether or not a particular vacant position may be designated as a tenure track position at the time the position is advertised.

Effective with the 1992-93 academic year, all vacant faculty positions approved by the vice chancellor for search and screen will be understood to be tenurable positions.

The vice chancellor will make an initial decision whether to sign the Position Announcement form based on the most recent tenure management report for the department. Additional considerations may include: anticipated student enrollment, faculty attrition, retirement, retraining, reassignment, changes in academic programs, changes in student interest, interrelations among curricular areas, characteristics of departmental programs, the need to maintain a viable core of offerings in certain areas regardless of enrollments, the primary academic emphases of the university, departmental and curricular tenure density, etc. Tenure density considers the ability of the department to accommodate a ten percent reduction in workload without the loss of tenured faculty.

If the vice chancellor decides not to sign the Position Announcement form, the appropriate dean will be informed. At that point, the dean and, if necessary, the department chairperson will be invited to confer with the vice chancellor to review the data leading to the initial decision not to sign the form.

If review of the decision does not result in authorization for a faculty search, the vice chancellor may instead authorize a search for an instructional academic staff position. Such a position will normally be renewable for up to four years. A request to renew the position beyond four years must be approved by the vice chancellor on a case-by-case basis. If the position is not renewed, then search and screen procedures may continue according to the steps outlined in current EEO-AA policies.

Each faculty member being considered for tenure is entitled to 2 determinations:

- whether present circumstances of the university and the department will permit the granting of tenure; and
- whether the department chooses to recommend tenure.

Note: the determination of whether circumstances will permit granting of tenure shall not be based on tenure density.

Eligibility.

Only persons eligible for consideration for promotion to the rank of associate professor may be tenured. Exceptions for certain groups may be granted by the Faculty Senate and the chancellor.

Departmental Assignments and Tenure Density.

Faculty assigned to or tenured in a particular department but not presently serving in that department will not be counted as department members for tenure density purposes so long as they continue in such alternative assignments. The department should be informed of an individual's intent to return during the year immediately preceding the return so as to assist the department in planning.

Reduced Responsibilities.

A probationary faculty member may reduce professional responsibilities under limited conditions specified in UWSP 3.04 (3). Colloquially, this is called "stopping the tenure clock," and may be requested in circumstances such as childbirth, adoption, dependent care obligations, or disability. The time granted for such activities does not count as a break in continuous service nor as part of the probationary period.

CONTRACTUAL PERIODS AND SCHEDULES FOR RECOMMENDATIONS ON RETENTION, TENURE, PROMOTION, AND MERIT.

Contractual periods.

Faculty may be hired on multiple-year contracts or one-year contracts.

Annual Schedule.

The vice chancellor and the deans annually distribute to department chairpersons a schedule of specific dates when recommendations regarding renewal, tenure, promotion, and merit are due.

Retention.

Dates for decisions on renewal are governed by the provisions of Chapters UWS and UWSP 3.09. Faculty must receive notice by March 1 in the first year, December 15 in the second year, and, thereafter, 12 months prior to the expiration of the appointment.

Tenure.

Departments normally submit recommendations for tenure to the dean in November.

Promotion.

Departments normally submit recommendations for promotion in November or as part of the retention recommendation.

Merit.

The date when merit recommendations are due is governed by legislative and System action. Departmental merit recommendations are usually submitted to the dean in February.

APPOINTMENTS.

### Decision Authority.

Decisions on appointment and renewal are made by the department and the vice chancellor (as the chancellor's designee) for probationary faculty appointments in the first year and after the 4th year. Decisions on renewal in the 2nd, 3rd, and 4th years are made by the department and appropriate dean (as the chancellor's designee).

### Change in Position Responsibilities.

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 faculty member and the appropriate institutional officers, except as may be necessary under 36.21 Wis. Stats. and Chapter UWSP 5.

### Teaching Responsibilities.

An individual who holds academic rank in a department is usually expected to perform some regular teaching assignment each year. Exceptions to this policy may be made by the vice chancellor upon the recommendation of the department. Present and future faculty of the University Library shall be an exception to this policy.

### Joint Appointments.

Academic joint appointments or faculty members may be made between departments and/or colleges. These appointments are made only if the faculty member and the involved university units agree upon the desirability of such an arrangement. Joint appointments may be terminated at the end of a contractual period upon the request of any of the involved individuals or units.

### Home Department.

Faculty members with joint appointments will have a home department which will be responsible for the person's salary, tenure, and rank. Faculty with joint appointments will be eligible to participate in both units in faculty meetings, appropriate committees, research, and teaching. Such participation will depend upon prior agreement of the involved units.

### Part-time Appointments.

#### Half-time Minimum.

Part-time faculty appointments must be half-time or more for 2 consecutive semesters. Half-time is the equivalent of 6 credits per semester.

#### Change in Proportion of Time.

A faculty member may request either

- a permanent reduction to not less than half-time;
- a reduction to less than half-time on an academic staff appointment; or
- a temporary reduction as a partial leave without pay.

#### Salary.

A faculty member's base salary is prorated for any reduction in time; eligibility for fringe benefits may change during semesters at reduced time.

#### Probationary Agreement.

For faculty on probationary appointment, the initial letter of agreement for a reduced assignment shall state how much time the faculty member will have accrued toward tenure by the beginning of the reduced assignment, and how

much time will be accrued during the period the faculty member serves on reduced assignment.

#### Salary and Merit for Part-time Faculty.

##### *Criteria.*

General criteria for determining salary and merit for part-time faculty are the same as for full-time faculty. Departments may develop specific performance objectives for individuals with part-time appointments just as they do for faculty with full-time appointments.

##### *Amount.*

The amount of each adjustment shall be prorated in proportion to the percentage of a full-time appointment for which the person is hired.

##### *Experience Credit.*

Part-time faculty receive proportional salary for rank and educational code, and will be moved a full year of experience on the salary schedule each year unless leave policy dictates otherwise.

## **EVALUATION OF FACULTY BY STUDENTS AND PEERS**

(See Chaps. UWS and UWSP 3)

### GENERAL PRINCIPLES.

#### *Departmental Responsibilities.*

The primary responsibility for evaluation of faculty for purposes of retention, promotion, merit, tenure, salary, and post-tenure review rests with the faculty of the individual departments. All faculty and administrators who appraise performance shall have completed appropriate training provided through the vice chancellor's office.

**NOTE.** Departments and equivalent academic areas may extend limited governance rights to their academic staff members as provided for in UWS and UWSP 1.05. This limited faculty status means that departmental academic staff have the right to participate in all aspects of the department's governance as specified by the department except decisions relating to hiring, retention, promotion, and tenure for individual faculty.

#### *Role of Chairperson in Personnel Matters.*

##### Records.

The department chairperson shall maintain files of records and correspondence relating to departmental actions on personnel matters.

##### Committee Actions.

The department chairperson shall assist the chairperson of any departmental personnel committees making personnel recommendations in the preparation of all relevant records and correspondence.

##### Forwarding Results.

As appropriate, the department chairperson shall forward results of departmental personnel actions to the dean of the college.

##### Separate Recommendation.

Normally, the department chairperson provides to the dean a separate recommendation on personnel matters.

*Committee Membership.*

Where a department chairperson provides separate recommendations on personnel matters, the chairperson shall not be a voting member of departmental personnel committees and shall not be counted in determining a quorum.

No Separate Recommendation.

With the approval of the department, the chairperson, and the dean of the college, a department chairperson may vote with departmental committees on personnel matters. Where this practice is adopted, the chairperson shall be a voting member of appropriate personnel committees and shall not forward a separate recommendation to the dean; the dean shall receive only the committee's recommendation.

Evaluation of Probationary and Tenured Faculty.

Both probationary and tenured faculty shall be evaluated regularly on how they meet individual and department performance objectives. Near the middle of each evaluative period, an interim meeting will be held with the faculty member to discuss progress toward the objectives and to revise objectives as necessary. Departments or program units in consultation with their deans should develop procedures for carrying out these reviews.

Evaluations by Students and Colleagues.

Student and colleague evaluations of teaching, and colleague evaluations of teaching-related scholarship, shall be considered in making decisions on retention, promotion, merit, tenure, salary, and general improvement and recognition.

Colleague Evaluation of Teaching, Scholarship and University Service.

Tenured faculty have the primary role in personnel decisions. However, as tenure and experience are not identical, departmental evaluations should utilize the resources of all experienced members. A significant number of the colleagues of the individual under consideration shall be directly involved in the analysis of student evaluations, study of information provided by the individual, classroom visitations, observation of professional presentations, review of publications, and examination of teaching materials (syllabi, exams, handouts, etc.).

Procedural Rights.

When being reviewed for any departmental personnel recommendations, faculty members shall be given the opportunity to present materials showing qualifications, and may be invited to present oral evidence to the appropriate departmental evaluation committee(s).

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of the body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the body specifically state otherwise.

Right to Open Meeting.

Under the provisions of UWSP 3.06 (1)(d), a probationary faculty member has the right to request and receive an open meeting for any meeting of a department or unit or subunit involving consideration of tenure for that individual.

Meetings to consider retention of probationary faculty shall normally be held in closed session.

*19.85 Wis. Stats.*

Under the Open Meetings Law, even when departmental policies provide that subunit or committee meetings be restricted to members of the subunit or committee, a faculty member under consideration for tenure has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing for the tenure decision or at which final action is taken on the tenure decision for that individual.

*Departmental Policies.*

Normally, departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

*Merit.*

In the performance objectives as evaluated within each department, merit recognizes performance ranging from solid through exemplary. It must never be used as a substitute for adequate and reasonable compensation for all members of the faculty.

*Activities.*

Activities to be considered in the evaluation process shall include those undertaken as part of the extension function or as part of the international programs offerings as well as a faculty member's usual activities.

PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATING FACULTY.

Each department shall specify in writing the relative importance of these performance objectives:

*Teaching Ability:*

the success of the instructor, both in and out of the classroom, in securing interest, effort, and progress on the part of the student. . The primary consideration is that students are stimulated to high standards of scholarship, to active interest in learning, and to effective effort toward self-improvement.

*Scholarship:*

activities which are clearly defined, use methods and procedures appropriate to the task, are documented and available to the academic community for review and comment, have disciplinary and/or pedagogical value, and reflect a level of expertise/creativity expected in higher education.

*General Educational Service:*

the acceptance and fulfillment of professional responsibilities outside the classroom, e.g., academic advising, extracurricular advising, participation in organizations related to the discipline, acceptance of professional responsibilities within the university or community, etc.

GENERAL GUIDELINES FOR DEPARTMENTAL POLICIES AND PROCEDURES.

*Written Procedures.*

Each department shall establish procedures for retention, promotion, merit, tenure, salary, and post-tenure review. These procedures shall include a policy explicitly expressing how the faculty performance objectives (above) are defined, measured, and evaluated in discipline specific ways. They will also provide for expanding retention, promotion, and tenure personnel committees, in consultation with the dean, for cases where there are fewer than three departmental representatives voting on a personnel decision. When approved by the appropriate dean and the vice chancellor, this statement shall be the standard used by all evaluators for faculty of that department; however, the standard need not apply to administrative merit.

### Colleague Evaluation of Teaching

Evaluation of the candidate's teaching materials represents an important component of the colleagues' evaluation of the candidate's teaching. While the specifics of the colleagues' examination of these materials may vary significantly from discipline to discipline, it must include the following three general components: course content, course objectives, and grading policies. In addition, where applicable, the evaluation should include course examinations, course organization and quality of student achievement.

During the period leading to the first retention recommendation, the probationary faculty member's classes should be observed by at least two colleagues, presenting a minimum of four observations. Care should be taken that the classes visited are representative of the probationary faculty member's teaching assignment over a period of semesters. For subsequent retention, tenure or promotion recommendations, the appropriate personnel committee should conduct a sufficient number of observations to provide adequate information to support its personnel recommendation. This typically would include a minimum of two classroom observations.

### Course Evaluation Forms.

All courses being evaluated at UWSP shall use "The Student Evaluation of Instruction Form" or "The Student Evaluation of Online Instruction Form" adopted by the Faculty Senate. This form is on file in the Faculty Senate Office. In courses where students and faculty do not meet face-to-face on a regular basis (e.g. on-line and distance learning), course evaluations must either be mailed to the student with a return envelope or distributed on-line assuring confidentiality. Departments may elect to use individual developmental forms. Provisions of UWSP 3.05 shall also be followed.

Results shall be reported as frequency counts and modified medians. The modified median shall be calculated according to J. Jaccard and M.A. Becker (*Statistics for the Behavioral Sciences*, Third Edition, 1997, Brooks-Cole, publishers).

### Student Evaluation of Teaching

Examination of responses to "The Student Evaluation of Instruction Form" or "The Student Evaluation of Online Instruction Form" is also an important component of colleague evaluation. The interpretation of the numerical results is primarily the responsibility of the department. This component, however, cannot be the sole basis for a personnel decision. The numerical scores cannot substitute for colleague observation of classes and colleague evaluation of the candidate's materials listed above under "Colleague Evaluation of Teaching". In particular, departments should interpret the numerical results in the context of those observations and materials.

(Colleague reviews of instruction for merit determinations must, at a minimum, examine responses to this form.)

Developmental Form.

An optional form for course improvement purposes may be constructed and administered by individual faculty members. The results of any such assessment shall belong exclusively to the individual faculty member.

Sample questions and statements which might be included in developmental forms may be obtained from the vice chancellor's office.

PROMOTION PROCEDURES IN DEPARTMENTS.

Promotion Committees.

Promotion committees are normally limited to persons above the rank of the individual applying for promotion.

Committee Chairperson's Duties.

The chairperson of each committee shall report the committee's recommendations to the individual, the department chairperson, and the dean of the college.

Department Chairperson's Recommendation.

If the department chairperson provides a separate recommendation to the dean and if the chairperson's recommendation differs significantly from that of the department, the chairperson shall notify the appropriate departmental committee of this fact and provide to the person under consideration written justification for the action.

Forwarding Recommendations.

In any discussion between the dean and the department regarding these recommendations, both the department chairperson and the chairperson of the committee shall be included. The dean shall forward a recommendation along with those of the department and department chairperson to the vice chancellor, and shall inform the department chairperson in writing of that recommendation.

Informing Department.

In the event that the dean, vice chancellor, or chancellor makes a recommendation contrary to the department's, that administrator shall inform the individual and the department chairperson in writing, including reasons for the decision, before transmitting the recommendation to the next administrative level.

Completion of Requirements.

The required number of years of teaching experience for a particular rank shall be completed before the individual is considered for promotion.

PROCEDURES FOR POST-TENURE REVIEW AND DEVELOPMENT.

Frequency and Purpose of Evaluation.

Each tenured faculty member will be evaluated at least once every 5 years for the purpose of general review, development, recognition and merit. This will include evaluating how past individual-based and department-based performance objectives have been met and will set such objectives for the next evaluation period.

Interim Meeting.

At least one interim meeting will be held with the faculty member, the department chairperson, and appropriate member(s) of the departmental committee to discuss progress and revise objectives if necessary.

#### Promotion Review as Substitute.

A faculty member seeking promotion in rank may use review and evaluation for promotion in place of post-tenure review. The substitution is permissible only when promotion is sought in the same year as or sooner than the faculty member's scheduled post-tenure review. When review and evaluation for promotion is used in place of post-tenure review, the next post-tenure review will be scheduled five years after the promotion review.

#### Criteria for Evaluation.

The evaluation shall address each of the three criteria outlined in the section titled "Performance Objectives (Criteria) for Evaluating Faculty," and any individually-based objectives. The evaluation shall include consideration of activities done in support of undergraduate education. If applicable to the individual, the evaluation shall also include consideration of activities done in support of graduate education.

#### Evaluators.

This evaluation shall be conducted by a significant number of the faculty member's tenured colleagues and shall include

- analysis of student evaluations;
- analysis of material presented by the faculty member;
- peer observation and evaluation of instruction; and
- review of professional accomplishments.

#### Use of Evaluation.

The outcome of the evaluation may be used as one basis for determining institutional support from the department, college, and division for professional development proposals submitted by individual faculty. The support may be used to correct deficiencies or advance goals.

#### *Use of Review File for Merit.*

Following the completion of the review, the review file may, at the discretion of the reviewed faculty member, serve as the merit file for that faculty member for that year only. The faculty member may elect to add additional information to the file for merit purposes.

#### Departmental Procedures.

The department shall develop procedures for conducting evaluations and for actions to be taken as a result of the evaluations.

#### Relative Importance of Criteria.

Department procedures shall indicate the emphasis to be given to activities done in support of undergraduate education in the context of the mission of the department, college, and university.

#### Accountability.

The department procedures shall clearly indicate the method by which strengths, as well as suggestions for improvement, will be brought to the attention of the faculty member being reviewed. Subsequent performance objectives shall be based on the evaluation.

### Plan of Action.

Where suggestions for improvement are indicated, the departmental reviewing body, in conjunction with the faculty member, shall establish a plan of action for responding to those suggestions.

### Summary.

The department procedures shall provide for sending a brief summary of the review, a list of any recommendations, and a statement of completion of the review to the appropriate dean with a copy to the faculty member.

### Lack of Improvement.

The department procedures shall indicate that if the faculty member's performance does not show satisfactory improvement within the time frame specified in the plan of action, the departmental reviewing body will notify the chairperson and dean of the remaining areas in need of improvement.

Thereafter, the chairperson and dean will develop a plan for improving these remaining areas. If the faculty member's performance does not improve according to the specifications of this plan, appropriate action will be taken.

### Records.

The department may release review materials only as required for faculty-initiated personnel actions or as specified above under "Summary." The written record of the review shall be kept in the department personnel file. A faculty member's individual performance objectives for the next evaluation period shall become a part of the faculty member's yearly merit file.

### Record Keeping.

The vice chancellor shall be informed by the deans of all completed reviews and shall ensure implementation of the review process by maintaining completion records and informing deans when individual faculty members have not been reviewed within the required time period.

## DEPARTMENTAL MERIT PROCEDURES.

### Available Merit Points.

Each faculty member in a department generates 14 merit points. Ten of these 14 points are distributed to the department to be allocated according to departmental procedures. The remaining 4 points are distributed among the department chairperson (1 point), the dean of the college (2), and the vice chancellor (1), to be allocated according to the appropriate procedures for each.

[Procedures for departmental chairpersons follow immediately after this subsection; those for administrators follow the chairpersons'.]

### Departmental Procedures for Recommendations.

Each department shall establish merit recommendation procedures which include

- a merit committee, which shall normally include representatives from all ranks, and a chairperson to direct the process;
- how and when data for each faculty member are collected;

These data should include materials on teaching ability, scholarship, general educational service, and individual performance objectives.

- how and to whom the data are available for evaluation;

- the method for evaluating the data (e.g., specifying whether it will be by the entire department/equivalent unit or by an elected committee);
- how voting and/or rating or ranking is conducted; and
- how individuals are informed of the rating or ranking.

Report of Merit Distribution.

The chairperson of the merit committee shall submit to the dean a report of the merit distribution recommendations along with a copy of the procedures followed. A copy of the report of the merit recommendations shall be sent to the department chairperson.

Department Chairperson's Recommendation.

Normally, the department chairperson will submit a separate written recommendation and report. If the recommendation differs from that of the merit committee, the committee shall be informed in writing.

Discussion with Dean.

The committee chairperson shall accompany the chairperson of the department to any discussion with the dean relative to the departmental or chairperson's recommendations and shall report back to the department.

Institutional Procedures.

Merit recommendations coming from departments shall follow university approved procedures in the salary distribution plan.

Administrative Recommendations.

Each dean, following consultation with the department (if any), shall forward to the vice chancellor a separate recommendation along with those of the department and the chairperson. The vice chancellor shall add a recommendation to the rest and forward the materials to the chancellor for action.

If an administrator makes a recommendation different from that of the departmental merit committee, the affected individual and the department chairperson shall be informed in writing at the time the recommendation is transmitted to the next administrative level.

Teaching Effectiveness.

Definition.

If the Board of Regents specifically requires that a portion of salary adjustment be based on teaching effectiveness distinct from merit or other salary adjustment factors, one of the following shall apply.

- System Definition.  
If the requirement by System Administration specifically defines teaching effectiveness or establishes a required procedure, that definition or procedure shall prevail in determining salary adjustments based on teaching effectiveness.
- Institutional Definition.  
If the requirement does not specifically define teaching effectiveness, then the definition shall be that teaching effectiveness is a collective determination of the members of a salary unit that an individual teacher warrants recognition as an effective teacher and is thereby assigned teaching effectiveness points.

Assigning Points.

Each department shall select one of the following methods for assigning teaching effectiveness points to eligible faculty. The method selected shall be the same for faculty and academic staff, shall be approved by the dean and vice chancellor, and shall be incorporated into departmental procedures.

- If the department's merit procedures already provide for awarding points for teaching distinct from other categories, the same procedures may be used to assign teaching effectiveness points. The specific procedure for determining teaching effectiveness points shall be explicitly stated in the department's procedures.
- If the department's merit procedures do not provide for awarding points for teaching distinct from other categories, or if the department wishes to separate the determination of teaching effectiveness points from merit points, a separate ballot shall be used to determine the assignment of teaching effectiveness points. The specific procedure for determining teaching effectiveness points shall be explicitly stated in the department's procedures, and placed immediately adjacent to the section dealing with merit.

#### DEPARTMENT CHAIRPERSONS' MERIT PROCEDURES.

##### Criteria.

Prior to making merit recommendations, each department chairperson shall distribute to the department a list of criteria upon which merit recognition will be based. A copy of these criteria shall be sent to the dean of the college.

##### Recommendations.

The chairperson shall request from departmental staff names and accomplishments of faculty to be considered for chairperson's merit and shall give due consideration to such recommendations; however, the chairperson may assign merit points to any departmental faculty member who meets the distributed criteria.

##### Report of Merit Allocation.

The chairperson shall provide written notification of the amount of the award and the reasons for the award to each recipient, with copies to the department and the dean.

#### ADMINISTRATIVE MERIT PROCEDURES.

##### Deans and Vice Chancellor.

###### Criteria.

Prior to making their recommendations, each dean and the vice chancellor shall distribute to the appropriate academic units a list of criteria upon which merit recognition will be based.

###### Recommendations.

Each dean and the vice chancellor shall request from departments names and accomplishments of faculty to be considered for dean's and vice chancellor's merit.

- The departments shall rank their recommendations.
- These recommendations shall be the primary source of information used by the deans and vice chancellor in making merit awards.

###### Notification of Merit.

Following completion of administrative review and final determination of merit awards, each administrator awarding merit shall provide written notification of the amount of the award and the reasons for the award to each recipient, and shall

provide a copy to the appropriate department chair-person. The chairperson shall share the amount of the award and the reasons for the award with the department.

Changes in Recommendations.

If deans' or vice chancellor's merit recommendations are changed by another administrator (vice chancellor or chancellor), the administrator making the original recommendation shall be informed in writing of the changes and the reasons at the time the recommendations are transmitted to the next administrative level.

## SECTION 4: OVERVIEW OF THE PROCESS AND PROCEDURES FOR FACULTY APPEAL OF NONRENEWAL OF PROBATIONARY APPOINTMENT (UWSP 3.07 AND 3.08) AND DENIAL OF TENURE (UWSP 3.07 AND 3.08M)

(See Chapters UWS & UWSP 3)

### INTRODUCTORY COMMENTS.

#### Coverage.

These proceedings apply to all instances in which a faculty member on probationary appointment has not been retained or when a faculty member on probationary appointment has not been granted tenure. Nonrenewal and denial of tenure may occur simultaneously or as separate actions.

#### Applicable Documents.

A faculty member contemplating an appeal after having received notice of nonrenewal or denial of tenure is advised to become familiar with

- Chapters UWSP 1 - 6, the institutional faculty personnel rules;
- departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System faculty personnel rules; and
- related documents in this handbook.

#### Counsel.

A faculty member contemplating an appeal may wish to seek advice from senior faculty or legal counsel familiar with the policies and procedures. The right to be represented at hearings by an individual (or individuals) of the faculty member's choice is guaranteed under these procedures.

### Decisions and Recommendations Distinct; Which May Be Appealed.

#### Decisions.

##### *Decision-making Authority.*

**Decisions** regarding retention or granting of tenure are made at only 2 levels, the department and the chancellor (or the chancellor's designee).

**NOTE.** This can be very confusing, especially since Chapters UWS and UWSP 3 talk of departmental recommendations. To be absolutely accurate, one would say that a departmental action supporting appointment, reappointment, or tenure is a recommendation, since the chancellor need not accept the department's decision. However, an action denying appointment, reappointment, or tenure is always a decision since the chancellor cannot appoint or reappoint absent the affirmative recommendation of the department, and the Board cannot award tenure without the affirmative recommendation of the department except under extremely narrow circumstances.

If the department says yes, the chairperson, dean, and vice chancellor may all recommend no, and the chancellor will decide. If the department says no, that ends the matter unless there is an appeal. In forwarding the department's decision to the chancellor via the dean and vice chancellor, the chairperson's separate recommendation, if different from the decision of the department, would not affect the decision.

### *Subject to Appeal.*

Faculty have the right to appeal a **decision** not to renew or not to grant tenure, whether at the department level or at the chancellor's level. The right of appeal of an adverse decision by the chancellor includes the right of appeal of an adverse decision by a chancellor's designee.

### Recommendations.

#### *Recommending Authority.*

**Recommendations** regarding retention or the granting of tenure may be made by a faculty member's department chairperson or dean, or by the vice chancellor.

#### *Not Subject to Appeal.*

A **recommendation** not to renew or not to grant tenure is not subject to appeal. However, faculty who appeal an adverse decision may call as a witness any person who made an adverse recommendation to the individual making the decision.

### Burden of Proof and Scope of Appeals.

#### Burden of Proof.

The burden of proof in an appeal of nonrenewal or denial of tenure is on the faculty member.

#### Scope of Appeals.

The scope of the appeal shall be limited to whether material prejudice to the individual resulted because the decision was based in any significant degree upon

- conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom; or
- factors proscribed by applicable state or federal law regarding fair employment practices; or
- improper consideration of qualifications, which shall be deemed to have occurred if material prejudice resulted because
  - ♦ procedures required by the faculty or Board were not followed; or
  - ♦ available data bearing materially on the quality of performance were not considered; or
  - ♦ unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

#### *Outcomes.*

Following a hearing on an appeal, the hearing committee issues its report of findings and recommendations. If the committee finds for the appellant, it recommends an appropriate remedy. Potential remedies are described in some detail on the last page of this explanation of the process and procedure.

### Time Limits.

#### Termination of Appeal.

Failure to meet any time limits established by these procedures will likely end the proceedings. A faculty member considering an appeal of nonrenewal or denial of tenure is urged to review these procedures and to act promptly.

#### Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the appeal process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is

no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Action on Nonrenewal.

The university will proceed on a nonrenewal decision even if an appeal is in progress in order to meet obligations to provide adequate notice of nonrenewal as prescribed in UWSP 3.09.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of that body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the parent body specifically state otherwise.

Right to Open Meeting.

Under the provisions of UWSP 3.06 (1)(d), a probationary faculty member has the right to request and receive an open meeting for any meeting of a department or unit or subunit involving an evidentiary hearing or final action on consideration of tenure for that individual.

Meetings to consider retention of probationary faculty shall normally be held in closed session.

**NOTE.** A meeting with an administrator for the purpose of performance evaluation, even where the end result of the discussion will be a recommendation on retention or the granting of tenure, is not subject to the provisions of the Open Meetings Law: an individual administrator is not a "formally constituted subunit."

*19.85 Wis. Stats.*

Under the Open Meetings Law, even when departmental policies provide that subunit or committee meetings be restricted to members of the subunit or committee, a faculty member under consideration has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing or final action on consideration of tenure for that individual.

*Departmental Policies.*

Normally, departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

DESCRIPTION OF NONRENEWAL PROCESS.

Outline.

The outline at the end of this subsection gives the steps which must be taken by the appellant, the relevant university body, the Faculty Mediation Subcommittee, and the hearing committee. It also gives the time limits for each step. The sequence of steps is mandatory, but some time limits may be extended by mutual consent of the parties or by order of the hearing committee. The outline deals specifically with appeals of nonrenewal but the process for an appeal of denial of tenure is virtually the same; the possible remedies are different.

Statement of Reasons.

Request.

Once a non-retention notice has been received from the department or chancellor, the faculty member has the right to request and receive a written statement of reasons by the decision-maker.

Time Limit.

The written request for those reasons must be made within 10 days of receipt of the non-retention notice. This written statement of reasons is required before a reconsideration or (subsequent) appeal may be implemented. The statement of reasons also becomes a permanent part of the individual's personnel file.

*File Responses.*

Faculty members have the right to review their own personnel files. Faculty members also have the right to make written responses to any statements in the files and to have those responses placed in the files.

Reconsideration.

Request.

Within 10 days of receipt of the written reasons, the faculty member has the right to request a reconsideration by the decision-maker. Any written request for reconsideration must be granted. The faculty member also has the right of access to all materials which may have a direct bearing on a presentation at the reconsideration meeting.

Time Limit.

Any reconsideration must be held within 20 days of receipt of the request for reconsideration, except that this time limit may be extended by mutual consent of the parties.

Decision Reversed.

If reconsideration results in a decision favorable to the faculty member, the reconsideration decision supplants the original and the positive recommendation is sent forward to the next appropriate level.

Decision Affirmed.

If reconsideration affirms the initial decision, the faculty member may either drop the matter or proceed to an appeal.

FILING AN APPEAL.

Written Request.

Upon receipt of written notification that non-retention or denial of tenure was affirmed in the reconsideration, the faculty member has 20 days in which to request a hearing by the Faculty Mediation Subcommittee.

- Failure to meet the 20 day deadline is likely to end the appeal.
- The request must be in writing and addressed to the chairperson of the subcommittee.
- The request should provide a historical resume of all actions taken to this point and must state clearly and specifically the precise foundation on which the appeal is to be based.
- UWSP 3.08 and 3.08m detail the acceptable bases for an appeal.

Required Action.

Notification.

If the chairperson determines that the appellant holds a faculty appointment, the chairperson will

- provide written notification of the request for hearing to the vice chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the appeal, which will be passed on to the chairperson of the hearing committee;
- provide written notification to the chairperson of the appellant's departmental personnel committee, the department chairperson, the dean, the chancellor, and the chairperson of the Faculty Senate that an appeal is in progress; and
- provide copies of all correspondence to the
  - ♦ appellant;
  - ♦ hearing committee members; and
  - ♦ the decision-maker(s).

#### Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Faculty Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each college.

- Normally, at least 3 of the appointed members shall have had either
  - ♦ previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, or
  - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, shall be designated as the chairperson of the committee.
- No individual who participated in the nonrenewal decision, or who is a material witness, or who is a member of the appellant's department may sit on the hearing committee.
- Reasonable effort will be made to ensure that the members of the committee are acceptable to both parties in the appeal process.
  - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the appeal before the formal appointment.
  - ♦ The decision on whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the appellant has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members shall be made by the committee, excluding the member under challenge.
- In addition to the appointed members, the chairperson of the Faculty Mediation Subcommittee will be an *ex officio* member of the hearing committee. However, the subcommittee chairperson will not cast a vote except to break a tie.

#### Hearing Date.

The hearing committee must meet to hear the matter within 20 days of receipt of the request for an appeal, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. The faculty member requesting a hearing must receive 10 days notice of the hearing.

#### Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the appeal process. The chairperson must

- conduct the hearing under the provisions of UWS/UWSP 3.08 or 3.08m, as appropriate, these policies and procedures, and the guidelines for appeal hearings (which may be found in the next subsection);
- establish appropriate communication with the chancellor, vice chancellor, appellant, appropriate dean, department chairperson, and departmental personnel committee chairperson, and keep each informed of the proceedings in the appeal;
- keep records of all correspondence among all the principals from the initiation of the appeal through its conclusion;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare the written report of the committee's findings and recommendations and transmit the committee's report to the chancellor and other appropriate parties;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the appellant, the decision-maker(s), other involved individuals, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing must include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;
- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but the appellant, upon timely written request to the chairperson, has the right to request an open evidentiary meeting. Any such request in the case of an appeal of denial of tenure shall be honored.
- ♦ of whether the evidentiary hearing and the deliberative meeting will be closed or open;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the appeal;
- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that

failure to provide such copies will not preclude an individual from giving testimony;

- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the appellant has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the burden of proof as to the validity of the appeal is on the appellant; and
- ♦ that the hearing committee will give written statements of its findings and recommendations to the chancellor, vice chancellor, appropriate dean, department chairperson, appellant, and decision-maker(s).

## GUIDELINES FOR HEARINGS.

### Quorum, Notice, and Confidentiality.

#### Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

#### Notice.

Notices of meetings must be sent to the University Newsletter for publication (without identifying the appellant) and must indicate whether the meetings will be open or closed.

#### Confidentiality.

##### Committee.

All matters related to the appellant and the appeal are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

##### Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson will collect all drafts and other documents related to the appeal from the members of the committee, from any appointed secretary, and from all other parties except the appellant and the appellant's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report will be sealed and filed in the office of the chancellor for a period of 5 years, after which they will be destroyed as permitted under the Public Records Law.

**NOTE.** Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

### Evidentiary and Deliberative Sessions.

The appeal process consists of two parts, an evidentiary hearing and a deliberative meeting.

#### Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation. Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The burden of proof is on the appellant.

#### Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee will write a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee must sign the final report or file a dissent. The report will be distributed within 10 days of the close of deliberations.

### Closed and Open Sessions.

#### General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law except the evidentiary meeting on an appeal of a tenure denial will be open if requested by the appellant. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

#### Evidentiary Hearings: Who May Attend/Speak.

##### Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the appeal may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the appellant;
- the maker(s) of the decision under appeal;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

### *Open Hearings.*

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the appeal and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

### Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings of fact and decision.

### Procedure for Evidentiary Hearing and Deliberative Meeting.

#### Introduction.

A copy of these procedures may be requested from the chairperson of the Faculty Mediation Subcommittee or the associate vice chancellor for personnel.

#### Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

#### Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
  - ♦ explanation of limitations of open meetings, if an open meeting has been requested, or
  - ♦ a request for a motion to close the meeting under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the appellant, and the appellant's representative(s), if any.
- Introduction of the decision-maker(s), and the decision-maker's representative(s), if any.
- Presentation of the appeal by the appellant or the appellant's representative but not the testimony of witnesses.
- Questions by the decision-maker or by the decision-maker's representative.
- Presentation of witnesses on behalf of the appellant.
- Questions of appellant's witnesses by the decision-maker or by the decision-maker's representative.
- Presentation of all relevant materials by the decision-maker or by the decision-maker's representative but not the testimony of witnesses.
- Questions by the appellant or the appellant's representative.
- Presentation of witnesses on behalf of the decision-maker.
- Questions of decision-maker's witnesses by the appellant or the appellant's representative.
- Questions of appellant's and decision-maker's witnesses by members of the hearing committee.

- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the decision-maker or the decision-maker's representative.
- Questions of committee witnesses by the appellant or the appellant's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the decision-maker or the decision-maker's representative.
- Rebuttal or closing comments by the appellant or the appellant's representative.
- Questions of the appellant by members of the hearing committee.
- Questions of the decision-maker by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and will conduct a roll call vote on the motion.

#### Deliberative Meeting.

The hearing committee deliberates on the appeal and writes a report which includes the findings and recommendations of the committee.

#### Findings.

##### *Basis.*

A finding that the facts are as described by the appellant is not, by itself, enough to find that the appeal is valid. The facts must support the contention that at least 1 of the factors described under UWSP 3.08 (1) or UWSP 3.08m (2), as appropriate to the appeal, entered into the decision to a significant degree and with material prejudice to the appellant.

##### *Burden of Proof.*

The burden of proof is on the appellant to provide evidence that at least one impermissible factor entered into the decision to a significant degree and with material prejudice to the appellant.

##### *Decision Upheld.*

If the committee finds for the decision-maker, it recommends the appeal be denied. If the recommendation is accepted by the chancellor, the appeal is ended.

##### *Decision Rejected.*

If the committee finds for the appellant, it makes its recommendations to remedy the inappropriate behavior.

#### Recommendations.

##### *Remand Required.*

- All cases under 3.08 and 3.08m must be remanded for reconsideration by the decision-maker(s) unless the hearing committee specifically finds that a remand would serve no useful purpose.
- Even if it remands the matter, the hearing committee retains jurisdiction until it is satisfied that appellant's rights have not been violated.

*Possible Remedies, 3.08.*

If the committee finds that an appeal under 3.08 is valid, possible remedies include, but are not limited to

- reconsideration by the decision-maker(s);
- reconsideration by the decision-maker(s) under instructions from the committee; or
- a recommendation to the next higher decision-making level.

*Possible Remedies, 3.08m.*

If the committee finds that an appeal under 3.08m is valid, possible remedies include, but are not limited to

- reconsideration by the decision-maker(s);
- reconsideration by the decision-maker(s) under instructions from the committee; or
- where the committee specifically finds that impermissible factors were used as a basis for denial and that no useful purpose would be served by a remand for reconsideration, a recommendation that a special committee be convened under the provisions of UWSP 3.08 (5) to provide an independent recommendation for tenure.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of deliberations.
- The chairperson provides a verbatim record of the hearing and a copy of the report to the faculty member, and a copy each of the report to the chancellor, the vice chancellor, the appropriate dean, the department chairperson, the chairperson of the departmental personnel committee, and the decision-maker(s).

Chancellor's Action.

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.

- 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.

- The chancellor sends written notification of decision to the appellant and the chairperson of the hearing committee within 30 days of receipt of the report of the committee.
- The decision of the chancellor is final on such matters.

## OUTLINE OF APPEAL PROCESS

Abbreviations used: D=Dean; VC=Vice Chancellor; C=Chancellor; PF=Personnel Files; DC=Department Chair; DPC=Department personnel committee; FMS=Faculty Mediation Subcommittee; HC=Hearing Committee

Step	Initiated By / Date	Notify / Copies to	References Adm Code UWSP PR	Comments
1. Non-retention notice	DC or C / varies	Faculty Member	3.09	Notice to be sent as soon as feasible following decision.
2. Written request for reasons for non-retention	Faculty Member / 10 days of receipt of notice from 1	DC or C	3.07	
3. Written statement of reasons	DC or C / 10 days	Faculty Member PF, D, VC	3.07	Reasons are permanently filed in personnel files
4. Written request for reconsideration of decision by department or C. This reconsideration must within 20 days of this request	Faculty Member / 10 days of receipt in 3	DC or C / PF	3.07	See departmental personnel rules; Faculty member has unimpeded, direct access to <u>all</u> materials at any level (unless it is confidential at request begin of the faculty member) which have a bearing on reconsideration
5. Written notification that non-retention was reaffirmed in the reconsideration process	DC or C	Faculty Member / PF, D, VC, C	3.07	
<b>APPEAL</b>				
6. Written request for appeal under UWSP 3.08 (nonrenewal) 3.08m (denial of tenure)	Faculty Member / 20 days of receipt in step 5	FMS Chair / DC, DPC Chair	3.08 or 3.08m	Request should provide historical resume of actions to this point, must state <u>specifically</u> and clearly the precise foundation on which the appeal is being made
7. Written acknowledgment of receipt of request in 6; appointment of 5 individuals (at least 3 are elected members of FMS) to HC	FMS Chair / Varies (but must allow sufficient time for steps 8 and 9)	Faculty Member / DC, PF, D, VC, C	3.08 or 3.08m	FMS Chair will appoint HC and its chairperson
8. FMS chair determines if FMS has jurisdiction; if so, convenes HC to review procedures: HC sets hearing date	FMS chair / 10 days of receipt in step 6 (to allow proper notice for step 9)	Faculty Member / DC, D, VC, C	3.08 or 3.08m	If FMS has jurisdiction, see Step 9; if not, FMS chair notifies faculty member
9. Conduct appeal hearing; meeting normally closed by HC roll call vote unless appellant requests an open meeting.	HC Chair / 20 days (but faculty member must have 10 days notice of the hearing)		3.08 or 3.08m	Both parties may provide evidence. Faculty member may want to have own legal counsel present. *
10. HC makes recommendations; meeting may be closed by majority roll call vote.	HC Chair / within 7 days of end of step 9.		3.08 or 3.08m	Wis. Stats. 19.85 (1) a. allows for the closed meeting. There may be recesses during the deliberations.
11. Distribution of HC report	HC Chair / within 10 days of the end of step 10	Faculty Member / C, VC, D, DC, decision-maker(s)	3.08 or 3.08m	

### NOTES:

Time limits in steps 2, 3, and 4 may be extended by mutual consent of the faculty member and DC (or appropriate administrative officer). Time limits in steps 6 through 9 may be extended by mutual consent of the faculty member and the HC or by order of the HC. Prior to step 7, the FMS may act for the HC in this regard.

\*Legal counsel, at the time hired by the faculty member, should inform the FMS chairperson of counsel's interest in the proceedings. From the time of receipt of that notice, counsel will automatically receive copies of all correspondence, memos, and any other pertinent material, whether initiated by the faculty member or by other employees of the university.

## **SECTION 5: INTERPRETATIONS, GUIDELINES, AND IMPLEMENTATION PROCEDURES FOR PERSONNEL RULES AND POLICIES: ACADEMIC STAFF APPOINTMENT**

*This section interprets, amplifies, and provides procedures for the implementation of UWSP Personnel Rules for Academic Staff, Chapters 1, 9 - 13, and 14.*

*This material follows the approximate order of the Rules.*

**NOTE.** Academic staff are divided into categories according to position responsibilities. Many of the policies, rules, and procedures pertaining to academic staff apply to all categories; others vary for each group.

In cases where materials pertain to all academic staff, they are presented without regard to categories; where there are differences, subheadings divide the materials by the appropriate category.

### **DEPARTMENTAL/UNIT POLICIES AND PROCEDURES**

Wherever UWSP Personnel Rules, policies, or procedures provide for the development of departmental/unit policies and procedures and the approval of those policies or procedures by the chancellor or vice chancellor, approval has been delegated to designees--

- for departments/units reporting to a dean, the designee is the dean;
- for departments/units reporting to vice chancellors, the designee is the vice chancellor; and
- for departments/units reporting directly to the provost, the designee is the provost.

### **ACADEMIC STAFF APPOINTMENTS**

#### **TYPES OF APPOINTMENTS.**

Academic staff appointments are of 3 types: fixed term, probationary, and indefinite.

#### **Fixed Term.**

##### **Definition.**

Fixed term appointments are 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 regardless of how often renewed.

##### **Appropriate Use.**

Fixed term appointments are used for academic staff positions when the appointment is

- primarily for classroom teaching and/or coaching; or
- less than half-time; or
- for a term of 1 year or less, to replace someone on leave; or
- funded by non-GPR money; or
- to a designated position determined appropriate for fixed term at the time of the initial appointment according to the provisions of UWSP 10.03 (1)(b) 5.

#### **Probationary.**

##### **Definition.**

Probationary appointments are those which lead to a review and decision on an indefinite appointment.

Appropriate Use.

A probationary appointment is normally used for every position other than one primarily for classroom teaching when the position is funded by tax dollars and the position is anticipated to be ongoing.

Indefinite.

Definition.

An indefinite appointment provides permanent status for an unlimited term.

Appropriate Use.

Indefinite appointments are granted only after appropriate annual review and evaluation. Normally, a person will not be granted indefinite appointment to a particular administrative position.

## **ACADEMIC STAFF CATEGORIES**

### TITLE CATEGORIES.

Academic staff titles normally fall within 3 categories.

Category A.

Titles in this group include those in which duties and responsibilities are most similar to those of professional and administrative positions common to institutions of higher education other than classroom teaching. Broadly speaking, personnel in this category at UWSP are primarily involved in support programs.

Category B.

Titles in this group include those in which duties and responsibilities are most similar to the research or instructional functions typical of faculty in the UW System. On this campus, this category consists almost exclusively of classroom teaching academic staff.

Category C.

Titles in this group include those in which duties and responsibilities are most similar to designated professional positions and administrative positions in academic areas. At UWSP, persons in this category are generally at or above the level of assistant dean but the category also includes program directors for academic research units, coaches, consultants, and some limited appointments.

## **TYPES OF APPOINTMENTS FOR SPECIFIC CATEGORIES**

### CATEGORY A.

Tax Funded.

Personnel whose position titles are in this group and whose positions are funded by general purpose revenue funds (tax dollars) are normally on probationary appointments.

Program Revenue Funded.

Those personnel in this group whose positions are funded by program revenue funds (funds other than tax dollars) will normally hold fixed term appointments. (In certain circumstances, those funded by non-GPR dollars may be granted indefinite appointment.)

## CATEGORY B.

On this campus and regardless of the funding source, Category B personnel are normally on fixed term appointments.

## CATEGORY C.

### Tax Funded.

Personnel in this group whose positions are funded by GPR funds will normally hold either a probationary or indefinite appointment [or a probationary or tenured faculty appointment] and a limited appointment in the administrative position.

### Program Revenue Funded.

Those personnel in this group whose positions are funded by program revenue funds will normally hold fixed term appointments with limited appointments in the administrative position. (In certain circumstances, those funded by non-GPR dollars may have been granted indefinite appointment.)

## **LIMITED APPOINTMENTS**

### DEFINITION.

A limited appointment is an appointment to a designated administrative position in which the individual serves at the pleasure of the appointing official. Such appointments are governed by the provisions of Chapter UWS 15.

### APPOINTMENT RIGHTS.

#### Current Academic Staff.

A member of the academic staff granted a limited appointment does not lose existing rights to an academic staff appointment by accepting the limited appointment.

#### Initial Appointment.

Whenever feasible, an individual granted a limited appointment and not already holding an academic staff [or faculty] appointment shall be given an appropriate academic staff [or faculty] appointment.

#### Termination.

Termination of a limited appointment is not a dismissal under Chapters UWS/UWSP 11 and is not otherwise subject to appeal.

#### Notice.

Whenever possible, an individual holding a limited appointment without another academic staff [or faculty] appointment shall be given notice of termination of the limited appointment at least 3 months in advance of the expiration of the appointment.

### SALARY.

The salary for an individual with a limited appointment is determined by an vice chancellor, the provost, or the chancellor, as appropriate. Such salaries are based upon the appointee's duties and shall be in conformity with the salary structure prescribed in the UW System. Annual salary increases for academic staff holding limited appointments are also determined by the appointing authority.

## **MINIMUM QUALIFICATIONS FOR APPOINTMENT AND PROMOTION**

## GENERAL.

An individual to be considered for appointment or promotion must meet at least the minimum qualifications of training and experience for the position/title. Broad qualifications are described in *Unclassified Personnel Guideline #1*, a System policy document of some length and complexity. Specific institutional criteria are described in the local Hayes-Hill guidelines, *Hayes-Hill Titling Advisory Committee Operational Procedures and Policies*. Copies of *UPG 1* and of local Hayes-Hill guidelines may be obtained from either the associate vice chancellor or the director of personnel. The local Hayes-Hill Titling Committee procedures are in chapter 4, section 15.

**NOTE.** The materials pertaining to academic staff are derived from the *Academic Staff Titling and Compensation Study*, better known throughout the System and generally referred to in the *Handbook* as Hayes-Hill.

## CATEGORY A OR C.

Appointment to or eligibility for promotion to a specific prefix in the professional title series is also dependent upon experience and performance. Minimum expectations are described in the Hayes-Hill guidelines.

## CATEGORY B.

Appointment to or eligibility for promotion to a specific prefix in the instructional professional title series is also dependent upon experience and performance. Minimum expectations are described in each department's personnel guidelines. Departmental guidelines are available from each department chairperson.

## **EDUCATIONAL CODE, CREDITING OF PRIOR SERVICE, AND SALARY INFORMATION**

### EDUCATIONAL PREPARATION CODE.

Effective 2006-2007, an academic staff member's code assignment is based on the following academic preparation.

#### Code 1.

- Ph.D.
- Ed.D.
- Earned doctor's degree equivalent to the Ph.D. or Ed.D., requiring an original contribution to the field and requiring the minimum equivalent of 3 full years of graduate study beyond the baccalaureate.
- MFA in creative arts (specifically: studio art, creative writing, dance and technical areas of drama) when a higher terminal degree is not normally awarded.

#### Code 2.

- Earned degrees, such as the J.D., requiring a minimum of 90 semester credit hours of graduate level work beyond the baccalaureate degree.
- All requirements for the doctorate met except completion of the dissertation.

#### Code 3.

- Master's degree plus 30 semester credit hours of graduate level work in a coherent program of study. If the master's degree requires more than 30 semester credit hours, then the additional graduate level work only needs to bring the total semester credit hours to 60 (for example, a master's degree requiring 36 semester credit

hours would need to be supplemented with an additional 24 credits to qualify for this educational code.)

- A specialist degree or its equivalent.
- University Library faculty with an MLS and a second approved master's degree.

Code 4.

- A master's degree.

Code 5.

- A bachelor's degree.

Code 6.

- No bachelor's degree.

## GRANTING PRIOR SERVICE CREDIT: TIME TOWARD INDEFINITE APPOINTMENT

(PROBATIONARY OR FIXED TERM).

General Guideline.

The practice of granting credit for prior service is not universal but has been most common in traditional four-year universities. When prior service credit is granted, it is usually limited to 3 years, leaving 3 to 4 years for evaluating probationary academic staff prior to making the mandatory decision on indefinite appointment.

Impact.

Evaluation and review for a decision on indefinite appointment is required for academic staff holding probationary appointments. Academic staff holding fixed term appointments may request review for the granting of indefinite appointment after 10 years of service at UWSP. Indefinite appointment may be awarded only after the third year of full-time service at UWSP. One consequence of granting credit for prior service is to shorten by a stipulated number of years the time period in which the decision to award indefinite appointment is made.

Individual Decisions.

Decisions on crediting of prior service are made on an individual, case-by-case basis: there is no automatic or formula-based credit for prior service.

## SALARY INFORMATION.

Salary at Time of Hiring.

Category A or C.

With the exception of those few positions assigned to an executive salary group, salaries of administrative and support academic staff with titles in these categories shall be determined by the appropriate vice chancellor, the provost, or the chancellor, as appropriate, and shall be in conformity with the Hayes-Hill salary structure.

Hayes-Hill Format.

Hayes-Hill establishes a series of titles for each academic staff category. Each title is assigned a pay grade with a minimum and a maximum. Initial salaries shall be at least at the minimum level for the appropriate title and may, as a result of consideration of experience, market factors, or comparable salaries in the unit, be above the minimum but normally no salary shall be above the maximum.

*Document Availability.*

Copies of current salary ranges for the various classifications and grades in Category A or C are available from the director of personnel or the associate vice chancellor.

*Executive Salary Group.*

Determination of positions to be assigned to an executive salary group are made at the System level. Copies of the list of individuals assigned to executive salary groups are available from the director of personnel.

Category B.

Salary ranges for academic staff classroom teaching positions and other positions with Category B titles are established by the appropriate department chairperson and dean prior to advertising the position. Salaries for these positions are determined according to the appropriate salary schedule.

*Individual Salary Determinations.*

Range for Candidates.

Salary ranges for specific individuals are established by the appropriate dean, in consultation with the department chairperson, before a candidate may be invited to campus.

Individual Salaries.

Individual salaries are established by the dean, in consultation with the department chairperson, in accordance with the appropriate salary schedule.

*Document Availability.*

Copies of the salary schedule for classroom teaching academic staff are available from the dean or associate vice chancellor.

*Summer Session.*

Compensation.

Classroom teaching academic staff are rarely hired during summer sessions. When classroom teaching academic staff are hired for the summer, compensation is normally 9.3% of the previous academic year salary for the equivalent of three credits of instruction (half-time); full-time is normally compensated at 18.6%.

Contracts.

Summer session teaching contracts are all contingency contracts, based on negotiations between the academic staff member and appropriate dean on the number of students anticipated to enroll. When enrollment is less than anticipated, the dean determines whether the class is to be canceled and the contract voided or to keep the class at the lower enrollment and reduce the salary of the academic staff member.

Crediting of Prior Years.

Whenever a newly hired person receives credit for previous experience in determining salary, fractional years of credit are rounded to the next higher number of full years (e.g., 1.2 years are counted as 2 years).

Full-time and Part-time.

Category A or C.

Unless otherwise negotiated and expressly stated in the letter of appointment, full-time shall be defined as 5 working days per week or the equivalent, half-time shall be defined as 2 1/2 working days per week or the equivalent, and other part-time appointments shall be calculated as a percentage based on 5 days per week as full-time.

Category B.

Full time shall be defined as 24 credit hours per academic year.

Paychecks.

Academic year salaries for new academic staff appointees are paid in 9 checks. Annual salaries are paid in 12 checks.

Date Available.

Academic staff payroll checks are usually available on the first work day of each month but are not issued on Saturday, Sunday or a holiday. Checks will be delivered only to the academic staff member or to a spouse employed by the university.

The first check for the academic year is issued on October 1, the last on June 1 (July 1 for academic staff remaining on the 10 month pay plan).

Direct Deposit.

Academic staff members may have payroll checks deposited directly to the financial institution of their choice. Deposit is by courier (local) or mail (out of town). Checks are deposited or mailed for deposit on the night before payday; however, the deposit may not legally be credited to the academic staff member's account until the first.

Persons with questions regarding direct deposit of payroll checks should call the UWSP Payroll Office.

Summer Session.

Summer school checks are issued on August 1 and September 1.

Optional Twelve-payment Plan.

For academic staff on academic year appointments, an optional twelve-payment plan (rather than 9 or 10) is available, and can be arranged through the UWSP Credit Union.

**FIXED TERM, PROBATIONARY, AND INDEFINITE APPOINTMENTS**

**CONTRACTUAL PERIODS AND SCHEDULES FOR RECOMMENDATIONS ON RETENTION, INDEFINITE APPOINTMENT, PROMOTION, AND MERIT.**

Contractual periods.

Academic staff may be hired on multiple-year contracts, rolling contracts, or one-year contracts. Limited appointments, in which persons serve at the pleasure of the appointing authority, may be open-ended.

Annual Schedule.

The provost, vice chancellors, and deans annually distribute to department chairpersons and unit heads a schedule of specific dates when recommendations regarding renewal, indefinite appointment, promotion, and merit are due.

Probationary Personnel.

Dates for decisions on renewal are governed by the provisions of Chapters UWS and UWSP 10.05. Academic staff shall receive notice at least 3 months prior to the expiration of the appointment in the first year; at least 6 months prior to the expiration of the appointment in the second year; and 12 months prior to the expiration of the appointment thereafter.

#### Fixed Term Personnel.

##### *Half-time or More.*

Academic staff serving .5 FTE or more, or who have accumulated 7 academic years of service at .5 FTE or more per semester shall receive notice at least 3 months prior to the expiration of the appointment in the first 2 years; at least 6 months prior to the expiration of the appointment in the 3rd through 7th years; at least 9 months prior to the expiration of the appointment in the 8th through 10th years; and 12 months prior to the expiration of the appointment thereafter.

When the letter of appointment states that renewal is not intended, no further notice of nonrenewal is required.

##### *Less Than Half-time.*

Academic staff serving less than .5 FTE shall receive notice at least 3 months prior to the expiration of the appointment in the first 2 years, and 6 months prior to the expiration of the appointment thereafter.

When the letter of appointment states that renewal is not intended, no further notice of nonrenewal is required.

#### Indefinite Appointment.

Units normally submit recommendations for indefinite appointment to the appropriate administrator in early March.

##### *Reduced Responsibilities.*

A probationary academic staff member may reduce professional responsibilities under limited conditions specified in UWSP 10.03 (2) (a) (3). Colloquially, this is called "stopping the clock," and may be requested in circumstances such as childbirth, adoption, dependent care obligations, or disability. The time granted for such activities does not count as a break in continuous service nor as part of the probationary period.

#### Promotion.

Units normally submit recommendations for promotion in February, or as part of the retention recommendation.

#### Merit.

The date when merit recommendations are due is governed by legislative and System action. Unit merit recommendations are usually submitted to the appropriate administrator in March.

### APPOINTMENTS.

#### *Decision Authority.*

##### Probationary Academic Staff.

- In divisions other than Academic Affairs, decisions on appointment and renewal for probationary academic staff appointments in the first year and after the 4th year are made by the unit and the appropriate vice chancellor (as

the chancellor's designee). In Academic Affairs, those decisions are made by the department or unit and the provost (as the chancellor's designee).

- Decisions on renewal in the 2nd, 3rd, and 4th years are made by the unit and the vice chancellor (as the designee), or the department and the appropriate dean (as the designee).

#### Fixed Term Academic Staff.

- In divisions other than Academic Affairs, decisions on appointment and reappointment for all fixed term academic staff are made by the unit and the appropriate vice chancellor (as the chancellor's designee).
- In Academic Affairs, decisions on appointment and reappointment for all fixed term academic staff are made by the department or unit and the provost (as the chancellor's designee).

#### Change in Position Responsibilities.

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 academic staff member and the appropriate institutional officers, except as may be necessary under 36.21 Wis. Stats. and Chapter UWSP 12.

#### Teaching Responsibilities.

An individual who holds academic rank in a department and who is serving in an academic staff position is usually expected to perform some regular teaching assignment each year. Faculty of the University Library are an exception to this policy.

#### Joint Appointments.

Joint appointments of academic staff members may be made between units (e.g., Records and Registration & Campus Activities; HPERA & Admissions) and/or divisions (e.g., University Services and Student Development & Business Affairs). These appointments are made only if the academic staff member and the involved university units agree upon the desirability of such an arrangement. Joint appointments may be terminated at the end of a contractual period upon the request of any of the involved individuals or units.

#### Unit Responsibilities.

Letters of appointment for academic staff members with joint appointments shall clearly delineate the percentages in each unit, the salary responsibilities of each unit, the titles for each position, and the appointment type (fixed term, probationary, or indefinite) in each position.

#### Governance Rights.

Academic staff with joint appointments will be eligible to participate in both units in meetings, appropriate committees, and other activities under each unit's policies and procedures. Such participation will depend upon prior agreement of the involved units.

#### Part-time Appointments.

##### Category A or C.

Unless otherwise negotiated and expressly stated in the letter of appointment, half-time shall be defined as 2 1/2 working days per week or the equivalent, and other part-time appointments shall be calculated as a percentage based on 5 days per week as full-time.

### Category B.

Half-time shall be defined as 6 credit hours per semester or the equivalent, and other part-time appointments shall be calculated as a percentage based on 24 credit hours per academic year as full-time.

### Change in Proportion of Time.

An academic staff member may request either

- a permanent reduction to half-time;
- a permanent reduction to less than half-time on a fixed term appointment;  
or
- a temporary reduction as a partial leave without pay.

### *Salary.*

An academic staff member's base salary is pro-rated for any reduction in time; eligibility for fringe benefits may change during semesters at reduced time.

### *Probationary Agreement.*

For academic staff on probationary appointment, the initial letter of agreement for a reduced assignment shall state how much time the academic staff member will have accrued toward indefinite appointment by the beginning of the reduced assignment, and how much time will be accrued during the period the academic staff member serves on reduced assignment.

### Salary and Merit for Part-time Academic Staff.

#### *Criteria.*

General criteria for determining salary and merit for part-time academic staff are the same as for full-time academic staff. Units may develop specific performance objectives for individuals with part-time appointments just as they do for academic staff with full-time appointments.

#### *Amount.*

Part-time academic staff receive proportional salary based on full-time equivalency as defined for the appointment category.

## **EVALUATION OF ACADEMIC STAFF: ALL CATEGORIES**

### PROCEDURAL RIGHTS.

When being reviewed for any unit personnel recommendations, academic staff members shall be given the opportunity to present materials showing qualifications, and may be invited to present oral evidence to the supervisor and/or appropriate unit evaluation committee(s).

**NOTE.** Academic departments and equivalent academic areas may extend limited governance rights to their academic staff members as provided for in UWS and UWSP 1.05. This limited faculty status means that departmental academic staff have the right to participate in all aspects of the department's governance as specified by the department except decisions relating to hiring, retention, promotion, and tenure for individual faculty.

### PRESENCE AT MEETINGS.

### No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of the body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the body specifically state otherwise.

### Right to Open Meeting.

Under the provisions of UWSP 10.03 (2)(a)4, a probationary academic staff member has the right to request and receive an open meeting for any meeting of a unit or subunit involving consideration of indefinite appointment for that individual.

**NOTE.** A meeting with one's supervisor for the purpose of performance evaluation, even where the end result of the evaluation will be a recommendation on retention or the granting of indefinite appointment, is not subject to the provisions of the Open Meetings Law: an individual administrator is not a "formally constituted subunit."

### MERIT.

In the performance objectives as evaluated within each unit, merit recognizes performance ranging from solid through exemplary. It must never be used as a substitute for adequate and reasonable compensation for all members of the academic staff.

### ACTIVITIES.

Activities to be considered in the evaluation process shall include those undertaken as part of the Extension function or as part of the International Programs offerings as well as an academic staff member's usual activities.

## **EVALUATION OF CATEGORY A AND C ACADEMIC STAFF**

### PURPOSE.

Academic staff performance evaluations are conducted to

- enable employees to understand fully what is expected of them;
- help employees assess the quality of their work;
- give employees constructive feedback;
- gain information to help make accurate personnel decisions on such matters as retention, merit, and promotion; and
- encourage employees to do their best work.

### USE.

Performance evaluations conducted under these policies and procedures shall serve as the basis for making personnel decisions relating to renewal, reappointment, indefinite status, merit, promotion, and salary.

### IMPLEMENTATION/TRAINING RESPONSIBILITIES.

The vice chancellor is responsible for the implementation of this evaluation policy and related procedures.

The primary responsibility for evaluation of academic staff for purposes of retention, change of title or promotion, merit, indefinite appointment, and salary is that of the unit in which the individual holds an academic staff appointment. All academic staff to be evaluated and all

academic staff who do evaluations shall have completed appropriate orientation and training provided through the vice chancellor's office.

#### EVALUATION OF FIXED TERM, PROBATIONARY, AND INDEFINITE PERSONNEL.

All fixed term, probationary, or indefinite appointment academic staff shall be evaluated annually on how they meet unit and individual performance objectives. Near the middle of each evaluative period, an interim meeting shall be held with the academic staff member to discuss progress toward the objectives and to revise objectives as necessary.

Any Academic Staff A or C position that is less than 10% of the calendar year, i.e. less than 5.2 weeks or 208 hours per calendar year, is not required to complete an annual and/or supplemental review unless requested by the employee.

#### STUDENT EVALUATIONS.

The use of student evaluations may be appropriate if contact with students is a primary and an integral part of the position responsibility. Decisions on whether to use student evaluations shall be made by supervisors, in consultation with the staff members to be evaluated.

- No student or peer evaluations of classroom teaching shall be used in performance evaluations of Category A or C academic staff in their primary position responsibilities except in those cases where the supervisor and the individual being evaluated agree that student evaluations of teaching are a necessary or appropriate part of the evaluation process.
- Any student evaluations of classroom teaching shall be conducted by the appropriate academic department under existing departmental policies.
  - ♦ Except as specified in the first bulleted paragraph above, such evaluations are exclusively for professional development and other uses as provided by departmental policies.

#### PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATING CATEGORY A AND C ACADEMIC STAFF.

Each unit, in consultation with the appropriate vice chancellor or with the dean and provost, shall specify in writing the relative importance of these performance objectives:

##### *Ability in Performing Primary Responsibilities:*

the success of the academic staff member in timeliness, accuracy and quality of the work; achievement of job objectives; and innovative approaches to tasks required.

##### *Professional Disciplinary Growth:*

participation in formal or informal activities which indicate continued study and increased expertise in one's field, including such things as additional course work; leadership roles in professional organizations; attendance at seminars, workshops, or conferences; and research activities.

##### *General Educational Service:*

the acceptance and fulfillment of professional responsibilities outside the unit (i.e., to the university and the community). Service may be shown by participation in organizations

related to one's area of expertise, by acceptance of professional responsibilities within the university, and by professional relationships within the community.

## OVERVIEW OF PROCEDURES.

The evaluation process for Category A and C academic staff and instructions for conducting performance evaluations are contained in *Procedures for Evaluation of Non-instructional Faculty and Category A and C Academic Staff*, the complete text of which may be found in Chapter 4D, Section 15.

### Annual Review.

Each academic staff member shall meet with the staff member's supervisor at least once each year to assess performance and establish performance objectives. At this meeting,

- the supervisor shall afford the academic staff member the opportunity to present any information or materials on the academic staff member's behalf; and
- the two shall
  - ♦ review the academic staff member's current position description;  
The supervisor shall provide a current, 1-page position description which the two review to assure that it accurately describes duties and responsibilities.
  - ♦ review progress toward achieving objectives agreed upon at the last review (or for an initial review, as discussed in the appointment process);
  - ♦ develop appropriate goals, objectives, and priorities to be accomplished in the coming year;  
The goals, objectives, and priorities shall be consistent with the duties and responsibilities delineated in the abbreviated position description.
  - ♦ identify material to be used to assess progress toward achieving the goals in the next year, and the method by which this material will be collected;
  - ♦ set a time schedule for the next evaluation; and
  - ♦ discuss other relevant concerns of the academic staff member or of the supervisor.

### Supplemental Review.

During the academic staff member's 2nd and 5th years of employment, and every 5 years thereafter, the evaluation process shall consist of the annual review and a 2-part supplemental review, a questionnaire survey and a self-assessment.

### Questionnaire Survey.

#### *Development.*

The academic staff member and the supervisor shall develop a questionnaire survey in accordance with the requirements of *Procedures for Evaluation of Non-Instructional Faculty and Category A and C Academic Staff* (Chapter 4D, Section 15).

- All questionnaires shall include
  - ♦ Some general questions (from or similar to those in the procedures document), constructed by the academic staff member and the supervisor; and
  - ♦ these open-ended questions--

1. What are this individual's strengths in performing the duties in the job description?
  2. What suggestions can you make for improvement in the individual's job performance?
- Questionnaires for those with titles at or above the level of director shall include additional required questions found in the procedures document.
  - Optional questions selected from among those provided in the procedures document may also be selected for inclusion.

*Distribution.*

The academic staff member and supervisor jointly develop a list of survey recipients limited to those who know how the academic staff member is carrying out the day-to-day duties and responsibilities of his/her job description. The supervisor completes a copy of the questionnaire and distributes other copies to those on the list.

Other persons who ask to complete a questionnaire shall be afforded the opportunity by the supervisor with full disclosure to the academic staff member being evaluated. Results of the questionnaire from persons not on the agreed-upon list shall be tabulated separately.

*Procedure for Data Collection.*

The procedure for the collection of data may be found in the Procedures for Evaluation of Non-Instructional Faculty and Category A and C Academic Staff (Chapter 4D, Section 15).

Self-assessment.

The academic staff member shall also complete the questionnaire, and may provide any other information regarding performance.

Evaluation Report.

Following the annual/supplemental review meeting but not later than May 1, the supervisor prepares and files a written evaluation report for inclusion in the academic staff member's personnel file. The academic staff member receives a copy of the evaluation report and may prepare a written response to the evaluation. Any response shall also be placed in the personnel file. The written evaluation report, which shall be signed by the supervisor and the academic staff member, shall include at least the

- updated position description;
- goals and objectives for the upcoming year;
- self-assessment; and
- supervisor's letter of evaluation.

Review of the Evaluation.

An academic staff member who believes the performance evaluation was unfair may request from the academic staff member's supervisor a review of the evaluation. Any such request

- shall be in writing;
- shall be received by the supervisor not later than 15 days after the academic staff member has received the evaluation report;
- shall address the particular concerns of the academic staff member; and
- shall be granted.

*Supervisor's Response.*

The supervisor has 15 working days to review the entire matter and write a response to the academic staff member.

*Further Action.*

If the academic staff member continues to feel that the review was unfair and that the supervisor's response does not rectify the academic staff member's concerns, the academic staff member may file a grievance under the provisions of Chapter UWSP 13.02.

*Copies Filed.*

A copy of any request for review and a copy of the supervisor's response shall be placed in the academic staff member's personnel file with the original evaluation report.

Access to Review Information.

The information gathered in performance evaluation reviews is confidential to the degree permitted by the Public Records Law. Normally, access to the information is limited to the employee, the supervisor, and as appropriate, the Academic Staff Council and higher level administrators.

Use of Raw Data from Responses.

With the exception of the self-evaluation, respondents to the supplemental review questionnaire survey shall remain anonymous. Consequently, the raw data from a supplemental review shall not be made available to the employee under review. Following analysis of the information obtained from the questionnaire survey and self-evaluation, the supervisor shall share the results with the academic staff member, and when appropriate, the Academic Staff Council. Statistical data gathered from the general questions may be used for institutional research.

Academic Staff Council and the Vice Chancellor's Office as Resources for Performance Reviews.

Any Academic Staff member may request assistance on any aspect of the evaluation process at any time by contacting the Chairperson of the Academic Staff Council or the Vice Chancellor's Office.

Assessment of Procedures.

Beginning in the fall of 2004 and every 4 years thereafter, a subcommittee of the Academic Staff Council will review the entire evaluation procedure and recommend to the Council (and Senate) modifications necessary to ensure its continued effectiveness.

PROMOTION PROCEDURES IN UNITS.

Written Procedures.

Each unit shall establish written procedures for promotion and changes of title. These procedures shall include a policy explicitly expressing how academic staff performance objectives are to be used. Criteria for promotion and changes of title shall be consistent with Hayes-Hill criteria. When approved by the appropriate vice chancellor or the appropriate dean and the provost, this statement shall be the standard used by all evaluators for academic staff of that unit.

- Local Hayes-Hill criteria, procedures, and policies are in section 15 of this chapter (*Hayes-Hill Titling Advisory Committee Operational Procedures and Policies*).

### No Unit Procedures.

Absent written unit procedures, an academic staff member may apply for promotion and/or a change of title as the academic staff member becomes eligible under Hayes-Hill guidelines.

### Requests in Writing.

Requests for promotion or change of title shall be written and addressed to the academic staff member's supervisor. The request shall also include appropriate documentation supporting the request for promotion or change of title.

### Supervisory Response.

A supervisor who receives a request for promotion or change of title shall

- review the request and accompanying materials within 15 days of receipt of the request;
- within 20 days of receipt of the request, afford the academic staff member making the request an opportunity to present additional materials or oral testimony on the academic staff member's behalf;
- act on the request in a reasonable time and shall provide written notification of decision, which shall normally be within 15 days of the meeting with the academic staff member (or from the date of informing the academic staff member of the opportunity if the academic staff member decides not to meet with the supervisor) but may be up to 90 days after receipt of the request if the supervisor decides that an additional performance review involving a questionnaire survey is appropriate.

If the supervisor decides upon a questionnaire survey, the procedures under the supplemental performance review shall be followed.

## MERIT PROCEDURES IN UNITS.

### Written Procedures.

Each unit shall establish written procedures for merit assessment. These procedures shall include a policy explicitly expressing how academic staff performance objectives are to be used. When approved by the appropriate vice chancellor or the appropriate dean and the provost, this statement shall be the standard used by all evaluators for academic staff of that unit.

### Salary Increase Distribution.

#### Across-the-board.

Category A and C academic staff, unranked faculty, and faculty assigned to units other than those within Academic Affairs receive an across-the-board increase if authorized by the Board and UW System guidelines. Salary adjustment dollars remaining after across-the-board increases shall be applied to base salary as specified below.

#### Merit.

Salary adjustment dollars remaining after across-the-board increases shall be applied to base salary in the following manner.

##### *Step 1 Merit.*

Evaluation.

Each person will be evaluated and awarded merit points from 0 to 10 (whole numbers only) according to procedures and criteria established within each division (e.g., Business Affairs) and/or unit (e.g., Financial Aid).

#### **Award.**

Merit is assigned on the basis of points awarded. Each merit point will be equivalent to 10% of the merit generated by that position (e.g., 1 point=10%, 4 points=40%) .

If 2% of the salary increase dollars is applied to merit, an individual who earns \$30,000 generates \$600 of merit ( $\$30,000 \times .02$ ). If that individual is awarded 10 merit points, merit will be the entire amount the position generated; if the individual is awarded 5 merit points, merit dollars will be 50% of the merit the position generated ( $\$600 \times .50 = \$300$ ).

#### **Dollars Not Awarded.**

Merit dollars remaining as the result of awards of less than 10 points (\$300 in the second instance in the example above) are pooled for all Category A and Category C academic staff receiving merit and distributed according to procedures under Step 2.

#### ***Step 2 Merit.***

Merit dollars not awarded in Step 1 are distributed among all Category A and Category C academic staff receiving merit.

- A dollar value is established for each point to be awarded in Step 2 by dividing the total dollars remaining from Step 1 by the total merit points awarded in Step 1.
- The number of Step 2 points awarded to each individual is identical to the points awarded in Step 1; the dollar amount of merit received in Step 2 is determined by multiplying the points by the established dollar value.
  - ♦ The first individual in the example for Step 1 merit receives 10 merit points x the dollar value; the second receives 5 merit points x the dollar value.

#### **Total Salary Calculation.**

After all salary increases, whether across-the-board or merit, have been determined, the total is added to the individual's base salary. Then the salary for the next year is determined by the percentage of appointment. If an individual earning \$30,000 receives a total increase amounting to \$1,800, the salary for the next year will be \$31,800 for full time ( $\$30,000 + \$1,800 \times 1$ ), and \$15,900 for half time ( $\$30,000 + \$1,800 \times .5$ ).

#### ***Caps in Grade.***

There are maximum amounts within the classification grades which may cap salary increases for certain people. However, the maximum in each grade normally increases when the Board establishes annual salary increases and minimum salaries. Persons at the maximum in their grade may receive an increase limited to a percentage of the increase in the maximum of the grade.

## **EVALUATION OF CATEGORY B ACADEMIC STAFF**

### **GENERAL PRINCIPLES.**

### Departmental Responsibilities.

The primary responsibility for evaluation of classroom teaching academic staff for purposes of reappointment, promotion, indefinite appointment, and salary rests with the faculty of the individual departments. Departmental academic staff shall participate in evaluations as permitted by each department's personnel policies. All faculty, academic staff, and administrators who appraise performance shall have completed appropriate training provided through the vice chancellor's office.

Where there is more than one academic staff member teaching in a department, departmental personnel policies at least shall provide for the active involvement of senior academic staff in the evaluation of other academic staff.

### Departmental Participants.

Tenured faculty have the primary role in personnel decisions. However, as tenure and experience are not identical, departmental evaluations should utilize the resources of all experienced members. A significant number of the colleagues of the individual under consideration shall be directly involved in the analysis of student evaluations, study of information provided by the individual, classroom visitations, observation of professional presentations, review of publications, and examination of teaching materials (syllabi, exams, handouts, etc.).

**NOTE.** Departments and equivalent academic areas may extend limited governance rights to their academic staff members as provided for in UWS and UWSP 1.05. This limited faculty status means that departmental academic staff have the right to participate in all aspects of the department's governance as specified by the department except decisions relating to hiring, retention, promotion, and tenure for individual faculty.

### Role of Chairperson in Personnel Matters.

#### Records.

The department chairperson shall maintain files of records and correspondence relating to departmental actions on personnel matters.

#### Committee Actions.

The department chairperson shall assist the chairperson of any departmental personnel committees making personnel recommendations in the preparation of all relevant records and correspondence.

#### Forwarding Results.

As appropriate, the department chairperson shall forward results of departmental personnel actions to the dean of the college.

#### Separate Recommendation.

Normally, the department chairperson provides to the dean a separate recommendation on personnel matters.

#### *Committee Membership.*

Where a department chairperson provides separate recommendations on personnel matters, the chairperson shall not be a voting member of departmental personnel committees and shall not be counted in determining a quorum.

#### No Separate Recommendation.

With the approval of the department, the chairperson, and the dean of the college, a department chairperson may vote with departmental committees on personnel

matters. Where this practice is adopted, the chairperson shall be a voting member of appropriate personnel committees and shall not forward a separate recommendation to the dean; the dean shall receive only the committee's recommendation.

### Regular Evaluation.

All Category B academic staff, whether on fixed term or indefinite appointment, shall be evaluated regularly on how they meet individual and department performance objectives. Fixed term academic staff shall be evaluated at least annually; indefinite appointment academic staff shall be evaluated at least once every five years. Near the middle of each evaluative period, an interim meeting shall be held with the academic staff member to discuss progress toward the objectives and to revise objectives as necessary.

### Exception.

Academic staff hired for 1 semester to replace an individual on leave need not be subject to performance evaluations. However, departments may elect to conduct full or partial evaluations of these academic staff.

### Student and Peer Evaluations.

Student and peer evaluations of teaching, and peer evaluations of teaching-related scholarship, shall be considered in making decisions on reappointment, promotion, merit, indefinite appointment, salary, and general improvement and recognition.

## PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATION.

Each department shall specify in writing the relative importance of these performance objectives:

### Teaching Ability:

the success of the academic staff member, both in and out of the classroom, in securing interest, effort, and progress on the part of the student. The primary consideration is that students are stimulated to high standards of scholarship, to active interest in learning, and to effective effort toward self-improvement.

### Scholarship:

activities which are clearly defined, use methods and procedures appropriate to the task, are documented and available to the academic community for review and comment, have disciplinary and/or pedagogical value, and reflect a level of expertise/creativity expected in higher education.

### General Educational Service:

the acceptance and fulfillment of professional responsibilities outside the classroom, e.g., academic or extracurricular advising. Service may also be shown by participation in organizations related to the discipline, by acceptance of professional responsibilities within the university, and by professional relationships within the community.

**NOTE.** (1) In establishing performance objectives for Category B academic staff, departments shall give appropriate consideration to these provisos:

- part-time teaching academic staff are not expected to fulfill obligations related to scholarship or general educational service;
- part-time teaching academic staff are not required to participate in institutional governance but have the right to such participation; and

- teaching ability shall be the major criterion by which part-time classroom teaching academic staff are evaluated.

(2) Where a department has or anticipates a longer-term relationship with a part-time teaching academic staff member, teaching ability shall continue to be the major criterion for evaluation but scholarship and general educational service shall be encouraged.

## GENERAL GUIDELINES FOR DEPARTMENTAL POLICIES AND PROCEDURES.

### Written Procedures.

Each department shall establish procedures for reappointment, promotion, merit, indefinite appointment, and salary. These procedures shall include a policy explicitly expressing how academic staff performance objectives are to be used. When approved by the appropriate dean and the vice chancellor, this statement shall be the standard used by all evaluators for faculty of that department; however, the standard need not apply to administrative merit.

Insofar as feasible and providing appropriate consideration to the provisos in the note immediately preceding this subsection, departmental criteria for the evaluation of classroom teaching academic staff shall be the same as those for faculty.

### Application of Performance Objectives.

Each department shall have a written understanding (approved by the dean and vice chancellor) with individual members of the department of the manner in which performance objectives will be applied in each particular case, i.e., what the department will expect for purposes of retention, reappointment, indefinite appointment, and promotion. Where appropriate, salary letters shall state that academic staff compensation is based on the satisfactory accomplishment of performance objectives.

### Course Evaluation Forms.

All courses being evaluated at UWSP shall use the Student Reaction to Course Instruction Form (sometimes referred to as the Open Records Form). In courses where students and faculty do not meet face-to-face on a regular basis (e.g. on-line and distance learning), course evaluations must either be mailed to the student with a return envelop or distributed on-line assuring confidentiality. Departments may elect to use individual developmental forms. Provisions of UWSP 3.05 shall also be followed.

### Student Reaction to Course Instruction Form.

#### *Use Required; Purposes.*

The Student Reaction to Course Instruction Form was developed to accommodate those who seek access to course evaluation data. This form shall be used

- in all course evaluations;
- in all personnel decisions; and
- in all cases where information is sought under the Open Records Law.

#### *Reporting of Summary Data.*

Responses to questions A through E of this form shall only be reported as a frequency distribution.

#### *Format and Questions.*

- The document (Form Q10S-General Purpose Questionnaire) is a standard optical scanning form. The introductory paragraph reads  
 "The results of this survey will be used in personnel evaluations, to provide summary data for Student Government Association records, and will be made available to your instructor only after grades have been recorded for the course. Mark the most appropriate response to each statement in the corresponding circles to the right."
- These are the questions and possible responses:
  - A. The instructor was available for scheduled office hours:
    1. Always
    2. Frequently
    3. Infrequently
    4. Never
    5. Did not try to find instructor
  - B. The instructor was prepared for class:
    1. Strongly agree
    2. Agree
    3. Disagree
    4. Strongly disagree
    5. No opinion

**NOTE.** The same responses are used for B, C, D, and E.

  - C. The instructor helped to foster an atmosphere of mutual respect.
  - D. The instructor clearly explained grading procedures for the course.
  - E. The goals and objectives of the course were met.
  - F. My overall evaluation of the instructor's teaching is:
    1. A
    2. B
    3. C
    4. D
    5. F
  - G. My overall evaluation of the course is:
    1. A
    2. B
    3. C
    4. D
    5. F
- Individual departments may add other items on the reverse side of the questionnaire. Any additional items shall apply to all members of the department and shall become part of the personnel file of each department member.

#### Developmental Form.

An optional form for course improvement purposes may be constructed and administered by individual academic staff members. The results of any such assessment shall belong exclusively to the individual academic staff member.

Sample questions and statements which might be included in developmental forms may be obtained from the vice chancellor's office.

### PROMOTION PROCEDURES IN DEPARTMENTS.

#### Promotion Committees.

Promotion committees for academic staff shall be as provided for in departmental policies. Such policies shall stipulate that where academic staff are members of promotion committees, normally only those at or above the title of the individual applying for promotion shall be voting members of the committee.

### Committee Chairperson's Duties.

The chairperson of each committee shall report the committee's recommendations to the individual, the department chairperson, and the dean of the college.

### Department Chairperson's Recommendation.

Normally, the department chairperson will submit a separate recommendation to the dean. In the event that the chairperson's recommendation differs significantly from that of the department, the chairperson shall notify the appropriate departmental committee of this fact and provide to the person under consideration written justification for the action.

### Forwarding Recommendations.

In any discussion between the dean and the department regarding these recommendations, both the department chairperson and the chairperson of the committee shall be included. The dean shall forward a recommendation along with those of the department and department chairperson to the vice chancellor, and shall inform the department chairperson in writing of that recommendation.

### Informing Department.

In the event that the dean, vice chancellor, or chancellor makes a recommendation contrary to the department's, that administrator shall inform the individual and the department chairperson in writing, including reasons for the decision, before transmitting the recommendation to the next administrative level.

### Completion of Requirements.

The required number of years of teaching experience for a particular title shall be completed before the individual is considered for promotion.

## ANNUAL SALARY ADJUSTMENTS AND DEPARTMENTAL MERIT PROCEDURES.

### Scheduled and Unscheduled Base.

Minimum salaries are set annually for academic staff at each title, educational code, and experience level according to the methodology recommended by the Academic Staff Council and approved by the Faculty Senate, and based on the methodology established for faculty by the Faculty Senate in 1977-1978. The minimum salary determined by this method is the individual's scheduled portion of base salary. The difference between an individual's actual base salary and the scheduled portion is the unscheduled portion of base salary (inequities, market factors, and merit).

### Annual Adjustments.

Each year the Board approves the average base salary increase for the following year (usually expressed as a percentage of salary). The Board also establishes guidelines for salary increase distribution. Using Board guidelines and the previously adopted methodologies, the Academic Staff Council recommends to the Faculty Senate and the Senate recommends to the chancellor specific criteria for determining individual salary increases and the percentage to be assigned to the various criteria. The criteria normally considered include experience, title, and performance in the areas of teaching and scholarship, and may include consideration of general educational service.

### Pay Plan Eligibility.

Only Category B academic staff eligible for merit are eligible to participate in annual pay plan adjustment.

### Salary for Less than Full Time.

Actual salary for those working less than full time shall be based on full-time equivalency; full time is 24 credit hours per academic year.

#### Salary Calculation.

Since any across-the-board increase in the schedule also affects the discretionary increase, a series of estimates of the across-the-board percentage increase is necessary to determine the actual salary distribution.

#### Across-the-board.

The amount for any across-the board increase will be the maximum percentage allowed or the maximum available after the amounts to cover experience changes and merit required by System are deducted.

#### Experience Changes.

The cost of the discretionary increase for experience changes will be computed at the amount indicated in the current Salary Schedule; this will be adjusted upward with each increase by the same percentage as the across-the-board increase.

#### Merit Point Value.

The remaining dollars will be used to arrive at the value of each merit point.

#### Merit Eligibility.

Category B academic staff are eligible for merit salary increases if they have completed at least one semester of teaching at UWSP prior to the semester in which the merit decisions are made.

#### Available Merit Points.

Each eligible academic staff member in a department generates 14 merit points. Ten of these 14 points are distributed to the department to be allocated according to departmental procedures. The remaining 4 points are distributed among the department chairperson (1 point), the dean of the college (2), and the vice chancellor (1), to be allocated according to the appropriate procedures for each.

[Procedures for departmental chairpersons follow immediately after this subsection; those for administrators follow the chairpersons'.]

#### Departmental Procedures for Recommendations.

Each department shall establish merit recommendation procedures for academic staff, which may be the same procedures used for faculty with the appropriate modifications for membership and factors considered. In addition, the departmental procedures for Category B academic staff shall provide for

- recommendations in the form of merit points, based on appropriate departmental evaluations and accompanied by the Merit Information Summary Form or a similar departmentally-approved form; and
- awards totaling no more than a total of 10 points times the number of eligible Category B academic staff members in the department.

A copy of the Merit Information Summary Form may be found at the end of this subsection.

#### Report of Merit Distribution.

The chairperson of the merit committee shall submit to the dean a report of the merit distribution recommendations along with a copy of the procedures followed. A copy of the report of the merit recommendations shall be sent to the department chairperson.

### Department Chairperson's Recommendation.

Normally, the department chairperson will submit a separate written recommendation and report. If the recommendation differs from that of the merit committee, the committee shall be informed in writing.

### Discussion with Dean.

The committee chairperson shall accompany the chairperson of the department to any discussion with the dean relative to the departmental or chairperson's recommendations and shall report back to the department.

### Institutional Procedures.

Merit recommendations coming from departments shall follow university approved procedures in the salary distribution plan.

### Administrative Recommendations.

Each dean, following consultation with the department (if any), shall forward to the vice chancellor a separate recommendation along with those of the department and the chairperson. The vice chancellor shall add a recommendation to the rest and forward the materials to the chancellor for action.

If an administrator makes a recommendation different from that of the departmental merit committee, the affected individual and the department chairperson shall be informed in writing at the time the recommendation is transmitted to the next administrative level.

### Teaching Effectiveness.

#### Definition.

If the Board of Regents specifically requires that a portion of salary adjustment be based on teaching effectiveness distinct from merit or other salary adjustment factors, one of the following shall apply.

#### *System Definition.*

If the requirement by System Administration specifically defines teaching effectiveness or establishes a required procedure, that definition or procedure shall prevail in determining salary adjustments based on teaching effectiveness.

#### *Institutional Definition.*

If the requirement does not specifically define teaching effectiveness, then the definition shall be that teaching effectiveness is a collective determination of the members of a salary unit that an individual teacher warrants recognition as an effective teacher and is thereby assigned teaching effectiveness points.

### Assigning Points.

Each department shall select one of the following methods for assigning teaching effectiveness points to eligible academic staff. The method selected shall be the same for faculty and academic staff, shall be approved by the dean and vice chancellor, and shall be incorporated into departmental procedures.

- If the department's merit procedures already provide for awarding points for teaching distinct from other categories, the same procedures may be used to assign teaching effectiveness points. The specific procedure for determining teaching effectiveness points shall be explicitly stated in the department's procedures.

- If the department's merit procedures do not provide for awarding points for teaching distinct from other categories, or if the department wishes to separate the determination of teaching effectiveness points from merit points, a separate ballot shall be used to determine the assignment of teaching effectiveness points. The specific procedure for determining teaching effectiveness points shall be explicitly stated in the department's procedures, and placed immediately adjacent to the section dealing with merit.

## DEPARTMENT CHAIRPERSONS' MERIT PROCEDURES.

### Eligibility.

All Category B academic staff eligible for departmental merit are also eligible for chairperson's merit.

### Criteria.

Prior to making merit recommendations, each department chairperson shall distribute to the department a list of criteria upon which merit recognition will be based. A copy of these criteria shall be sent to the dean of the college.

Insofar as feasible and providing appropriate consideration to the provisos regarding part-time classroom teaching academic staff, chairperson's criteria for the evaluation of classroom teaching academic staff shall be the same as those for faculty.

### Recommendations.

The chairperson shall request from departmental staff names and accomplishments of academic staff to be considered for chairperson's merit and shall give due consideration to such recommendations; however, the chairperson may assign merit points to any departmental academic staff member who meets the distributed criteria.

### Report of Merit Allocation.

The chairperson shall provide written notification of the amount of the award and the reasons for the award to each recipient, with copies to the department and the dean.

## ADMINISTRATIVE MERIT PROCEDURES.

### Administrative Merit Eligibility.

All eligible Category B academic staff within a college are eligible for dean's and vice chancellor's merit. However, no individual awards of more than 5 merit points shall be made by a dean or by the vice chancellor without consultation with the recipient's department chairperson.

### Deans and Vice Chancellor.

#### Criteria.

Prior to making their recommendations, each dean and the vice chancellor shall distribute to the appropriate academic units a list of criteria upon which merit recognition will be based.

#### Recommendations.

Each dean and the vice chancellor shall request from departments names and accomplishments of academic staff to be considered for dean's and vice chancellor's merit.

- The departments shall rank their recommendations.
- These recommendations shall be the primary source of information used by the deans and vice chancellor in making merit awards.

Notification of Merit.

Following completion of administrative review and final determination of merit awards, each administrator awarding merit shall provide written notification of the amount of the award and the reasons for the award to each recipient, and shall provide a copy to the appropriate department chair-person. The chairperson shall share the amount of the award and the reasons for the award with the department.

Changes in Recommendations.

If deans' or vice chancellor's merit recommendations are changed by another administrator (vice chancellor or chancellor), the administrator making the original recommendation shall be informed in writing of the changes and the reasons at the time the recommendations are transmitted to the next administrative level.

Merit Information Summary Form  
Category B [Instructional] Academic Staff

NAME \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ COLLEGE \_\_\_\_\_

1. Teaching: (List courses taught and class evaluation results, including rating scale used and average for the department)

2. Service: (List committees, positions held and other service contributions to the university or the profession.)

3. Scholarship: (List presentations, grants, research, publications, etc.)

## **SECTION 6: ACADEMIC STAFF APPOINTMENT APPEALS**

### **OVERVIEW OF THE PROCESS AND PROCEDURES FOR ACADEMIC STAFF APPEAL OF DENIAL OF REAPPOINTMENT OF FIXED TERM APPOINTMENT UNDER UWSP 10.03**

(See Chapters UWS & UWSP 10)

#### **COVERAGE.**

These policies and procedures apply to all instances in which an academic staff member on fixed term appointment has not been reappointed.

#### **FIXED TERM CATEGORY A AND C ACADEMIC STAFF.**

##### **Reappointment.**

Under the provisions of UWSP 10.03, a member of the academic staff on fixed term appointment who has served half-time or more for 7 or more years and who is not reappointed has the right to request a written statement of reasons and the right to reconsideration by the decision-maker. If reconsideration affirms the decision not to reappoint and the academic staff member wishes to pursue the matter, the staff member must file a grievance under UWSP 13.02.

##### **Indefinite Appointment.**

Fixed term academic staff who have undergone review for and been denied indefinite appointment may file a grievance under 13.02.

#### **CLASSROOM TEACHING ACADEMIC STAFF.**

Classroom teaching academic staff may elect to take grievances under 13.02 either to the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee.

Regardless of which subcommittee is selected, the hearing procedures to be followed will be those for hearings under 13.02

#### **COUNSEL.**

A fixed term academic staff member contemplating a grievance may wish to seek advice from senior academic staff and faculty or legal counsel familiar with the policies and procedures. The right to be represented at meetings and hearings by an individual (or individuals) of the academic staff member's choice is guaranteed under these procedures.

#### **DECISIONS AND RECOMMENDATIONS DISTINCT; WHICH MAY BE APPEALED.**

##### **Academic Staff Who Are Not Classroom Teachers.**

###### **Decisions.**

Decisions regarding reappointment or granting of indefinite appointment are made only by the chancellor (or the chancellor's designee).

###### **Subject to Appeal.**

Fixed term academic staff have the right to appeal a decision not to reappoint or not to grant indefinite appointment. The right of appeal of an adverse decision by the chancellor includes the right of appeal of an adverse decision by a chancellor's designee.

###### **Recommendations.**

Recommendations regarding reappointment or the granting of indefinite appointment may be made by the administrative heads of the academic staff member's operational area and unit, the unit's executive director and vice chancellor, and when appropriate, the provost.

*Not Subject to Appeal.*

A recommendation not to reappoint or not to grant

indefinite appointment is not subject to appeal. However, academic staff who appeal an adverse decision may call as a witness any person who made an adverse recommendation to the chancellor.

Classroom Teaching Academic Staff.

Decisions.

*Decision-making Authority.*

**Decisions** regarding reappointment or granting of indefinite appointment are made at only 2 levels, the department and the chancellor (or the chancellor's designee).

**NOTE.** This can be very confusing, especially since Chapters UWS and UWSP 10 talk of departmental recommendations. To be absolutely accurate, one would say that a departmental action supporting reappointment or indefinite appointment is a recommendation, since the chancellor need not accept the department decision. However, an action denying appointment or reappointment for classroom teaching academic staff is always a decision since the chancellor cannot appoint or reappoint absent the affirmative recommendation of the department.

*Subject to Appeal.*

Fixed term academic staff have the right to appeal a **decision** not to reappoint or not to grant indefinite appointment, whether at the department level or at the chancellor's level. The right of appeal of an adverse decision by the chancellor includes the right of appeal of an adverse decision by a chancellor's designee.

Recommendations.

*Recommending Authority.*

**Recommendations** regarding reappointment or the granting of indefinite appointment may be made by the department chairperson, dean, or vice chancellor.

*Not Subject to Appeal.*

A **recommendation** not to reappoint or not to grant

indefinite appointment is not subject to appeal. However, academic staff who appeal an adverse decision may call as a witness any person who made an adverse recommendation to the individual making the decision.

GRIEVANCES.

Fixed term academic staff contemplating a grievance are advised to refer to the procedures under 13.02.

# OVERVIEW OF THE PROCESS AND PROCEDURES FOR ACADEMIC STAFF APPEAL OF NONRENEWAL OF PROBATIONARY APPOINTMENT UNDER UWSP 10.04

(See Chapters UWS & UWSP 10)

## INTRODUCTORY COMMENTS.

### Coverage.

These proceedings apply to all instances in which an academic staff member on probationary appointment has not been retained.

### Applicable Documents.

An academic staff member contemplating an appeal after having received notice of nonrenewal is advised to become familiar with

- Chapters UWSP 9 - 13, the institutional academic staff personnel rules;
- departmental/unit personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System academic staff personnel rules; and
- related documents in this handbook.

### Counsel.

An academic staff member contemplating an appeal may wish to seek advice from senior academic staff and faculty or legal counsel familiar with the policies and procedures. The right to be represented at meetings and hearings by an individual (or individuals) of the academic staff member's choice is guaranteed under these procedures.

## Decisions and Recommendations Distinct; Which May Be Appealed.

### Decisions.

Decisions regarding retention or granting of indefinite appointment are made only by the chancellor (or the chancellor's designee).

### *Subject to Appeal.*

Probationary academic staff have the right to appeal a decision not to renew or not to grant indefinite appointment. The right of appeal of an adverse decision by the chancellor includes the right of appeal of an adverse decision by a chancellor's designee.

### Recommendations.

Recommendations regarding retention or the granting of indefinite appointment may be made by the administrative heads of the academic staff member's operational area and unit, the unit's executive director and vice chancellor, and when appropriate, the provost.

### *Not Subject to Appeal.*

A recommendation not to renew or not to grant indefinite appointment is not subject to appeal. However, academic staff who appeal an adverse decision may call as a witness any person who made an adverse recommendation to the individual making the decision.

## Burden of Proof and Scope of Appeals.

### Burden of Proof.

The burden of proof in an appeal of nonrenewal is on the academic staff member.

### Scope of Appeals.

The scope of the appeal shall be limited to whether material prejudice to the individual resulted because the decision was based in any significant degree upon

- conduct, expressions, or beliefs which are constitutionally protected, or actions consistent with an appropriate professional code of ethics; or
- employment practices proscribed by applicable state or federal law; or
- improper consideration of qualifications, which shall be deemed to have occurred if material prejudice resulted because
  - ♦ procedures required by the chancellor or the Board were not followed; or
  - ♦ available data bearing materially on the quality of performance were not considered; or
  - ♦ unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

### *Outcomes.*

Following a hearing on an appeal, the hearing committee issues its report of findings and recommendations. If the committee finds for the appellant, it recommends an appropriate remedy. Potential remedies are described in some detail on the next-to-last page of this explanation of the process and procedure.

### Time Limits.

#### Termination of Appeal.

Failure to meet any time limits established by these procedures will likely end the proceedings. An academic staff member considering an appeal of nonrenewal is urged to review the limits and to act promptly.

#### Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the appeal process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

#### Action on Nonrenewal.

The university will proceed on a nonrenewal decision even if an appeal is in progress in order to meet obligations to provide adequate notice of nonrenewal as prescribed in UWSP 10.05.

### Presence at Meetings.

#### No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of the body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the body specifically state otherwise.

#### Right to Open Meeting.

##### *UWSP 10.03.*

Under the provisions of UWSP 10.03 (2) (a) 4, a probationary academic staff member has the right to request and receive an open meeting for any meeting of a unit or subunit involving consideration of indefinite appointment for that individual.

*Unit/Departmental Policies.*

Normally, unit/departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

DESCRIPTION OF NONRENEWAL PROCESS.

Chart.

The chart at the end of this subsection delineates the steps which must be taken by the appellant, the relevant university body, the Academic Staff Mediation Subcommittee, and the hearing committee, and gives the time limits for each step. The sequence of steps is mandatory; time limits may be extended by mutual consent of the parties or by order of the hearing committee.

Statement of Reasons.

Request.

Once a non-retention notice has been received from the chancellor or a designee, the academic staff member has the right to request and receive a written statement of reasons from the decision-maker.

Time Limit.

The written request for reasons must be made within 10 days of receipt of the non-retention notice. This written statement of reasons, which must be provided within 10 days of the receipt of the request, is required before a reconsideration may be requested or an appeal may be implemented.

*File Responses.*

Academic staff members have the right to review their own personnel files. Academic staff members also have a right to make written responses to any statements in the files and to have those responses placed in the files.

Reconsideration.

Request.

Within 10 days of receipt of the written reasons, the academic staff member has the right to request a reconsideration by the decision-maker. The academic staff member also has the right of access to all materials upon which the administration intends to rely for its presentation at the reconsideration.

Time Limit.

Any reconsideration must be held within 20 days of receipt of the request for reconsideration, except that this time limit may be extended by mutual consent of the parties.

*Mandatory Reconsideration.*

The request for reconsideration must be granted if the academic staff member has new and relevant material which was not considered in the original decision.

*Optional Reconsideration.*

If the academic staff member does not have new and relevant material for consideration but chooses to respond to the statement of reasons and request reconsideration, granting reconsideration is at the discretion of the decision-maker.

- Because an academic staff member has only 20 days from the notice of nonrenewal to request a hearing under the auspices of the Academic Staff Mediation Subcommittee, when the granting reconsideration is at the discretion of the decision-maker, the academic staff member is advised to send the request for hearing simultaneously with the request for reconsideration.
- When the subcommittee receives such a simultaneous request, it will automatically extend the deadline to commence a hearing by 10 days to enable the decision-maker to respond to the request for reconsideration.

#### Decision Reversed.

If reconsideration results in a decision favorable to the academic staff member, the reconsideration decision supplants the original and the positive recommendation moves to the next decision-maker.

#### Decision Affirmed.

If reconsideration affirms the initial decision, the academic staff member may either drop the matter or proceed to an appeal.

#### No Reconsideration.

Where new and relevant material does not exist and the decision-maker did not grant reconsideration, the academic staff member may proceed directly to an appeal.

### FILING AN APPEAL.

#### Written Request.

Upon receipt of written notification that non-retention was affirmed in the reconsideration, or receipt of written notification that a request for reconsideration was denied, the academic staff member has 20 days (25 if notice is by first class mail) in which to request a hearing by the Academic Staff Mediation Subcommittee.

- Failure to meet the 20 day deadline is likely to end the appeal.
- The request must be in writing and addressed to the chairperson of the appropriate subcommittee.
- The request should provide a historical resume of all actions taken to this point and must state clearly and specifically the precise foundation on which the appeal is to be based.
- UWSP 10.04 (3)(b) details the acceptable bases for appeal.

#### Required Action.

##### Notification.

If the chairperson of the subcommittee to which the appeal is addressed finds the appeal within the jurisdiction of the subcommittee, the chairperson will

- provide written notification of the request for hearing to the vice chancellor so system legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the appeal, which will be passed on to the chairperson of the hearing committee;
- provide written notification that an appeal is in progress to
  - ♦ the administrative heads of the appellant's operational area and unit, the chairperson of the unit's personnel committee, and the appropriate executive director and vice chancellor (or the chairperson of the

- appellant's departmental personnel committee, department chairperson, and dean); and
  - ♦ the chancellor and chairperson of the Faculty Senate; and
- provide copies of all correspondence to the
  - ♦ appellant;
  - ♦ hearing committee members; and
  - ♦ the decision-maker.

#### Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Academic Staff Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each division or college.

- Normally, at least 3 of the appointed members shall have had either
  - ♦ previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, or
  - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, shall be designated as the chairperson of the committee.
- No individual who participated in the nonrenewal decision, or who is a material witness, or who is a member of the appellant's unit or department may sit on the hearing committee.
- Reasonable effort will be made to ensure that the members of the committee are acceptable to both parties in the appeal process.
  - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the appeal before the formal appointment.
  - ♦ The decision on whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the appellant has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members shall be made by the committee, excluding the member under challenge.
- In addition to the appointed members, the chairperson of the Academic Staff Mediation Subcommittee will be an *ex officio* member of the hearing committee. However, the subcommittee chairperson will not cast a vote except to break a tie.

#### Hearing Date.

The hearing committee must meet to hear the matter within 20 days of receipt of the request for hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. The academic staff member requesting a hearing must receive 10 days notice of the hearing.

#### *Automatic Extension.*

Where an academic staff member has simultaneously requested a hearing by the subcommittee and reconsideration by the decision-maker in the absence of new material, the chairperson of the subcommittee shall extend the deadline for the

beginning of the hearing by 10 days to allow the decision-maker adequate time for a response.

#### Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the appeal process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 10.04, these policies and procedures, and the guidelines for appeal hearings (which may be found in the following subsection or requested from the chairperson of the Academic Staff Mediation Subcommittee;
- establish appropriate communication with, and keep informed of the proceedings in the appeal, the
  - ♦ appellant;
  - ♦ administrative heads of the appellant's operational area and unit, the chairperson of the unit's personnel committee, and the appropriate executive director and vice chancellor (or the chairperson of the appellant's departmental personnel committee, department chairperson, and dean);
  - ♦ provost; and
  - ♦ chancellor;
- keep records of all correspondence among all the principals from the initiation of the appeal through its conclusion;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law.
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare the written report of the committee's findings and recommendations and transmit the committee's report to the chancellor and other appropriate parties;
- send a copy of the hearing procedures with each written notification of the hearing; and
- send written notification of the hearing to the appellant, the decision-maker, other involved individuals, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of hearing must include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;
- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but in an appeal of the denial of indefinite appointment, the appellant, upon timely written request to the chairperson, has the right to an open meeting;
- ♦ of whether the evidentiary hearing and the deliberative meeting will be closed or open;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the appeal;

- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;
- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the appellant has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the burden of proof as to the validity of the appeal is on the appellant; and
- ♦ that the hearing committee will give written statements of its findings and recommendations to the chancellor, provost, appropriate executive director and vice chancellor, or dean, administrative head of the unit, the administrative head of the operational area or department chairperson, appellant, and decision-maker.

**NOTE.** A hearing committee may request legal advice from the UW System legal office; such requests shall be made through the vice chancellor.

## GUIDELINES FOR HEARINGS.

### Quorum, Notice, and Confidentiality.

#### Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

#### Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the appellant), and shall indicate whether the meetings will be open or closed.

#### Confidentiality.

##### *Committee.*

All matters related to the appellant and the appeal are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

##### *Documents.*

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson will collect all drafts and other documents related to the appeal from the members of the committee, from any appointed secretary, and from all other parties except the appellant and the appellant's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report will be sealed and filed in the office of the chancellor for a period of 5 years, after which they will be destroyed as permitted under the Public Records Law.

**NOTE.** Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

#### Evidentiary and Deliberative Sessions.

The appeal process consists of 2 parts, an evidentiary hearing and a deliberative meeting.

##### Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation. Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The burden of proof is on the appellant.

##### Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee will write a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee must sign the final report or file a dissent. The report will be distributed within 10 days of the close of deliberations.

#### Closed and Open Sessions.

##### General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law, except the evidentiary meeting on an appeal of an indefinite appointment denial will be open if requested by the appellant. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

##### Evidentiary Hearings: Who May Attend/Speak.

##### *Closed Hearings.*

If the evidentiary hearing is closed, only parties directly involved in the appeal may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the appellant;
- the decision-maker;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee,

#### *Open Hearings.*

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the appeal and recognized by the chairperson of the hearing committee for the purpose of speaking are permitted to speak.

#### Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings of fact and decision.

#### Procedure for Evidentiary Hearing and Deliberative Meeting.

##### Introduction.

A copy of these procedures may be requested from the chairperson of the Academic Staff Mediation Subcommittee or the associate vice chancellor for personnel.

##### Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

##### Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order provided here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
  - ♦ explanation of limitations of an open meeting, if an open meeting has been requested, or
  - ♦ a request for a motion to close the meeting under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the appellant, and the appellant's representative(s), (if any).
- Introduction of the decision-maker, and the decision-maker's representative(s), if any.
- Presentation of the appeal by the appellant or the appellant's representative but not the testimony of witnesses.
- Questions by the decision-maker or by the decision-maker's representative.

- Presentation of witnesses on behalf of the appellant.
- Questions of appellant's witnesses by the decision-maker or by the decision-maker's representative
- Presentation of all relevant materials by the decision-maker or by the decision-maker's representative but not the testimony of witnesses.
- Questions by the appellant or the appellant's representative.
- Presentation of witnesses on behalf of the decision-maker.
- Questions of decision-maker's witnesses by the appellant or the appellant's representative.
- Questions of appellant's and decision-maker's witnesses by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the decision-maker or the decision-makers' representative.
- Questions of committee witnesses by the appellant or the appellant's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the decision-maker or the decision-maker's representative.
- Rebuttal or closing comments by the appellant or the appellant's representative.
- Questions of the appellant by members of the hearing committee.
- Questions of the decision-maker by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in to the motion to recess], and will conduct a roll call vote on the motion.

#### Deliberative Meeting.

The hearing committee deliberates on the appeal and writes, a report which includes the findings and recommendations of the committee.

#### Findings.

##### *Basis.*

A finding that the facts are as described by the appellant is not, by itself, enough to find that the appeal is valid. The facts must support the contention that at least 1 of the factors described under UWSP 10.04 (3)(b) entered into the decision to a significant degree and with material prejudice to the appellant.

##### *Burden of Proof.*

The burden of proof is on the appellant to provide evidence that at least one impermissible factor entered into the decision to a significant degree and with material prejudice to the appellant.

##### *Decision Upheld.*

If the committee finds for the decision-maker, it recommends the appeal be denied. If the recommendation is accepted by the chancellor, the appeal is ended.

*Decision Rejected.*

If the committee finds for the appellant, it makes recommendations to remedy the inappropriate behavior.

Recommendations.

*Remand Required.*

- All cases under 10.04 must be remanded for reconsideration by the decision-maker unless the hearing committee specifically finds that a remand would serve no useful purpose.
- Even if it remands the matter, the hearing committee retains jurisdiction until it is satisfied that appellant's rights have not been violated.

*Possible Remedies.*

If the committee finds that an appeal under 10.04 is valid, possible remedies include, but are not limited to

- reconsideration by the decision-maker;
- reconsideration by the decision-maker under instructions from the committee; or
- a recommendation to the next higher decision-making level.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of the deliberations.
- The chairperson provides a verbatim record of the hearing and a copy of the report to the academic staff member, and a copy each of the report to the
  - ♦ chancellor;
  - ♦ provost;
  - ♦ appropriate vice chancellor and executive director, or dean;
  - ♦ administrative heads of the appellant's operational area and unit, or department chairperson and chairperson of the departmental personnel committee; and
  - ♦ the decision-maker.

Chancellor's Action.

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.

- 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.
- The chancellor sends written notification of decision to the appellant and the chairperson of the hearing committee within 30 days of receipt of the report of the committee.
  - The decision of the chancellor is final on such matters.

*No Double Jeopardy.*

After notification to the academic staff member of a final decision, the academic staff member may not again be placed in jeopardy for the same incident(s) of alleged misconduct.

## OUTLINE OF APPEAL PROCESS

Abbreviations used: D=Dean or Director; VC=Vice Chancellor; C=Chancellor; PF=Personnel Files; DM=Decision Maker (supervisor); DPC=Department personnel committee; AMS=Academic Staff Mediation Subcommittee; HC=Hearing Committee

Step	Initiated by/Date	Notify/Copies to	UWSP PR	References Adm Code Comments
1. Non-retention notice	DM or C/varies	Academic Staff Member	10.04	Notice to be sent as soon as feasible following decision
2. Written request for reasons for non-retention	Academic Staff member/10 days of receipt of notice from 1	DM or C	10.04	
3. Written statement of reasons	DM or C/10 days	Academic Staff member, PF, D, VC	10.04	Reasons are permanently filed in personnel files
4. Written request for reconsideration of decision by Dean or Chancellor	Academic Staff member/10 days of receipt of 3	C/ PF	10.04	See departmental personnel rules. Academic staff member has unimpeded, direct access to all materials at any level (unless it is confidential at request begin of the academic staff member) which have a bearing on consideration
5. Written notification that non-retention was reaffirmed in the reconsideration process.	D or C	Academic staff member/ PF, D, VC, C	10.04	
6. Written request for appeal under UWSP 13.02 (nonrenewal) 13.02 (denial of indefinite appointment).	Academic staff member/20 days of receipt in step 5	APPEAL AMS Chair DM and D	10.04	Request should provide historical resume of actions to this point, must state specifically and clearly the precise foundation of which the appeal is being made.
7. Written acknowledgment of receipt of request in 6; appointment of 5 individual (at least 3 are elected members of AMS) to HC	ASM Chair/Varies (but most allow sufficient time for steps 8 and 9)	Academic staff member / PF, D, VC	10.04	Academic staff member will appoint HC and its chairperson
8. AMS chair determines if AMS has jurisdiction; if so, convenes HC to review procedures: HC sets hearing date	ASM chair/ 10 days of receipt in step 6 (to allow proper notice for step 9)	Faculty member / D, VC, C	10.04	AMS has jurisdiction, see step 9; if not, AMS chair notifies academic staff member
9. Conduct appeal hearing; meeting normally closed by HC roll call vote unless appellant request an open meeting.	HC Chair/ 20 days (but academic staff member must have 10 days notice of the hearing)		10.04	Both parties may provide evidence. Academic staff member may want to have own legal counsel present.*
10. HC makes recommendations; meeting may be closed by majority roll call vote.	HC Chair/within 7 days of end of step 9.		10.04	Wis. Stats. 19.85 (1) a. allow for the closed meeting. There may be recesses during the deliberations.
11. Distribution of HC report	HC Chair/within 10 days of the end of step 10	Academic Staff member /C, VC, D, decision-makers(s)	10.04	

### NOTES:

Time limits in steps 2, 3, and 4 may be extended by mutual consent of the academic staff member and D (or appropriate administrative officer). Time limits in steps 6 through 9 may be extended by mutual consent of the academic staff member and the HC or by order of the HC. Prior to step 7, the AMS may act for the HC in this regard.

\*Legal counsel, at the time hired by the academic staff member, should inform the AMS chairperson of counsel's interest in the proceedings. From the time of receipt of that notice, counsel will automatically receive copies of all correspondence, memos, and any other pertinent material, whether initiated by the academic staff member or by other employees.

## **APPROVAL OF CHANGES TO CHAPTER 4B**

- Changes to Chapter 4B, Sections 3, 4, 5, and 6, require the approval of Faculty Senate and the Chancellor.