

In this document, UWS refers to University of Wisconsin System; UW-Sup references are University of Wisconsin-Superior specific.

APPENDIX A

University of Wisconsin System Faculty Personnel Rules

with local

University of Wisconsin - Superior Specifications¹

¹ Approved, University Senate, Feb 22, 1977. Revisions approved, University Senate, Sept. 22, 1992, Board of Regents, Nov. 6, 1992, Faculty Senate, May 6, 1997, Board of Regents, June 5, 1998.

**Chapters 1 - 6 of the Wisconsin Administrative Code:
Rules of the University of Wisconsin System Board of Regents
(Faculty Personnel Rules)
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Chapter UWS 1 DEFINITIONS OF TERMS USED IN UWS 1 TO 6

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UWS 1.01 Academic staff.

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

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

UWS 1.02 Board of regents or board.

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

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

UWS 1.03 Department.

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

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

UW-Sup 1.03 Department.

In those personnel matters that these Rules delegate to the Department, the Department has the prerogative of organizing its internal procedures for the implementation of Rules under Sections UW-Sup 3 through UW-Sup 8, consistent with the limitations of this document.

UWS 1.04 Faculty.

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

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

UWS 1.05. Faculty status.

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

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

UWS 1.06 Institution.

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

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

UWS 1.07 University.

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

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

UWS 1.08 Notice periods.

- (1) When an act is required by these rules to be done within a specified number of days:
 - (a) Day shall mean calendar day.
 - (b) The first day shall be the day after the event, such as receipt of a notice or conclusion of a hearing,
 - (c) Each day after the first day shall be counted, except that a Sunday or legal holiday shall not be counted if it would be the final day of the period.

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

Chapter UWS 2 FACULTY RULES; COVERAGE AND DELEGATION

UWS 2.01 Rules

UWS 2.02 Delegation

UWS 2.01 Rules.

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

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

UWS 2.02 Delegation.

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

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

Chapter UWS 3 FACULTY APPOINTMENTS

UWS 3.01 Types of appointments

UWS 3.02 Recruiting

UWS 3.03 Appointments-general

UWS 3.04 Probationary appointments

UWS 3.05 Periodic review

UWS 3.06 Renewal of appointments and granting of tenure

UWS 3.07 Nonrenewal of probationary appointments

UWS 3.08 Appeal of a nonrenewal decision

UWS 3.09 Notice periods

UWS 3.10 Absence of proper notification

UWS 3.11 Limitation

UWS 3.01 Types of appointments.

- (1) Appointments to the faculty are either tenure or probationary appointments. Faculty appointments carry the following titles: professor, associate professor, assistant professor, and instructor.
 - (a) "Tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the board upon the affirmative recommendation of the appropriate academic

department, or its functional equivalent, and the chancellor of an institution via the president of the system.

- (b) "Probationary appointment" means an appointment by the board upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor of an institution and held by a faculty member during the period which may precede a decision on a tenure appointment.
- (c) In accordance with s. 36.05 (8), Stats., academic staff appointments may be converted to faculty appointments by the action of the board upon the recommendation of the appropriate faculty body and the chancellor of an institution. Such faculty appointees shall enjoy all the rights and privileges of faculty.
- (d) In accordance with s. UWS 1.05 members of the academic staff may be given faculty status. Members of the academic staff who have been given faculty status have employment rights under the rules and policies concerning
- (e) A person holding a faculty appointment under ss. 36.13 and 36.15, Stats., shall not lose that appointment by accepting a limited appointment for a designated administrative position.

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

UWS 3.02 Recruiting.

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

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

UW-Sup 3.02 Recruiting

- (1) **In this section, the personnel reporting line shall be as follows: Search and Screen Committee Chair, Department Chair, Vice Chancellor, and Chancellor. In addition, the approval of the Affirmative Action Officer shall be required prior to action by the Vice Chancellor at certain steps identified later in the process.**
- (2) **All tenure track positions must be authorized initially or re-authorized by the Chancellor. Attached to the departmental request for authorization should be a preliminary position description.**
- (3) **When authorization to fill the vacancy has been received, the department faculty peers² shall identify the members of the search and screen committee and the committee chair. If the vacancy is partially funded by UW Extension, the Director, Center for Continuing Education/Extension, or designee, shall be identified as one member of the Search and Screen Committee, without voting rights. The Search and Screen Committee shall be composed of some, if not all, of the Department faculty peers, and may include the Department Chair. At the discretion of the Department faculty peers, other staff, students, or individuals may be invited to serve on the Search and Screen Committee. The Affirmative Action Officer must approve the membership of the Search and Screen Committee in terms of gender and race.**
- (4) **A final position description shall be developed by the Search and Screen committee prior to announcing the vacancy. If the vacancy occurs during the summer and must be announced during the summer, the Department Chair or his/her designee shall develop the final position description.**
- (5) **The Chair of the Search and Screen Committee shall be responsible for advertising the position vacancy. If the position is to be advertised during the summer, the Department Chair will have this responsibility. Position announcements shall include the statement, "The University of Wisconsin-Superior is an Affirmative Action/Equal Opportunity Employer". A copy of the announcement shall be forwarded to the Office of Human Resources.**

² A peer shall be defined as a ranked member teaching at least half time in the Department or else one whose most recent appointment in the University as been made in the Department, except that administrators, including the Vice Chancellor, in the direct line of personnel recommendations originating at the Department level shall be excluded from participation in Department personnel recommendations originating with the peers. The Department Chair is a Department faculty peer.

- (6) **The Chair of the Search and Screen Committee shall receive all applications and nominations for the position and shall send the position description, other relevant information, and the Affirmative Action Verification Form to all applicants and nominees.**
- (7) **The Chair of the Search and Screen Committee shall meet with the Affirmative Action Officer for instructions regarding the search and screen process. The Affirmative Action Officer will meet with the Search and Screen committee at its first meeting to provide information about affirmative action guidelines and procedures.**
- (8) **The Search and Screen Committee will identify candidates to be interviewed for the position in terms of the approved position description and Affirmative Action guidelines. The Chair, Search and Screen Committee, will transmit those names according to the personnel reporting line to the Affirmative Action officer and the Vice Chancellor, along with the request for reimbursement of interview expenses.**
- (9) **Any telephone communications with the suitable candidates to be interviewed will be conducted by one or more members of the Search and Screen Committee. The Department Chair is authorized to speak to those candidates regarding salary, rank and other appointment details.**
- (10) **The Search and Screen Committee will arrange the campus interview schedule for the candidates according to campus protocol. The Search and Screen Committee will interview the candidates when they are on campus.**
- (11) **The Search and Screen Committee will select the candidate to be appointed. The Chair of the Search and Screen Committee will communicate the name of the selected candidate to the Vice Chancellor through the personnel reporting line. The Department Chair, with the approval of the Vice Chancellor will make the position offer to the candidate. If the candidate accepts the offer, the Vice Chancellor shall issue the official letter of appointment to that candidate. The official letter of appointment will state that the appointee shall be responsible to the Department Chair.**

UWS 3.03 Appointments - General.

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

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

UW-Sup 3.03 Appointments - General.

The Chancellor or designee shall provide the appointee with the information specified in section UWS 3.03, Wis. Adm. Code.

UWS 3.04 Probationary appointments.

- (1) Each institution's rules for faculty appointments shall provide for a maximum 7-year probationary period in a full-time position, and may provide for a longer maximum probationary period in a part-time position of at least half time. Such rules may permit appointments with shortened probationary periods or appointments to tenure without a probationary period. Provision shall be made for the appropriate counting of prior service at other institutions and at the institution. Tenure is not acquired solely because of years of service.
- (2) A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7 year period under sub. (1).
- (3) Circumstances in addition to those identified under sub. (2) that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth or adoption shall be approved. A request shall be made before a tenure review commences under s. UWS 3.06(l) (c). A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary faculty

member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth or adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request: in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary faculty member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary faculty member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

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

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

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; renum. to be (1) and am., cr. (2) to (4), Register, February, 1994, No. 458, eff. 3-1-94.

UW-Sup 3.04 Probationary Appointments.

The maximum probationary period in a full-time position shall be seven years. In a part-time position of at least half-time, the maximum probationary period shall be fourteen years.

The probationary period may be shortened or eliminated for experience at other institutions or substantive reasons with the agreement of the department and the Chancellor.

A leave of absence or teacher improvement assignment does not constitute a break in continuous service, and shall not be included in the probationary period.

Circumstances, in addition to a leave of absence, sabbatical or teacher improvement assignment that do not constitute a break in continuous service and that shall not be included in the 7-year period, include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth or adoption shall be approved. A request shall be made before a tenure review commences under s. UWS 3.06.

A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary faculty member concerned and shall be submitted to the Vice Chancellor, who shall specify- the length of additional time if the request is granted. Notification that additional time has been sought under this section shall be made in a timely manner by the faculty member concerned to his or her department chair.

Except for a request because of responsibilities with respect to childbirth and adoption, a request made because of other circumstances under this section shall be submitted to the Vice Chancellor, who shall grant a request in accordance with institutional policies and in consultation with the faculty member's department chair. A denial of a request shall be in writing to the parties involved and shall be based upon clear and convincing reasons.

More than one request may be granted to a probationary faculty member, but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary faculty member shall be no more than one year.

In the event a request under this section is denied, the faculty member concerned shall have a right to appeal the decision to the Chancellor, who may refer the appeal to the Faculty Personnel Council. The Chancellor's decision shall be final.

UWS 3.05 Periodic review.

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

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

UW-Sup 3.05 Periodic Review.

The periodic review of faculty performance for salary adjustments and promotions shall be done at the Departmental level, and criteria and procedures for such evaluation shall be determined by the peer faculty in the Department after consultation with appropriate students within guidelines and procedures approved by the Faculty Senate and the Chancellor.

UWS 3.06 Renewal of appointments and granting of tenure.**(1) (a) General.**

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

(b) Criteria.

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

(c) Procedures.

The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules governing the procedures for renewal or probationary appointments and for recommending tenure. These rules shall provide for written notice of the departmental review to the faculty member at least 20 days prior to the date of the departmental review, and an opportunity to present information on the faculty member's behalf. The probationary faculty member shall be notified in writing within 20 days after each decision at each reviewing level. In the event that a decision is made resulting in nonrenewal, the procedures specified in s. UWS 3.07 shall be followed.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1) (b), Register, February, 1994, No. 458, eff. 3-1-94. correction in (1) (a) made under s. 13.93 (2m) (b) 5, Stats., Register, February, 1994, No. 458.

UW-Sup 3.06 Renewal of Appointments and Granting of Tenure.**(1) General**

The renewal appointments may be granted only upon the affirmative recommendations of the appropriate Academic Department and the Chancellor of the University.

In the case where a department declined to grant tenure and the department is found to have based its tenure decision on impermissible factors the Personnel Council will appoint an ad hoc committee of no fewer than three nor more than five persons knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. This committee will make a tenure recommendation to the Board of Regents.³

³ 1991 Wisconsin Act 118, Section 5, 36.13(2)(b)

When specified by the Board, the University recommendation shall be transmitted by the President of the System with her/his recommendation to the Board for action. Tenure appointments may be granted to any ranked faculty member who holds or will hold a fifty percent appointment or more. The proportion of time provided for in the appointment may not be diminished or increased without the mutual consent of the faculty member and the University, unless the faculty member is dismissed for just cause, pursuant to 3 6.13 (5), Wis. Stats., or is terminated or laid off pursuant to 3 6.2 1, Wis. Stats.

(2) Criteria

Decisions relating to renewal of appointments or recommending of tenure shall be made in accordance with University rules and procedures which shall require an evaluation of teaching, research, professional and public service, and contributions to the University. The relative importance of the evaluation criteria shall be initially specified by the Department faculty and the Faculty Senate. Written criteria for these decisions shall be developed within the Department.

(3) Procedures

A meeting of the tenured peer faculty of the Department shall be held for the purpose of considering renewal of probationary appointments or the granting of tenure.

1. The date of this meeting shall be set by the Department Chair to allow sufficient time so that a written notice of nonrenewal of appointment from the Chancellor shall be received by the faculty member in advance of the expiration of her/his appointment, as specified in UWS 3.09:
 - a. Not later than March 1 of the first academic year of service if the appointment expires at the end of that year, or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
 - b. Not later than December 15 of the second academic year of service if the appointment expires at the end of that year or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
 - c. At least twelve months before the expiration of an appointment after two or more years of service.
2. At least twenty calendar days prior to the Departmental evaluation meeting, each faculty member who is to be evaluated or who is eligible to participate in the evaluation, shall be notified by the Department Chair in writing of the date of the meeting and the procedures to be followed, including the opportunity to present material in her/his behalf.
 - a. Students - at least one student chosen from those majoring or minoring in the Department, shall be invited to participate in the faculty evaluation. The tenured faculty in each Department shall decide on the number of student representatives to be included in the evaluation and the method by which they are to be chosen. Students shall not vote in matters relating to renewal of appointments and the granting of tenure. (If no peer faculty are tenured, all untenured faculty shall be included in the student selection process.)
 - b. In the event that a faculty member or student who is eligible to participate in the evaluation process is unable to attend the meeting, he/she may submit a written evaluation to be read to the other participants. The absent faculty member shall be allowed a vote in the proceedings if he/she desires and must sign the evaluation form noting her/his absence from the meeting.
3. Members present:
 - a. Tenured peer faculty.
 - b. Other faculty - the tenured peer faculty members of the Department shall decide prior to the evaluation meeting whether or not untenured peer faculty shall be included in the evaluation process.
 - c. If fewer than three peer faculty are tenured, one tenured faculty member from another department must be included as a voting member in the evaluation meeting. The "outside" tenured faculty

member is to be chosen by the probationary faculty member being evaluated. Notwithstanding anything herein to the contrary, a minimum of three faculty voting members must be allowed.

4. The faculty member being evaluated shall not be present during the decision-making unless he/she so requests, subject to the provisions of the Wisconsin Open Meeting Law. Before the decision making discussion commences, the faculty member shall have the opportunity to submit either written or oral information which he/she believes pertinent to her/his evaluation.

In addition to written or oral information submitted by the faculty members on their behalf, both the faculty members and the reviewing committee may solicit additional input, including but not limited to, extending invitations to knowledgeable individuals to present pertinent information orally or in writing. If additional information is solicited in either oral or written form, such retrieved information will be shared with the faculty member in advance of the meeting.

5. A standard notification form shall be used by all Departments.
 - a. This form must be signed by all persons involved in the decision and concurrence or nonconcurrence noted.
 - b. All material pertinent to the decision shall be kept on record and be made available at each review. In the case of oral material a report of it shall be included. When the decision is completed all personal property shall be returned to the faculty member.
 - c. The signed notification form shall be forwarded to the Vice Chancellor.
6. Within seven days of the Departmental meeting of the peers, the Department Chair shall notify each faculty member evaluated in writing of the decision of the Department peers.
 - a. In the event that the Department peers decide to non-renew, the faculty member may request a reconsideration by the Department as specified in UW-Sup 3.07.
 - b. After receiving the decision of the peers, the Department Chair shall forward the decision to the Vice Chancellor.
 - c. After receiving the decision of the peers, the Vice Chancellor shall indicate agreement or disagreement with the decision and so inform the Chancellor.
 1. In the event of disagreement with the peers' decision, the Vice Chancellor shall so inform the peers through the Department Chair in writing of the reasons for the disagreement.
 2. The Vice Chancellor shall notify the faculty member involved of her/his recommendation, in writing, within twenty days of receiving the decision of the Department.
 - d. After receiving the decision of the peers and the recommendation of the Vice Chancellor, the Chancellor shall approve or disapprove the decision.
 1. In the event of disagreement with the peers' decision and/or Vice Chancellor's recommendation, the Chancellor shall inform the peers, the Department Chair, and Vice Chancellor in writing of the reasons for the disagreement.
 2. The Chancellor shall notify the faculty member involved of the decision, in writing, within twenty days of receiving the recommendation of the Vice Chancellor.
 3. In the event that the Chancellor recommends non-renewal, the faculty member may request a reconsideration by the Chancellor as specified in UW-Sup 3.07.

UWS 3.07 Nonrenewal of probationary appointments.

- (1) (a) Rules and procedures.

The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for dealing with instances in which probationary faculty appointments are not

renewed. These rules and procedures shall provide that, upon the timely written request of the faculty member concerned, the department or administrative officer making the decision shall, within a reasonable time, give him or her written reasons for nonrenewal. Such reasons shall become a part of the personnel file of the individual. Further, the rules and procedures shall provide for reconsideration of the initial nonrenewal decision upon timely written request.

(b) Reconsideration.

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

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

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

UW-Sup 3.07 Non-Renewal of Probationary Appointments.

(1) (a) Rules and Procedures

The faculty member may, within thirty (30) days of written notification of non-renewal, request written reasons for such non-renewal. The Department or Chancellor initiating the decision to non-renew shall, within fifteen (15) days of the request, provide such written reasons for non-renewal. Such reasons shall become part of the personnel file of the individual. Further, the faculty member may make a written request for a reconsideration of the initial non-renewal decision within fifteen (15) days of receipt of the written reasons for non-renewal.

(b) Reconsideration

The purpose of reconsideration of non-renewal decision shall be to provide an opportunity for a fair and full consideration of the non-renewal decision, and to insure that all relevant material is considered.

1. **Such reconsideration shall be undertaken by the individual or body initiating the non-renewal decision. The faculty member involved must receive written notice of the date and time of the reconsideration of her/his non-renewal within seven (7) days of her/his written request for the reconsideration. There shall be at least seven (7) days, but not more than ten (10) days between the date the faculty member is notified of the reconsideration and the date of the reconsideration meeting.**

In addition to proper notification the reconsideration shall include, but not be limited to, an opportunity to respond to the written reasons and to present any written or oral evidence or arguments relevant to the decision. Written notification of the decision resulting from the reconsideration shall be given to the faculty member within five (5) days of the reconsideration meeting.

2. **Reconsideration is not a hearing, or an appeal, and shall be non-adversarial in nature.**
3. **In the event that a reconsideration affirms the non-renewal decision, the procedures specified in UW-Sup 3.08 shall be followed.**

UWS 3.08 Appeal of a non-renewal decision.

- (1) The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for the appeal of a non-renewal decision. Such rules and procedures shall provide for the review of a non-renewal decision by an appropriate standing faculty committee upon written appeal by the faculty member concerned within 20 days of notice that the reconsideration has affirmed the non-

renewal decision (25 days if notice is by first class mail and publication). Such review shall be held not later than 20 days after the request, except that this time limit may be enlarged by mutual consent of the parties, or by order of the review committee. The faculty member shall be given at least 10 days notice of such review. The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

- (a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, or
 - (b) Factors proscribed by applicable state or federal law regarding fair employment practices, or
 - (c) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a faculty member in question if material prejudice resulted because of any of the following:
 - 1. The procedures required by rules of the faculty or board were not followed, or
 - 2. Available data bearing materially on the quality of performance were not considered, or
 - 3. Unfounded, arbitrary or irrelevant assumptions of fact were made about work or conduct.
- (2) The appeals committee shall report on the validity of the appeal to the body or official making the nonrenewal decision and to the appropriate dean and the chancellor.
- (3) Such a report may include remedies that may, without limitation because of enumeration, take the form of a reconsideration by the decision maker, a reconsideration by the decision maker under instructions from the committee, or a recommendation to the next higher appointing level. Cases shall be remanded for reconsideration by the decision maker in all instances unless the appeals committee specifically finds that such a remand would serve no useful purpose. The appeals committee shall retain jurisdiction during the pendency of any reconsideration. The decision of the chancellor will be final on such matters.

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

UW-Sup 3.08 Appeal of a Non-Renewal Decision.

- (1) **The Faculty Personnel Council shall review a non-renewal decision upon written appeal by the faculty member concerned within twenty (20) days of notice that the reconsideration has affirmed the non-renewal decision (twenty-five [25] days if notice is by first-class mail and publication). Such review shall be held not later than twenty (20) days after the request, except that this time limit may be enlarged by mutual consent of the parties, or by order of the Faculty Personnel Council. The faculty member shall be given at least ten (10) days notice of such review. The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:**
- (a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, or**
 - (b) Factors proscribed by applicable state or federal law regarding fair employment practices, or**
 - (c) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a faculty member in question if material prejudice resulted because of any of the following:**
 - 1 The procedures required by rules of the faculty or Board were not followed, or**
 - 2. Available data bearing materially on the quality of performance were not considered, or**
 - 3. Unfounded, arbitrary or irrelevant assumptions of fact were made about work or conduct.**
- (2) The Faculty Personnel Council shall report on the validity of the appeal to the body or official making the non-renewal decision and to the Department Chair, the Vice Chancellor and the Chancellor.**

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

UWS 3.09 Notice periods.

- (1) A faculty member who is employed on probationary appointment pursuant to s. 36.13, Stats., shall be given written notice of reappointment or non-reappointment for another academic year in advance of the expiration of the current appointment as follows:
- (a) When the appointment expires at the end of an academic year, not later than March 1 of the first academic year and not later than December 15 of the second consecutive academic year of service;
 - (b) If the initial appointment expires during an academic year, at least 3 months prior to its expiration; if a second consecutive appointment terminates during the academic year, at least 6 months prior to its expiration;
 - (c) After 2 or more years of continuous service at an institution of the university of Wisconsin system, such notice shall be given at least 12 months before the expiration of the appointment.

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

UWS 3.10 Absence of proper notification.

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

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

UWS 3.11 Limitation.

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

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

Chapter UWS 4 PROCEDURES FOR DISMISSAL

- UWS 4.01 Dismissal for cause
- UWS 4.02 Responsibility for charges
- UWS 4.03 Standing faculty committee
- UWS 4.04 Hearing
- UWS 4.05 Adequate due process
- UWS 4.06 Procedural guarantees
- UWS 4.07 Recommendations: to the chancellor: to the regents
- UWS 4.08 Board review
- UWS 4.09 Suspension from duties
- UWS 4. 10 Date of dismissal

UWS 4.01 Dismissal for cause.

- (1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his/her term of appointment only by the board and only for just cause and only after due notice and hearing. A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal.
- (2) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic

community. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

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

UWS 4.02 Responsibility for charges.

- (1) Whenever the chancellor of an institution within the university of Wisconsin system receives a complaint against a faculty member that he/she deems substantial and which, if true, might lead to dismissal under s. UWS 4.0 1, the chancellor shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member. A faculty member may be dismissed only after receipt of a written statement of specific charges from the chancellor as the chief administrative officer of the institution and, if a hearing is requested by the faculty member, in accordance with the provisions of this chapter. If the faculty member does not request a hearing, action shall proceed along normal administrative lines but the provisions of ss. UWS 4.02, 4.09, and 4. 10 shall still apply.
- (2) Any formal statement of specific charges for dismissal sent to a faculty member shall accompanied by a statement of the appeal procedures available to the faculty member.
- (3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 262.06 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper.

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

UWS 4.03 Standing faculty committee.

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

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

UW-Sup 4.03. Standing Faculty Committee.

The Committee on Faculty Terminations of the Faculty Senate shall be the faculty standing committee to hear dismissal cases for tenured or probationary faculty prior to the end of their appointment and make recommendations to the Board of Regents.

UWS 4.04 Hearing.

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

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

UWS 4.05 Adequate due process.

- (1) A fair hearing for a faculty member whose dismissal is sought under s. UWS 4.01 shall include the following:
 - (a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;
 - (b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
 - (c) A right to be heard in his/her defense;
 - (d) A right to counsel and/or other representatives, and to offer witnesses;

- (e) A right to confront and cross-examine adverse witnesses;
- (f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (g) Written findings of fact and decision based on the hearing record;
- (h) Admissibility of evidence governed by s. 227. 10, Stats.

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

UWS 4.06 Procedural guarantees.

- (1) Any hearing held shall comply with the requirements set forth in s. UWS 4.05. The following requirements shall also be observed:
 - (a) The burden of proof of the existence of just cause is on the administration or its representatives;
 - (b) No faculty member who participated in the investigation of allegation leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;
 - (c) The hearing shall be closed unless the faculty member under charges requests an open hearing, which case it shall be open (see s. 66.77, Stats., Open Meeting Law);
 - (d) The faculty hearing committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. UWS 4.03;
 - (e) The faculty hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
 - (f) If the faculty hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under s. UWS 4.03;
 - (g) If a proceeding on charges against a faculty member not holding tenure is not concluded before the faculty member's appointment would expire, he/she may elect that such proceeding be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be discontinued at the expiration of the appointment;
 - (h) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;
 - (i) Nothing in par. (h) shall prevent the settlement of cases by mutual agreement between the administration and the faculty member, with board approval, at any time prior to a final decision by the board;

Adjournment shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

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

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

- (1) The faculty hearing committee shall send to the chancellor and to the faculty member concerned, as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. The committee may determine that while adequate cause for discipline exists, some sanction less severe than dismissal is more appropriate. Within 20 days after receipt of this material the chancellor shall review it and afford the faculty member an opportunity to discuss it. The

chancellor shall prepare a written recommendation within 20 days following the meeting with the faculty member, unless his/her proposed recommendation differs substantially from that of the committee. If the chancellor's proposed recommendations differ substantially from those of the faculty hearing committee, the chancellor shall promptly consult the faculty hearing committee and provide the committee with a reasonable opportunity for a written response prior to forwarding his/her recommendation. If the recommendation is for dismissal, the recommendation shall be submitted through the president of the system to the board. A copy of the faculty hearing committee's report and recommendations shall be forwarded through the president of the system to the board along with the chancellor's recommendation. A copy of the chancellor's recommendation shall also be sent to the faculty member concerned and to the faculty committee.

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

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

UWS 4.08 Board review.

- (1) If the chancellor recommends dismissal, the board shall review the record before the faculty hearing committee and provide an opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, unless the board decides to drop the charges against the faculty member without a hearing or the faculty member elects to waive a hearing. This hearing shall be closed unless the faculty member requests an open hearing (see s. 66.77, Stats., Open Meeting Law).
- (2) If, after the hearing, the board decides to take action different from the recommendation of the faculty hearing committee and/or the chancellor, then before taking final action the board shall consult with the faculty hearing committee and/or the chancellor, as appropriate.
- (3) If a faculty member whose dismissal is sought does not request a hearing pursuant to s. UWS 4.04 the board shall take appropriate action upon receipt of the statement of charges and the recommendation of the chancellor.

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

UWS 4.09 Suspension from duties.

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

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

UWS 4.10 Date of dismissal.

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

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

Chapter UWS 5 LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY

- UWS 5.01 General
- UWS 5.02 Financial emergency
- UWS 5.03 Layoff and termination
- UWS 5.04 Faculty consultative committee
- UWS 5.05 Consultation
- UWS 5.06 Recommendation to the system president and the board
- UWS 5.07 Individual designations
- UWS 5.08 Seniority
- UWS 5.09 Notification
- UWS 5.10 Notification period
- UWS 5.11 Faculty hearing committee
- UWS 5.12 Review hearing
- UWS 5.13 Hearing procedure
- UWS 5.14 Recommendations and review by the board

UWS 5.15 Board review
 UWS 5.16 Layoff status
 UWS 5.17 Alternative employment
 UWS 5.18 Reappointment rights
 UWS 5.19 Retention of rank and salary
 UWS 5.20 Rights of faculty members on layoff
 UWS 5.21 System-wide tenure
 UWS 5.22 Lack of faculty action

UWS 5.01 General.

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

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

UWS 5.02 Financial emergency.

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

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

UWS 5.03 Layoff and termination.

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

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

UWS 5.04 Faculty consultative committee.

The faculty of each institution shall, promptly after February 1, 1975, designate or create a standing faculty committee to consult with the chancellor if at any time a declaration of financial emergency is to be considered. The committee shall consist of faculty members of the institution chosen by the faculty in a manner to be determined by the faculty. It is the right and responsibility of this committee to represent the faculty before the board if a declaration of a state of financial emergency for the institution is being considered, and to assure that the procedures of ss. UWS 5.05 and 5.06 are followed.

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

UW-Sup 5.04. Faculty Consultative Committee.

- (1) **The Faculty Consultative Committee shall be the Faculty Personnel Council. Faculty members elected at large shall be elected by the same procedures as those followed by the Faculty Senate elections-at-large.**
- (2) **The Chairperson of the Faculty Consultative Committee shall be elected by and from the membership of the Committee.**

UWS 5.05 Consultation.

- (1) In the event that a declaration of financial emergency is contemplated, the chancellor of the affected institution shall consult with and seek advice from the faculty committee provided for in s. UWS 5.04 at least 3 months before the matter is taken to the board. The chancellor and committee shall:
 - (a) Consider identifiable alternative methods of budget reduction;
 - (b) Determine whether reductions in faculty positions under the provisions of this chapter can be made with less detriment to the institution's ability to fulfill its mission than would follow from reasonable alternative courses of action;
 - (c) Determine from which colleges, schools, departments, or programs faculty positions should be eliminated;
 - (d) Consult with faculties of colleges, schools, departments and programs potentially involved; and
 - (e) Consult with such other individuals and groups as they feel may be able to provide valuable advice.
 - (f) The committee shall prepare a report, with supporting documents, for submission to the chancellor, the faculty senate, or institutional equivalent, and the board.
- (2) It shall be the primary responsibility of the faculty of the institution to establish criteria to be used by the chancellor and committee for academic program evaluations and priorities. A decision to curtail or discontinue an academic program for reasons of financial emergency shall be made in accordance with the best interests of students and the overall ability of the institution to fulfill its mission.

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

UW-Sup 5.05 Consultation.

- (1) **Both quantitative and qualitative data and considerations shall serve as criteria for the evaluation of programs and the establishment of priorities among departments or programs.**
- (2) **Quantitative data employed to evaluate departments or programs should include, where applicable, but not be limited to, the following measurements:**
 - (a) **The up-or-down trend as well as the average number of credit hours produced each year during the immediately preceding five-year period, including credit hours produced during each term.**
 - (b) **The up-or-down trend as well as the average number of contact hours produced each year during the immediately preceding five-year period, including contact hours produced during each term.**
 - (c) **Measurement of the degree of expansion or contraction in terms of credit and contact hours during the immediately preceding two years.**
 - (d) **The percentage of total university credit and contact hours produced by a department or program during the immediately preceding five-year and two-year periods.**
 - (e) **The up-or-down trend as well as the average number of majors enrolled in a department or program during the immediately preceding two-, three-, and five-year periods.**
 - (f) **The up-or-down trend as well as the average number of minors enrolled in a department or program during the immediately preceding two-, three-, and five-year periods.**
 - (g) **Percentage of total university majors produced by a department or program during the immediately preceding two-, three-, and five-year periods.**
 - (h) **Percentage of total university minors produced by a department or program during the immediately preceding two-, three-, and five-year periods.**
 - (i) **Number of undergraduate degrees produced by a department or program during the immediately preceding five-year period.**
 - (j) **Number of graduate degrees produced by a department or program during the immediately preceding five-year period.**

- (k) Number of majors who earn under-graduate degrees in a department or program in comparison with the number of freshman majors in the department or program each year during the immediately preceding five-year period.
 - (l) Credit and contact hours produced by a department or program per FTE faculty teaching position in the program.
 - (m) Cost per credit and/or contact hours per FTE student and FTE faculty member in the department or program (both including and excluding faculty salaries as such).
 - (n) Contact hours produced by a department or program's non-course activities per FTE faculty member in the department or program--e.g., in drama, music and sports.
 - (o) Contact hours and other efforts related to the recruitment of new students, including field contacts with high school students, sponsorship of on-campus or off-campus departments or programs, and the production of letters, brochures, and other written materials.
 - (p) The dollar amount of extramural funding attracted by a department or program.
- (3) The University, in reviewing departments or programs, places substantial emphasis on the gathering of evidence on the relative quality of departments or programs, and the qualitative measurement shall include, but not be limited to, the following:
- (a) Evaluation by current majors in a department or program as well as by all other students, who have taken one or more courses offered by the department or program.
 - (b) Evaluation of a department or program by its graduates of the immediately preceding five years.
 - (c) Percentage of those students receiving undergraduate degrees in a department or program who successfully completed graduate and professional degrees during the immediately preceding ten years.
 - (d) The impact of a department or program on the mission of the University.
 - (e) The extent to which a department or program services those of other Departments.
 - (f) Professional qualifications of each faculty member involved in a department or program: experience; degrees, research and publications; creative output, e.g., fine and applied arts; public service; professional growth; and teaching in areas of primary preparation.
 - (g) Standards or academic expectations (minimum-module ingredients of a viable department or program) recognized by the profession, represented by the professional associations of each discipline, and the judgment of accreditation agencies.
 - (h) Comparison with the thrust of similar departments or programs on other campuses of similar size and mission.
 - (i) The extent to which "liberal arts" majors are required to take courses in other disciplines.
 - (j) The degree to which a department's or program's course offerings duplicate or approximate those offered by other Departments and the qualifications of the instructors who teach these "duplicative" courses to offer instruction in these areas.
 - (k) Identification of the contribution to special programmatic needs by faculty members with highly specialized or unique training or experience.
 - (l) The extent to which the quality of a department or program is affected by academic support or noninstructional costs.
 - (m) Use of formal University evaluation instruments to assess the quality of all courses and instructors in a department or program.

UWS 5.06 Recommendation to the system president and the board.

- (1) If the chancellor decides to recommend that the board declare a state of financial emergency for the chancellor's institution, the recommendation to the system president and the board shall be accompanied by a report which shall include the following:
 - (a) A statement of the procedures followed in arriving at the recommendation, showing compliance with s. UWS 5.05;
 - (b) Data clearly demonstrating the need for a reduction of faculty positions in accord with the provisions of this chapter;
 - (c) An identification of the colleges, schools, departments or program areas in which reductions will be made, with data indicating the appropriateness of such choices;
 - (d) The report of the faculty committee, expressing its views on these matters; and
 - (e) A report of any action of the faculty senate or institutional equivalent on this matter.
- (2) The chancellor and the chairman of the faculty committee, or their designees, and representatives of affected colleges, schools, departments and programs, may appear before the board at the time the recommendation is considered. Other interested parties may submit in writing alternative recommendations or challenges to any part of the report.

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

UWS 5.07 Individual designations.

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

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

UW-Sup 5.07 Individual Designations.

- (1) **In making a "clear and convincing case" in support of the layoff of a tenured faculty member as an exception to the institutional rule of seniority, the affected Department(s) shall substantiate its (their) recommendations to the Chancellor by offering, among others, the following pieces of evidence:**
 - (a) **Citations from professional literature and/or the criteria established by professional associations within the discipline, demonstrating the fundamental elements in a viable department or program.**
 - (b) **Detailed documentation to the effect that another (or no other) individual faculty member in the department or program is qualified to teach the affected courses and that another (or no other) faculty member in the department or program could be retrained to offer instruction in these courses without a prolonged leave of absence and/or a substantial impact on the alternative uses of university resources.**
 - (c) **The extent to which each faculty member in the department or program might be retrained to teach courses vital to the department or program.**
 - (d) **Analysis of the extent to which there are closely equivalent courses available in other Departments.**
 - (e) **Documentation showing the need to maintain the Affirmative Action Plan.**

UWS 5.08 Seniority.

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

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

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

UW-Sup 5.08 Seniority

Seniority shall be determined by total years of service (academic year) at the University of Wisconsin-Superior, or in the former Wisconsin State Universities System, as appropriate in individual cases, without regard to academic rank. Faculty who have been employed part-time during any academic year shall have such part-time service prorated. Authorized leaves of absence shall be counted in the determination of length of service.

UWS 5.09 Notification.

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

- (1) A summary of the reasons and evidence supporting the declaration of a state of financial emergency and of the reasons and data leading to the choice of the colleges, schools, departments or programs in which reductions are to be made;
- (2) A statement of the basis on which the individual position was selected for elimination (if on the basis of seniority, the criterion used and data supporting the choice; if on another basis, the data and reasons supporting that choice);
- (3) A statement of the date on which the layoff is to be effective (this must be consistent with the provisions of s. UWS 5. 10); and
- (4) A copy of these rules and such other information or procedural regulations as the chancellor or faculty hearing committee shall deem appropriate.

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

UWS 5.10 Notification Period.

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

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

UWS 5.11 Faculty hearing committee.

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

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

UW-Sup 5. 11 Faculty Hearing Committee.

The Standing Committee of Terminations constituted by the Constitution of the Faculty Senate shall also function as the Faculty Hearing Committee in cases of faculty layoffs for reasons of financial emergency, except that the Faculty Hearing Committee shall not include an individual bearing the title higher than Department Chair. The individual shall be replaced for purposes of this Chapter by one additional faculty member elected by and from the tenured members of the Faculty Senate.

UWS 5.12 Review hearing.

- (1) A faculty member whose position is recommended for elimination is entitled to a hearing before the faculty hearing committee as to the appropriateness of the decision to lay off that particular individual. The existence of a state of financial emergency and the designation of the colleges, schools, departments or programs in which faculty positions are to be eliminated are not subject to review in the hearing.
- (2) A hearing must be requested within 20 days of the receipt by the faculty member of notification of recommended layoff. The request shall state with particularity the grounds to be relied upon in establishing the impropriety of the decision. Relevant information supplementary to that contained in the notification statement may be requested. The question to be considered in the review is whether one or more of the following improper factors entered into the decision to lay off.
 - (a) Conduct, expressions, or beliefs on the faculty member's part which are constitutionally protected, or protected by the principles of academic freedom; or
 - (b) Factors proscribed by applicable state or federal law regarding fair employment practices; or
 - (c) Improper selection of the individual to be laid off. For the purposes of this section, "improper selection" occurs if material prejudice resulted from any of the following:
 1. The procedures required by rules of the faculty or board were not followed; or
 2. Available data bearing materially on the role of the faculty member in the institution were not considered; or
 3. Unfounded or arbitrary assumptions of fact were made; or
 4. Immaterial or improper factors other than those specified above entered into the decision.
- (3) The faculty member shall present evidence on whether one or more of the improper factors specified above entered into the decision to lay off. The committee shall then consider whether the evidence presented establishes a prima facie case that such factor or factors did enter significantly into the layoff decision. If the committee finds that a prima facie case has not been established, the layoff decision shall be found to have been proper and the hearing shall be ended. The committee shall report this finding to the chancellor and faculty member.
- (4) If the committee finds that a prima facie case has been established, the chancellor or designee shall be entitled to present evidence to support the layoff decision, and, thereafter, the faculty member may present evidence in rebuttal. On the basis of all the evidence presented, the committee shall make its determination as follows:
 - (a) The committee shall first consider whether one or more of the above specified improper factors entered significantly into the decision to lay off. Unless the committee is convinced that such factors did significantly enter into that decision, the committee shall find the decision to have been proper.
 - (b) If the committee believes that improper factors may have entered into the decision, but is convinced that the same decision would have been reached had the error(s) not occurred, it shall find the decision to have been proper.

- (c) If the committee is convinced that improper factors entered significantly into and affected the decision, it shall be found to be improper.
- (5) The committee shall report its findings and recommendations to the chancellor and the faculty member.

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

UWS 5.13 Hearing procedure.

- (1) If the faculty hearing committee requests, the chancellor shall provide legal counsel to the committee. The hearing shall be closed unless the faculty member whose position has been recommended for elimination requests an open hearing, in which case it shall be open (see s. 66.77, Stats., Open Meeting Law).
- (2) The faculty hearing committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. UWS 5.11. No faculty member who participated in the decision to lay off or who is a material witness may sit in on the hearing committee.
- (3) The faculty member shall be given at least 10 days notice of the hearing; such hearing shall be held not later than 20 days after the request except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.
- (4) The faculty member shall have access to the evidence on which the administration intends to rely to support the decision to lay off, and shall be guaranteed the following minimal procedural safeguards at the hearing:
 - (a) A right to be heard in his or her own behalf,
 - (b) A right to counsel and/or other representatives, and to offer witnesses;
 - (c) A right to confront and cross-examine adverse witnesses;
 - (d) A verbatim record of the hearing, which might be a sound recording, provided at no cost;
 - (e) Written findings of fact and decision based on the hearing record; and
 - (f) Admissibility of evidence governed by s. 227. 10, Stats.
- (5) Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

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

UWS 5.14 Recommendations and review by the board.

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

- (1) If the faculty member has not requested a hearing before the faculty hearing committee, the recommendation shall be deemed proper and shall be reported for information to the system president and the board.
- (2) If the faculty member has requested a hearing and the faculty hearing committee has found the decision to be proper, the report of the faculty hearing committee shall be forwarded to the system president and board by the chancellor with a recommendation. The faculty member may request a review by the board, and the board review panel may at its option grant a review. Unless the board review panel grants the request for review, the recommended findings of fact and decision of the standing faculty committee shall be the final decision of the board of regents.
- (3) If after a hearing, the faculty hearing committee's recommended finding of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the

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

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

UWS 5.15 Board review.

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

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

UWS 5.16 Layoff status.

- (1) A faculty member whose position has been eliminated or reduced in accordance with the provisions of this chapter shall, at the end of the appropriate notice period, be placed on layoff status, unless the layoff notice has been rescinded prior to that time.
- (2) The faculty member whose notice period has expired, and who is placed on layoff status shall remain on layoff status until:
 - (a) For probationary faculty, the probationary appointment would have expired under its own terms;
 - (b) For tenured faculty, one of the following occurs:
 1. Reappointment to the position from which laid off. Failure to accept such reappointment would terminate the faculty member's association with the university of Wisconsin system.
 2. Acceptance of an alternative continuing position in the university of Wisconsin system. Failure to accept an alternate appointment would not terminate the faculty member's association with the university of Wisconsin system.
 3. Resignation.
 4. Failure by the affected faculty member to notify the chancellor not later than December 1, of each year while on layoff status as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notice of desire to remain on layoff status shall terminate the faculty member's association with the university of Wisconsin system.

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

UWS 5.17 Alternative employment.

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

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

UW-Sup 5.17 Alternative Employment.

The Chancellor shall inform the chairperson of the Faculty Personnel Council and, at the request of the faculty member involved, the chairperson of the Council shall inform the principal officer of any independent faculty association duly organized at the University of Wisconsin-Superior concerning the specific steps taken to explore the alternatives for reassignment of a laid-off faculty member within the institution or, as appropriate, for relocation elsewhere in the University of Wisconsin System.

UWS 5.18 Reappointment rights.

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

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

UW-Sup 5.18 Reappointment Rights.

- (1) The Vice Chancellor shall inform the chairperson of the Faculty Personnel Council and, at the request of the faculty member involved, the chairperson of the Council shall inform the principal officer of any independent faculty association duly organized at the University of Wisconsin-Superior concerning the professional qualifications of any person to whom a position might be offered by any Department in which a layoff has occurred.**
- (3) On the basis of information so received, the Faculty Personnel Council and/or any independent faculty association duly organized at the University of Wisconsin-Superior shall have the right to question the consideration of any particular candidate to fill a vacant faculty position entailing teaching responsibilities similar to those of a laid-off faculty member.**

UWS 5.19 Retention of rank and salary.

Any faculty member reappointed within 3 years after layoff or termination shall be reappointed with a rank and salary at least equivalent to the rank and salary when laid off or terminated, together with such other rights and privileges which may have accrued at that time; any faculty member relocated within an institution or within the university of Wisconsin system shall not have either rank or salary adversely affected except by consent at the time of relocation. History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 5.20 Rights of faculty members on layoff.

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

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

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

UW-Sup 5.20 Rights of Faculty Members on Layoff

Faculty on layoff status shall be entitled to make use of campus facilities, including office space as available, and to participate fully in University governance and other faculty activities.

UWS 5.21 System-wide tenure.

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

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

UWS 5.22 Lack of faculty action.

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

- (1) If a faculty committee provided for in s. UWS 5.04 is not established, the chancellor may consult those members or representatives of the faculty he considers appropriate to satisfy the intent of s. UWS 5.05. All departments potentially involved shall be consulted and representatives of the faculty may dispute the chancellor's recommendation for a state of financial emergency before the board.
- (2) If the faculty does not act to determine the form of seniority to be followed, the chancellor may designate the form. Such designation shall be effective campuswide and shall be made prior to the declaration by the board of a state of financial emergency.
- (3) If an affected department or program does not recommend individuals for layoff or termination following declaration of a state of financial emergency, the chancellor shall determine the individuals to be affected, using such advice as is deemed of value.
- (4) If a faculty hearing committee provided for in s. UWS 5.11 is not established by the faculty, the chancellor may appoint a committee of faculty members to provide this function.

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

Chapter UWS 6 COMPLAINTS AND GRIEVANCES

UWS 6.01 Complaints
UWS 6.02 Grievances

UWS 6.01 Complaints.

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

- (1) Review of and administrative action on the complaint by the chancellor. Administrative action may include dismissing the complaint, invoking an appropriate disciplinary action, or referring the complaint to the standing faculty committee created under sub. (2).
- (2) Provision for a hearing before a standing faculty committee selected by the faculty of each institution in such manner as they shall determine. Such hearing shall be held at the request of the chancellor or, if the chancellor invokes a disciplinary action, at the request of the faculty member concerned.
- (3) Guarantee of adequate due process to include, but not limited to, written notification of the complaint, fair and complete hearing procedures, written statement of findings, transmittal of findings to the faculty member involved and appropriate administrative officials within a reasonable period of time, and prohibition of further jeopardy for the same alleged misconduct after a final decision.
- (4) Delineation of the powers of the faculty committee to make recommendations to the chancellor concerning disciplinary action, to recommend dismissal of the complaint, or to recommend referral of the complaint to the appropriate department or administrative officer.
- (5) The decision by the chancellor on the recommendations of the committee, or on the complaint in the absence of committee recommendation, shall be final except that the board at its option might grant a review on the record.

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

UW-Sup 6. 01 Complaints.

- (1) The Chancellor shall receive all faculty-related complaints from whatever source and attempt to resolve each complaint either by dismissing the complaint, invoking appropriate disciplinary action, or referring the complaint to the Faculty Personnel Council. Should the complainant be dissatisfied with the resolution, he/she may refer the complaint to the Faculty Personnel Council.
- (2) The Faculty Personnel Council as constituted by the Faculty Senate Constitution shall be the standing faculty committee to review all complaints. After reviewing the facts and allegations, the Faculty Personnel Council shall decide whether or not to proceed to a hearing. Upon deciding that a hearing is appropriate, the Council shall appoint an ad hoc hearing committee from the faculty as a whole to hear each case. The members shall be appointed from among those faculty not directly or professionally involved in the case.
- (3) The faculty member and appropriate administrative officials shall receive written notice of the complaint, fair and complete hearing procedures, and a written statement of the findings (within days of completion of proceedings). Faculty are protected from further jeopardy for the same alleged misconduct after a final decision.
- (4) The ad hoc hearing committee shall report its findings and recommendations directly to the Faculty Personnel Council. The Council shall review such findings of fact and recommendations, with changes as may seem appropriate, and report its own findings and recommendations directly to the Chancellor.
- (5) The decision by the Chancellor on the recommendations of the Faculty Personnel Council, or on the complaint in the absence of Council recommendation, shall be final except that the Board of Regents at its option may grant a review on the record.

UWS 6.02 Grievances.

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

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

UW-Sup 6.02 Grievances.

- (1) The Chancellor shall receive all grievances from faculty and attempt to resolve the matter either by dismissing the grievance, invoking appropriate disciplinary action, or referring the grievance to the Faculty Personnel Council. Should the faculty member be dissatisfied with the resolution, he/she may refer the grievance to the Faculty Personnel Council.
- (2) The Faculty Personnel Council as constituted by the Faculty Senate Constitution shall be the standing faculty committee to review all grievances. After reviewing the facts and allegations, the Faculty Personnel Council shall decide whether or not to proceed to a hearing. Upon deciding that a hearing is appropriate, the Council shall appoint an ad hoc hearing committee from the faculty as a whole to hear each case. The members shall be appointed from among those faculty not directly or professionally involved in the case.
- (3) The faculty member and appropriate administrative officials shall receive written notice of the grievance, fair and complete hearing procedures, and a written statement of the findings (within 30 days of completion of the proceedings). Faculty are protected from further jeopardy for the same alleged misconduct after a final decision.
- (4) The ad hoc hearing committee shall report its findings and recommendations directly to the Faculty Personnel Council. The Council shall review such findings of fact and recommendations, with changes as may seem appropriate, and reports its own findings and recommendations directly to the Chancellor.

- (5) **The decision by the Chancellor on the recommendations of the Faculty Personnel Council, or on the grievance in the absence of Council recommendation, shall be final except that the Board of Regents at its option may grant a review on the record.**

Chapter UWS 7 OUTSIDE ACTIVITIES

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

Note: "r." denotes repeal. Outside Activities now appear in UWS 8.025.