



Office of Human Resources & Workforce Diversity

1564 Van Hise Hall  
1220 Linden Drive  
Madison, Wisconsin 53706-1525  
(608) 263-4384  
(608) 265-3175 Fax  
email: [acrist@uwsa.edu](mailto:acrist@uwsa.edu)  
website: <http://www.uwsa.edu/hr>

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TO: Chancellors  
Provosts  
Chief Business Officers  
Faculty Representatives  
Academic Staff Representatives

FROM: Alan N. Crist   
Senior Associate Vice President

RE: Potential Revisions to Faculty and Academic Staff Personnel Policies on Dismissal for Cause

As you know, Wis. Stat. §36.115 provides the University with authority to establish personnel systems that are separate and distinct from the personnel system administered by the Office of State Relations (OSER) under ch. 230, effective July 1, 2015. *Some of you may have already made the necessary revisions, if any, based on my earlier request sent to you on February 27, 2013, but since we encountered a two year implementation delay, you may have held up making needed revisions.* Wis. Stat. § 36.115(4) specifically requires that dismissal for cause procedures for all employees include the following elements:

- A written document specifying the process that an employee and an employer must follow;
- A hearing before an impartial hearing officer; and
- An appeal process in which the highest level of appeal is the Board of Regents

Institutional faculty and academic staff personnel policies relating to termination for cause need to be reviewed to ensure that all three elements stated in s.36.115(4) are satisfied. Wisconsin Administrative Code, UWS Chapters 4, 7 and 11, and parallel institutional policies relating to the termination for cause of faculty and academic staff, satisfy the written documentation requirement for both faculty and academic staff. We have been advised by legal counsel that the use of faculty and academic staff committees to provide a hearing for faculty and academic staff employees facing termination for cause satisfies the impartial hearing officer requirement.

UWS Chapters 4, 7, and 11 currently provide for appeal to the Board of Regents by faculty and indefinite academic staff of a termination for cause. Parallel institutional policies should be reviewed to ensure they also contain an appeal to the Board for faculty and for indefinite academic staff. The administrative code chapters are silent on an appeal to the Board of Regents for fixed term and probationary academic staff of a termination for cause, although some UW institutions through their local policies do provide certain

fixed term and probationary academic staff with the appeal provided to indefinite academic staff. Institutional policies relating to termination for cause for fixed term and probationary academic staff need to be reviewed to determine if an appeal to the Board is provided, and amended to include such an appeal if one is not provided.

I ask that the appropriate governance process be followed to address any necessary changes to campus policies relating to termination of faculty and academic staff to ensure compliance with these new statutory requirements, which take effect July 1, 2015. If, as a result of these statutory requirements, the faculty dismissal for cause procedures are changed, and if the Chancellor approves the recommended revised procedure, the new procedures must be forwarded to the Board of Regents for its approval prior to the revision taking effect as provided by UWS Chapter 2.02.

With respect to any necessary changes to the academic staff dismissal for cause procedures, the recommended revisions are in full force and effect when approved by the Chancellor and forwarded to the Board of Regents. Under UWS Chapter 9.02 the Board may review the procedures. If the Board disapproves of a procedure, the procedure shall be suspended until reconsideration and resubmission has taken place.

Please let me know if you have questions.

Thank you.

cc: Directors of Human Resources  
Tom Stafford  
Joely Urdan  
Ray Taffora