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CERTIFICATE

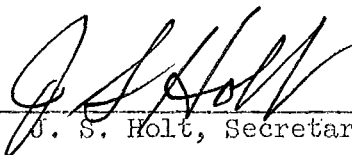
STATE OF WISCONSIN )  
BOARD OF REGENTS OF )     ss  
THE UNIVERSITY OF     )  
WISCONSIN SYSTEM     )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, J. S. Holt, Secretary of the Board of Regents of the University of Wisconsin System, and custodian of the official records of said board, do hereby certify that the annexed rules and regulations, relating to personnel policies for faculty members, were duly approved and adopted by this board on December 6, 1974.

I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of the board in the city of Madison, this 10th day of December, 1974.

  
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J. S. Holt, Secretary

ORDER OF THE BOARD OF REGENTS  
OF THE  
UNIVERSITY OF WISCONSIN SYSTEM  
ADOPTING RULES

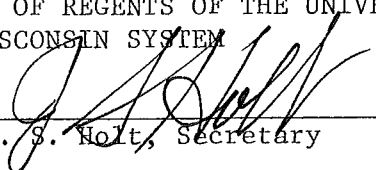
Pursuant to authority vested in the Board of Regents of the University of Wisconsin System by section 36.13 (3), Wis. Stats. (1973), the Board of Regents of the University of Wisconsin System hereby adopts the attached rules as Chapters UWS 1 through UWS 7.

The rules contained herein shall take effect on February 1, 1975.

Dated: December 6, 1974

BOARD OF REGENTS OF THE UNIVERSITY  
OF WISCONSIN SYSTEM

By

  
\_\_\_\_\_  
J. S. Holt, Secretary

UNIVERSITY OF WISCONSIN SYSTEM FACULTY PERSONNEL RULES

CHAPTER UWS 1. DEFINITIONS OF TERMS USED IN UWS 1 to UWS 7

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.

1.02 BOARD OF REGENTS OR BOARD. "Board of regents" or "board" means the board of regents of the university of Wisconsin system.

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.

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 UWS 3.01(1)(c).

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.

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

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

1           1.08 NOTICE PERIODS. When an act is required by these rules to be done  
2 within a specified number of days: 1) Day shall mean calendar day, 2) The  
3 first day shall be the day after the event, such as receipt of a notice or  
4 conclusion of a hearing, 3) Each day after the first day shall be counted,  
5 except that a Sunday or a legal holiday shall not be counted if it would be  
6 the final day of the period.

7 CHAPTER UWS 2. FACULTY RULES; COVERAGE AND DELEGATION

8           2.01 RULES. Rules in chapters UWS 2 and UWS 3 apply to all faculty  
9 appointments made on or after the effective date of these rules. Any person  
10 who holds a tenure appointment under former chapters 36 and 37 Wis. Stats.  
11 1971 and related rules shall continue to hold tenure as defined under those  
12 chapters and related rules. Any person who holds a probationary appointment  
13 under former chapters 36 and 37 Wis. Stats. 1971 and related rules shall  
14 continue to enjoy the contractual rights and guarantees as defined under those  
15 chapters and related rules, and may elect to be considered for tenure according  
16 to the procedures existing under that appointment or under rules and procedures  
17 in effect at the time of consideration. The rules in chapters UWS 4 to UWS 7  
18 apply to all appointments to faculty positions regardless of whether the  
19 appointment preceded the adoption of these rules.

20           2.02 DELEGATION. Rules and procedures developed pursuant to chapters UWS  
21 3, 4, 5, 6, and 7 by the faculty of each institution shall be forwarded by the  
22 chancellor to the president and by the president to the board for its approval  
23 prior to their taking effect. Such policies and procedures, unless disapproved  
24 or altered by the regents, shall be in force and effect as rules of the regents.

25 CHAPTER UWS 3. FACULTY APPOINTMENTS

26           3.01 TYPES OF APPOINTMENTS. (1) Appointments to the faculty are either  
27 tenure or probationary appointments. Faculty appointments carry the following  
28 titles: professor, associate professor, assistant professor, and instructor.

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

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

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

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

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

20 3.02 RECRUITING. The faculty of each institution, after consultation with  
21 appropriate students and with the approval of the chancellor, shall develop  
22 procedures relating to recruitment of members of the faculty. The procedures  
23 shall be consistent with board policy and state and federal laws with respect to  
24 nondiscriminatory and affirmative action recruitment. The procedures shall allow  
25 maximum flexibility at the departmental, school and college levels to meet  
26 particular needs. In all instances the procedures shall provide for departmental  
27 peer review and judgment as the operative step in the recruiting process.

1           3.03 APPOINTMENTS - GENERAL. The faculty of each institution, after  
2 consultation with appropriate students and with the approval of the chancellor,  
3 shall develop rules relating to faculty appointments. Each person to whom an  
4 appointment is offered must receive an appointment letter in which an authorized  
5 official of the institution details the terms and conditions of the appointment,  
6 including but not limited to, duration of the appointment, salary, starting date,  
7 ending date, general position responsibilities, probation, tenure status, and  
8 crediting of prior service. Accompanying this letter shall be an attachment  
9 detailing institutional and system rules and procedures relating to faculty  
10 appointments. If the appointment is subject to the advance approval of the  
11 board, a statement to this effect must be included in the letter.

12           3.04 PROBATIONARY APPOINTMENTS. Each institution's rules for faculty  
13 appointments shall provide for a maximum seven-year probationary period in a  
14 full-time position, and may provide for a longer maximum probationary period in  
15 a part-time position of at least half time. Such rules may permit appointments  
16 with shortened probationary periods or appointments to tenure without a  
17 probationary period. Provision shall be made for the appropriate counting of  
18 prior service at other institutions and at the institution. A leave of absence,  
19 sabbatical leave, or teacher improvement assignment shall not constitute a  
20 break in continuous service, nor shall it be included in the probationary period.  
21 Tenure is not acquired solely because of years of service.

22           3.05 PERIODIC REVIEW. The faculty and chancellor of each institution,  
23 after consultation with appropriate students, shall establish rules providing  
24 for periodic review of faculty performance.

25           3.06 RENEWAL OF APPOINTMENTS AND GRANTING OF TENURE

26           (1)(a) General. Appointments may be granted only upon the affirmative  
27 recommendation of the appropriate academic department, or its functional  
28 equivalent, and the chancellor of an institution. When specified by the board,

1 the institutional recommendation shall be transmitted by the president of the  
2 system with his recommendation to the board for action. Tenure appointments  
3 may be granted to any ranked faculty member who holds or will hold a half-time  
4 appointment or more. The proportion of time provided for in the appointment  
5 may not be diminished or increased without the mutual consent of the faculty  
6 member and the institution, unless the faculty member is dismissed for just  
7 cause, pursuant to 36.13(5) Wis. Stats. or is terminated or laid off pursuant  
8 to 36.21 Wis. Stats.

9 (b) Criteria. Decisions relating to renewal of appointments or recommending  
10 of tenure shall be made in accordance with institutional rules and procedures  
11 which shall require an evaluation of teaching, research, and professional and  
12 public service and contribution to the institution. The relative importance of  
13 these functions in the evaluation process shall be decided by departmental,  
14 school, college, and institutional faculties in accordance with the mission and  
15 needs of the particular institution and its component parts. Written criteria  
16 for these decisions shall be developed by the appropriate institutional faculty  
17 bodies.

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

1 3.07 NONRENEWAL OF PROBATIONARY APPOINTMENTS.

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

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

14 1. Such reconsideration shall be undertaken by the individual or body  
15 making the nonrenewal decision and shall include, but not be limited to, adequate  
16 notice of the time of reconsideration of the decision, an opportunity to respond  
17 to the written reasons and to present any written or oral evidence or arguments  
18 relevant to the decision, and written notification of the decision resulting  
19 from the reconsideration.

20 2. Reconsideration is not a hearing, or an appeal, and shall be non-  
21 adversary in nature.

22 3. In the event that a reconsideration affirms the nonrenewal  
23 decision, the procedures specified in UWS 3.08 shall be followed.

24 3.08 APPEAL OF A NONRENEWAL DECISION. (1) The faculty and chancellor of  
25 each institution, after consultation with appropriate students, shall establish  
26 rules and procedures for the appeal of a nonrenewal decision. Such rules and  
27 procedures shall provide for the review of a nonrenewal decision by an appro-  
28 priate standing faculty committee upon written appeal by the faculty member



1 concerned within 20 days of notice that the reconsideration has affirmed  
2 the nonrenewal decision (25 days if notice is by first class mail and publication).

3 Such review shall be held not later than 20 days after the request, except  
4 that this time limit may be enlarged by mutual consent of the parties, or  
5 by order of the review committee. The faculty member shall be given at  
6 least 10 days notice of such review. The burden of proof in such an appeal shall  
7 be on the faculty member, and the scope of the review shall be limited to the  
8 question of whether the decision was based in any significant degree upon one  
9 or more of the following factors, with material prejudice to the individual:

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

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

14 (c) Improper consideration of qualifications for reappointment or renewal.

15 For purposes of this section, "improper consideration" shall be deemed to have  
16 been given to the qualifications of a faculty member in question if material  
17 prejudice resulted because of any of the following:

18 1. The procedures required by rules of the faculty or board were not  
19 followed, or

20 2. Available data bearing materially on the quality of performance  
21 were not considered, or

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

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

27 (3) Such a report may include remedies which may, without limitation  
28 because of enumeration, take the form of a reconsideration by the decision

1 maker, a reconsideration by the decision maker under instructions from the  
2 committee, or a recommendation to the next higher appointing level. Cases  
3 shall be remanded for reconsideration by the decision maker in all instances  
4 unless the appeals committee specifically finds that such a remand would serve  
5 no useful purpose. The appeals committee shall retain jurisdiction during the  
6 pendency of any reconsideration. The decision of the chancellor will be final  
7 on such matters.

8 3.09 NOTICE PERIODS. (1) A faculty member who is employed on probationary  
9 appointment pursuant to 36.13 Wis. Stats. shall be given written notice of his  
10 reappointment or nonreappointment for another academic year in advance of the  
11 expiration of his/her current appointment as follows:

12 (a) When the appointment expires at the end of an academic year, not  
13 later than March 1 of the first academic year and not later than December 15 of  
14 the second consecutive academic year of service;

15 (b) If the initial appointment expires during an academic year, at least  
16 3 months prior to its expiration; if a second consecutive appointment terminates  
17 during the academic year, at least 6 months prior to its expiration;

18 (c) After 2 or more years of continuous service at an institution of the  
19 university of Wisconsin system, such notice shall be given at least 12 months  
20 before the expiration of the appointment.

21 3.10 ABSENCE OF PROPER NOTIFICATION. If proper notice is not given in  
22 accordance with UWS 3.09 above, the aggrieved faculty member shall be entitled  
23 to a one-year terminal appointment. Such appointments, however, shall not  
24 result in the achievement of tenure.

25 3.11 LIMITATION. Tenure and probationary appointments are in a particular  
26 institution; a tenure appointment is limited to the institution in which the  
27 appointment is held, unless another institution has, through normal procedures  
28 and explicit agreement, undertaken to share in the appointment. The explicit  
29 agreement shall specify both the tenure responsibility and the budget responsibility.

1 CHAPTER UWS 4. PROCEDURES FOR DISMISSAL

2 4.01 DISMISSAL FOR CAUSE.

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

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

15 4.02 RESPONSIBILITY FOR CHARGES

16 (1) Whenever the chancellor of an institution within the university of  
17 Wisconsin system receives a complaint against a faculty member which he/she  
18 deems substantial and which, if true, might lead to dismissal under sec. UWS  
19 4.01, the chancellor shall within a reasonable time initiate an investigation  
20 and shall, prior to reaching a decision on filing charges, offer to discuss  
21 the matter informally with the faculty member. A faculty member may be dis-  
22 missed only after receipt of a written statement of specific charges from the  
23 chancellor as the chief administrative officer of the institution and, if a  
24 hearing is requested by the faculty member, in accordance with the provisions  
25 of this chapter. If the faculty member does not request a hearing, action  
26 shall proceed along normal administrative lines but the provisions of sections  
27 4.02, 4.09, and 4.10 of this chapter shall still apply.

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

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

11 4.03 STANDING FACULTY COMMITTEE. The faculty of each institution shall  
12 provide a standing committee charged with hearing dismissal cases and making  
13 recommendations under this chapter. This standing faculty committee shall  
14 operate as the hearing agent for the board pursuant to sec. 227.12, Wis. Stats.  
15 and conduct the hearing, make a verbatim record of the hearing, prepare a  
16 summary of the evidence and transmit such record and summary along with its  
17 recommended findings of law and decision to the board according to UWS 4.07.

18 4.04 HEARING. If the faculty member requests a hearing within 20 days  
19 of notice of the statement of charges (25 days if notice is by first class mail  
20 and publication), such a hearing shall be held not later than 20 days after the  
21 request except that this time limit may be enlarged by mutual written consent  
22 of the parties, or by order of the hearing committee. The request for a hearing  
23 shall be addressed in writing to the chairperson of the standing faculty  
24 committee created under UWS 4.03.

25 4.05 ADEQUATE DUE PROCESS. (1) A fair hearing for a faculty member whose  
26 dismissal is sought under sec. UWS 4.01 shall include the following:

27 (a) Service of written notice of hearing on the specific charges at  
28 least 10 days prior to the hearing;

1 (b) A right to the names of witnesses and of access to documentary  
2 evidence upon the basis of which dismissal is sought;

3 (c) A right to be heard in his/her defense;

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

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

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

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

9 (h) Admissibility of evidence governed by 227.10 Wis. Stats.

10 4.06 PROCEDURAL GUARANTEES. (1) Any hearing held shall comply with the  
11 requirements set forth in UWS 4.05. The following requirements shall also be  
12 observed:

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

15 (b) No faculty member who participated in the investigation of allegations  
16 leading to the filing of a statement of charges, or in the filing of a statement  
17 of charges, or who is a material witness shall be qualified to sit on the committee  
18 in that case;

19 (c) The hearing shall be closed unless the faculty member under charges  
20 requests an open hearing, in which case it shall be open (see 66.77 Wis. Stats.  
21 Open Meeting Law);

22 (d) The faculty hearing committee may, on motion of either party, disqualify  
23 any one of its members for cause by a majority vote. If one or more of the faculty  
24 hearing committee members disqualify themselves or are disqualified, the remaining  
25 members may select a number of other members of the faculty equal to the number  
26 who have been disqualified to serve, except that alternative methods of replace-  
27 ment may be specified in the rules and procedures adopted by the faculty estab-  
28 lishing the standing committee under UWS 4.03. .

1 some sanction less severe than dismissal is more appropriate. Within 20 days  
2 after receipt of this material the chancellor shall review it and afford the  
3 faculty member an opportunity to discuss it. The chancellor shall prepare a  
4 written recommendation within 20 days following the meeting with the faculty  
5 member, unless his/her proposed recommendation differs substantially from that  
6 of the committee. If the chancellor's proposed recommendations differ substan-  
7 tially from those of the faculty hearing committee, the chancellor shall promptly  
8 consult the faculty hearing committee and provide the committee with a reasonable  
9 opportunity for a written response prior to forwarding his/her recommendation.  
10 If the recommendation is for dismissal, the recommendation shall be submitted  
11 through the president of the system to the board. A copy of the faculty hearing  
12 committee's report and recommendations shall be forwarded through the president  
13 of the system to the board along with the chancellor's recommendation. A copy  
14 of the chancellor's recommendation shall also be sent to the faculty member  
15 concerned and to the faculty committee.

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

21 4.08 BOARD REVIEW

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

1 (a) The total General Program Operations (GPR/fee) budget of the  
2 institution, excluding adjustments for salary/wage increases and for infla-  
3 tionary impact on nonsalary budgets, has been reduced;

4 (b) Institutional operation within this reduced budget requires a  
5 reduction in the number of faculty positions such that tenured faculty must  
6 be laid off, or probationary faculty must be laid off prior to the end of their  
7 respective appointments. Such a reduction in faculty positions shall be deemed  
8 required only if in the board's judgment it will have an effect substantially  
9 less detrimental to the institution's ability to fulfill its mission than would  
10 other forms of budgetary curtailment available to the institution; and

11 (c) The procedures described in UWS 5.05 and 5.06 have been followed.

12 5.03 LAYOFF AND TERMINATION. For the purposes of this chapter, "layoff"  
13 is the indefinite suspension or an involuntary reduction in services and  
14 compensation of a faculty member's employment by the university of Wisconsin  
15 system. A laid off faculty member retains the rights specified in UWS 5.16  
16 through 5.21, inclusive. For the purposes of this chapter, "termination" is  
17 the permanent elimination of a faculty member's employment by the university  
18 of Wisconsin system. A terminated faculty member retains rights specified in  
19 UWS 5.18 and 5.19.

20 5.04 FACULTY CONSULTATIVE COMMITTEE. The faculty of each institution shall,  
21 promptly after the effective date of this chapter, designate or create a  
22 standing faculty committee to consult with the chancellor if at any time a  
23 declaration of financial emergency is to be considered. The committee shall  
24 consist of faculty members of the institution chosen by the faculty in a  
25 manner to be determined by the faculty. It is the right and responsibility  
26 of this committee to represent the faculty before the board if a declaration  
27 of a state of financial emergency for the institution is being considered,  
28 and to assure that the procedures of UWS 5.05 and 5.06 are followed.

1           5.05 CONSULTATION. (1) In the event that a declaration of financial  
2 emergency is contemplated, the chancellor of the affected institution shall  
3 consult with and seek advice from the faculty committee provided for in  
4 section 5.04 at least three months before the matter is taken to the board.

5 The chancellor and committee shall:

6           (a) Consider identifiable alternative methods of budget reduction;

7           (b) Determine whether reductions in faculty positions under the  
8 provisions of this chapter can be made with less detriment to the institu-  
9 tion's ability to fulfill its mission than would follow from reasonable  
10 alternative courses of action;

11           (c) Determine from which colleges, schools, departments, or programs  
12 faculty positions should be eliminated;

13           (d) Consult with faculties of colleges, schools, departments and programs  
14 potentially involved; and

15           (e) Consult with such other individuals and groups as they feel may be  
16 able to provide valuable advice.

17           The committee shall prepare a report, with supporting documents, for  
18 submission to the chancellor, the faculty senate, or institutional equivalent,  
19 and the board.

20           (2) It shall be the primary responsibility of the faculty of the institu-  
21 tion to establish criteria to be used by the chancellor and committee for  
22 academic program evaluations and priorities. A decision to curtail or dis-  
23 continue an academic program for reasons of financial emergency shall be made  
24 in accordance with the best interests of students and the overall ability of  
25 the institution to fulfill its mission.

26           5.06 RECOMMENDATION TO THE SYSTEM PRESIDENT AND THE BOARD. (1) If the  
27 chancellor decides to recommend that the board declare a state of financial  
28 emergency for his institution, his recommendation to the system president



1 and the board shall be accompanied by a report which shall include the  
2 following:

3 (a) A statement of the procedures followed in arriving at the recommenda-  
4 tion, showing compliance with 5.05;

5 (b) Data clearly demonstrating the need for a reduction of faculty  
6 positions in accord with the provisions of this chapter;

7 (c) An identification of the colleges, schools, departments or program  
8 areas in which reductions will be made, with data indicating the appropriateness  
9 of such choices;

10 (d) The report of the faculty committee, expressing its views on these  
11 matters; and

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

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

19 5.07 INDIVIDUAL DESIGNATIONS. Once the board has declared a state of  
20 financial emergency it shall be the primary responsibility of the tenured members  
21 of the affected department(s) to recommend which individuals are to be laid off.  
22 These recommendations shall follow seniority, as provided in UWS 5.08, unless  
23 a clear and convincing case is made that program needs dictate other considera-  
24 tions, e.g., the need to maintain diversity of specializations within a depart-  
25 ment. The department may seek the advice of other groups or individuals in  
26 formulating its recommendations. The departmental recommendation shall be  
27 forwarded to the chancellor, and the chancellor shall prepare recommendations  
28 for the system president and the board, as provided in 5.14.

1           5.08 SENIORITY. The faculty of each institution shall promptly after the  
2 effective date of this chapter, determine the form of seniority that is to be  
3 considered. Such a determination shall be effective uniformly throughout the  
4 institution. Seniority may be, but is not limited to, the following definitions:

5           (1) Without regard to rank, with seniority established by total years of  
6 service in the institution;

7           (2) By rank, and within rank according to total years of service in the  
8 institution; or

9           (3) By rank, and within rank, according to length of service in the  
10 institution at that rank.

11          5.09 NOTIFICATION. Each faculty member whose position is recommended for  
12 elimination shall receive prompt written notification from the chancellor. This  
13 statement of notification shall include:

14           (1) A summary of the reasons and evidence supporting the declaration of a  
15 state of financial emergency and of the reasons and data leading to the choice  
16 of the colleges, schools, departments or programs in which reductions are to  
17 be made;

18           (2) A statement of the basis on which the individual position was selected  
19 for elimination (if on the basis of seniority, the criterion used and data  
20 supporting the choice; if on another basis, the data and reasons supporting  
21 that choice);

22           (3) A statement of the date on which the layoff is to be effective (this  
23 must be consistent with the provisions of section 5.10); and

24           (4) A copy of these rules and such other information or procedural regulations  
25 as the chancellor or faculty hearing committee shall deem appropriate.

26          5.10 NOTIFICATION PERIOD. For an academic year appointment the effective  
27 date of layoff must coincide with the end of an academic year. For an annual  
28 appointment it shall be June 30. In either case notification must be given at  
29 least twelve months in advance of the effective date. The notification referred

1 to here is that specified in UWS 5.09 informing the faculty member that his  
2 or her position has been recommended for elimination.

3 During this period, and prior to entering layoff status (see section 5.16),  
4 the chancellor may offer as appropriate, and the faculty member may accept:

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

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

9 5.11 FACULTY HEARING COMMITTEE. The faculty of each institution shall, promptly  
10 after the effective date of this chapter, establish a committee or designate  
11 an existing committee to serve as a hearing committee for the purposes of this  
12 chapter. The committee shall consist of faculty members of the institution  
13 chosen by the faculty in a manner to be determined by the faculty. This stand-  
14 ing faculty committee shall operate as the hearing agent for the board pursuant  
15 to sec. 227.12, Wis. Stats. and conduct the hearing, make a verbatim record of  
16 the hearing, prepare a summary of the evidence and transmit such record and  
17 summary along with its recommended findings of law and decision to the board  
18 according to sec. 5.14.

19 5.12 REVIEW HEARING. (1) A faculty member whose position is recommended  
20 for elimination is entitled to a hearing before the faculty hearing committee  
21 as to the appropriateness of the decision to lay off that particular individual.  
22 The existence of a state of financial emergency and the designation of the  
23 colleges, schools, departments or programs in which faculty positions are to  
24 be eliminated are not subject to review in the hearing.

25 (2) A hearing must be requested within 20 days of the receipt by the  
26 faculty member of notification of recommended layoff. The request shall state  
27 with particularity the grounds to be relied upon in establishing the impropriety  
28 of the decision. Relevant information supplementary to that contained in the

1 notification statement may be requested. The question to be considered  
2 in the review is whether one or more of the following improper factors  
3 entered into the decision to lay off:

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

7 (b) Factors proscribed by applicable State or Federal law regarding  
8 fair employment practices; or

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

12 1. The procedures required by rules of the faculty or board were  
13 not followed; or

14 2. Available data bearing materially on the role of the faculty  
15 member in the institution were not considered; or

16 3. Unfounded or arbitrary assumptions of fact were made; or

17 4. Immaterial or improper factors other than those specified above  
18 entered into the decision.

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

27 (4) If the committee finds that a prima facie case has been established,  
28 the chancellor or his designee shall be entitled to present evidence to support

1 the layoff decision, and, thereafter, the faculty member may present evidence  
2 in rebuttal. On the basis of all the evidence presented, the committee  
3 shall make its determination as follows:

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

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

12 (c) If the committee is convinced that improper factors entered signif-  
13 icantly into and affected the decision, it shall be found to be improper.

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

16 5.13 HEARING PROCEDURE. (1) If the faculty hearing committee requests,  
17 the chancellor shall provide legal counsel to the committee. The hearing  
18 shall be closed unless the faculty member whose position has been recommended  
19 for elimination requests an open hearing, in which case it shall be open  
20 (see 66.77 Wis. Stats., Open Meeting Law).

21 (2) The faculty hearing committee may, on motion of either party, dis-  
22 qualify any one of its members for cause by a majority vote. If one or more  
23 of the faculty hearing committee members disqualify themselves or are disqualified,  
24 the remaining members may select a number of other members of the faculty equal  
25 to the number who have been disqualified to serve, except that alternative  
26 methods of replacement may be specified in the rules and procedures adopted  
27 by the faculty establishing the standing committee under UWS 5.11. No faculty  
28 member who participated in the decision to lay off or who is a material witness  
29 may sit in on the hearing committee.

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

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

8 (a) A right to be heard in his or her own behalf;

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

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

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

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

15 (f) Admissibility of evidence governed by 227.10 Wis. Stats.

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

18 5.14 RECOMMENDATIONS AND REVIEW BY THE BOARD. The recommendations of  
19 the chancellor and the recommendations, if any, of the faculty hearing committee,  
20 shall be transmitted to the president of the university of Wisconsin system and  
21 to the board and acted upon as follows:

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

25 (2) If the faculty member has requested a hearing and the faculty hearing  
26 committee has found the decision to be proper, the report of the faculty hearing  
27 committee shall be forwarded to the system president and board by the chancellor  
28 with his recommendation. The faculty member may request a review by the board,

1 and the board review panel may at its option grant a review. Unless the  
2 board review panel grants the request for review, the recommended findings  
3 of fact and decision of the standing faculty committee shall be the final  
4 decision of the board of regents.

5 (3) If after a hearing, the faculty hearing committee's recommended  
6 findings of fact and decision are that the initial decision was improper, the  
7 chancellor shall review the matter and give careful consideration to the com-  
8 mittee's finding. If the chancellor accepts the committee's findings the  
9 chancellor's decision shall be final. If the chancellor contests the recom-  
10 mended findings that the decision was improper, the verbatim record, a summary  
11 of the evidence and the recommended findings of law and decision shall be  
12 forwarded to the board review panel(see sec. 5.15). The chancellor and the  
13 faculty member shall be furnished with copies of this material and shall have  
14 a reasonable opportunity to file written exceptions to such summary and proposed  
15 findings and decision and to argue with respect to them orally and in writing  
16 before the board review panel. The board review panel shall hear and decide  
17 the case in accordance with sec. 227.12, Wis. Stats. The decision of the board  
18 review panel shall be final.

19 5.15 BOARD REVIEW. A review panel shall be appointed by the president  
20 of the board of regents, and shall include 3 members of the board, and 2 nonvot-  
21 ing staff members from the academic affairs office of the university system.  
22 The panel shall review the criteria and reasoning of the chancellor and the  
23 findings and recommendations of the faculty hearing committee in each case  
24 forwarded for its review, and shall reach a decision on the recommendation to  
25 be approved. The decision shall be final and binding upon the chancellor and  
26 the faculty member affected unless one or more of the regent members of the  
27 review panel request that the decision be reviewed by the full board of  
28 regents, in which case the record shall be reviewed and a decision reached by  
29 the full board.

1           5.16 LAYOFF STATUS. A faculty member whose position has been eliminated  
2 or reduced in accordance with the provisions of this chapter shall, at the end  
3 of the appropriate notice period, be placed on layoff status, unless the  
4 layoff notice has been rescinded prior to that time.

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

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

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

10           1. Reappointment to the position from which laid off. Failure to  
11 accept such reappointment would terminate the faculty member's association  
12 with the university of Wisconsin system.

13           2. Acceptance of an alternative continuing position in the university  
14 of Wisconsin system. Failure to accept an alternate appointment would not  
15 terminate the faculty member's association with the university of Wisconsin  
16 system.

17           3. Resignation.

18           4. Failure by the affected faculty member to notify the chancellor  
19 not later than December 1, of each year while on layoff status as to his/her  
20 location, employment status, and desire to remain on layoff status. Failure  
21 to provide such notice of desire to remain on layoff status shall terminate  
22 the faculty member's association with the university of Wisconsin system.

23           5.17 ALTERNATIVE EMPLOYMENT. Each institution shall devote its best  
24 efforts to securing alternative appointments within the institution in  
25 positions for which faculty laid off under this chapter are qualified under  
26 existing criteria. In addition, the university of Wisconsin system shall  
27 provide financial assistance for one year for faculty who are designated for  
28 layoff to readapt within the department or within another department of the



1 institution, where such readaptation is feasible. Further, the university  
2 of Wisconsin system shall devote its best efforts to insure that faculty  
3 members laid off or terminated in any institution shall be made aware of  
4 openings within the system.

5 5.18 REAPPOINTMENT RIGHTS. Each institution shall establish administrative  
6 procedures and policies to insure that where layoff or terminations occur  
7 for reasons of financial emergency, no person may be employed at that  
8 institution within 3 years to perform reasonably comparable duties to those  
9 of the faculty member laid off or terminated without first offering the  
10 laid off or terminated faculty member reappointment without loss of tenure,  
11 seniority and other rights. The 3 year period shall be computed from the  
12 effective date of layoff as specified in the original notice.

13 5.19 RETENTION OF RANK AND SALARY. Any faculty member reappointed within  
14 3 years after layoff or termination shall be reappointed with a rank and salary  
15 at least equivalent to his rank and salary when laid off or terminated, together  
16 with such other rights and privileges which may have accrued at that time; any  
17 faculty member relocated within an institution or within the university of  
18 Wisconsin system shall not have either rank or salary adversely affected except  
19 by consent at the time of relocation.

20 5.20 RIGHTS OF FACULTY MEMBERS ON LAYOFF. A faculty member on layoff status  
21 in accord with the provisions of this chapter has the reemployment rights guar-  
22 anteed by UWS 5.18 and 5.19, and has the following minimal rights:

23 (1) Such participation in fringe benefit programs as is allowed by state  
24 regulations governing rights of laid off state employees;

25 (2) Such continued use of campus facilities as is allowed by policies and  
26 procedures established by the department and institution; and

27 (3) Such participation in departmental and institutional activities as is  
28 allowed by guidelines established by the department and institution.

1           5.21 SYSTEMWIDE TENURE. The commitment to systemwide tenure within the  
2 former chapter 37 institutions shall be honored by those institutions for those  
3 eligible under 36.13(4) Wis. Stats. 1973 in the event of layoff or termination  
4 under the provisions of this chapter.

5           5.22 LACK OF FACULTY ACTION. If the faculty of an institution is given  
6 due notice of its rights and responsibilities under this chapter, and does not  
7 act, the chancellor may act as follows in lieu of the faculty action:

8           (1) If a faculty committee provided for in 5.04 is not established, the  
9 chancellor may consult those members or representatives of the faculty he con-  
10 sider appropriate to satisfy the intent of section 5.05. All departments  
11 potentially involved shall be consulted and representatives of the faculty may  
12 dispute the chancellor's recommendation for a state of financial emergency before  
13 the board.

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

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

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

25 CHAPTER UWS 6. COMPLAINTS AND GRIEVANCES

26           6.01 COMPLAINTS. The faculty of each institution, with the approval of  
27 the chancellor, shall establish rules and procedures to deal with allegations  
28 by the administration, students, academic staff members, other faculty members,

1 classified staff members, or members of the public concerning conduct by a  
2 faculty member which violates university rules or policies, or which adversely  
3 affects the faculty member's performance of his/her obligation to the university  
4 but which allegations are not serious enough to warrant dismissal proceedings  
5 under UWS chapter 4. Such rules and procedures shall include, but not necessarily  
6 be limited to, the following:

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

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

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

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

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

1           6.02 GRIEVANCES. The faculty of each institution shall designate a  
2 committee or other appropriate faculty body to hear faculty grievances under  
3 rules and procedures established by the faculty of the institution in conjunc-  
4 tion with the chancellor; such committee or faculty body shall have the power  
5 to conduct hearings and factfinding related to the grievance, and the authority  
6 to recommend solutions to such grievances to the chancellor, and to the board  
7 should the matter not be resolved at the institutional level.

8 CHAPTER UWS 7. OUTSIDE ACTIVITIES. The faculty of each institution, with the  
9 approval of the chancellor, shall develop rules and procedures which will effec-  
10 tively govern the performance by a faculty member of activities of an extensive,  
11 recurring, or continuing nature outside his/her institutional responsibilities  
12 during any period of employment by an institution. Such rules and procedures  
13 shall be designed to insure devotion to teaching, research activities and all  
14 normal university responsibilities, while permitting broad participation by  
15 faculty in public service or endeavors related to their fields of interest.  
16 Institutional rules and procedures shall, at a minimum, provide for the  
17 following:

- 18           (1) Reporting of substantial outside activities;
- 19           (2) Notification to faculty members where activities are deemed excessive  
20 or improper;
- 21           (3) A mechanism for appeal from a decision of impropriety;
- 22           (4) Rules concerning the use of university facilities;
- 23           (5) Rules concerning absence from regular duties;
- 24           (6) Reporting of any intended service as an expert witness in legal  
25 proceedings, or as staff, advisor, or consultant to granting agencies.