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CHAPTER 1

THE UNIVERSITY OF WISCONSIN SYSTEM AND THE UNIVERSITY OF WISCONSIN-STEVENSON POINT

NOTE. Individual position descriptions, descriptions of the System and institutions within the System, and descriptions of organizational units within the University of Wisconsin-Stevens Point in this chapter are exclusively for informational purposes and do not have legal standing or implications. Persons interested in official position descriptions may contact the Office of the Vice Chancellor.

SECTION 1

THE UNIVERSITY OF WISCONSIN SYSTEM:

A BRIEF INTRODUCTION

STATUTORY AUTHORITY

The University of Wisconsin System was created in 1971 as a result of the merger of the University of Wisconsin and the Wisconsin State Universities. The University of Wisconsin System is authorized and defined by Chapter 36 of the Wisconsin statutes.

RESPONSIBILITY AND ORGANIZATION

DUTIES.

The primary functions of the UW System are teaching, research, and public service.

ORGANIZATION.

The University of Wisconsin System consists of 13 four-year institutions, 13 two-year centers, and UW-Extension.

Doctoral Cluster.

Two institutions, UW-Madison and UW-Milwaukee, known within the System as the doctoral cluster, are authorized to grant bachelor's, master's, and doctoral degrees.

University Cluster.

There are eleven institutions in the university cluster: UW-Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater. These universities are authorized to grant associate's, bachelor's, and some master's degrees.

Centers.

The centers offer associate's degrees at UW Center-Baraboo-Sauk County, Barron County, Fond du Lac, Fox Valley, Manitowoc County, Marathon County, Marinette County, Marshfield-Wood County, Richland Center, Rock County, Sheboygan County, Washington County, and Waukesha County.

Extension.

UW-Extension is a statewide organization offering credit courses for degree, continuing education courses, and service programs.

MISSION.

The statutory mission of the University of Wisconsin System is to

- develop human resources;
- discover and disseminate knowledge;
- extend knowledge and its applications beyond the boundaries of its campuses; and
- serve and stimulate society by developing in students
 - ♦ heightened intellectual, cultural, sensitivities;
 - ♦ scientific, professional, and technological expertise; and
 - ♦ a sense of purpose.

Inherent in this broad mission are methods of instruction, research, extended education, and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.

ADMINISTRATION

GOVERNING BODY.

Authority.

Chapter 36 of the statutes vests in the Board of Regents of the University of Wisconsin System the primary authority for the governance of the System and, except as limited under Chapter 36, gives to the Board all powers necessary or convenient to perform its duties in order to accomplish the objectives of the System. The Board concerns itself primarily with the development of broad policy for operating the System.

Implementation of policy generally resides with the individual institutions under policies and procedures developed locally.

Membership.

The Board of Regents consists of seventeen members: fifteen individuals, one of whom must be a student of the UW System, appointed by the governor and approved by the state senate, and two *ex officio* members, the State Superintendent of Public Instruction and the President of the Board of Vocational, Technical and Adult Education. The appointed members serve staggered seven-year terms except for the student regent, who serves a two-year term.

SYSTEM ADMINISTRATION.

President.

The president of the University of Wisconsin System is the officer who has executive responsibility for the operation and management of the System.

Duties.

The president, who reports directly to the Board, has the responsibility to carry out the duties prescribed in Chapter 36, provisions of other applicable statutes, and appropriate provisions of the *Wisconsin Administrative Code, Rules of the Board of Regents of the University of Wisconsin System*.

In fulfilling these obligations, the president directs, manages, and coordinates System Administration and the institutions of the System pursuant to Board policies. The president is also charged with the responsibility to

- assure System-wide fiscal control;
- maintain a full range of management-planning information;
- develop a single System budget; and
- coordinate academic program review, evaluation, and development on all campuses.

Administrative Personnel.

Chancellors.

Each of the universities of the System, the Centers, and Extension is headed by a chancellor who reports to the president of the System or to the Board through the president. All local policy matters which require Board approval for adoption, amendment, or rescission are submitted by the chancellor through the president to the Board. The president may include a recommendation for Board action.

System Administrative Officers.

System administrative personnel reporting directly to the president are the

- Senior Vice President for Academic Affairs;
- Senior Vice President for Administration;
- Vice President for Business and Finance;
- Vice President for Physical Planning and Development;
- Vice President for University Relations;
- Assistant to the President for Equal Opportunity Programs;
- Special Assistant to the President for Minority Affairs; and
- General Counsel.

SECTION 2

UNIVERSITY OF WISCONSIN – STEVENS POINT:

GENERAL INFORMATION

HISTORICAL OVERVIEW

Since its establishment in 1894 as Stevens Point Normal School, the university has served the state and its citizens in the preparation of teachers for the public schools. Two- and three-year curricula were offered until 1927, when the school was renamed Stevens Point Teachers College and became a degree-granting institution.

In 1951, after liberal arts degrees were authorized by the state, Stevens Point Teachers College became Wisconsin State College, Stevens Point, and a letters and science division was established. Graduate work was inaugurated in the summer of 1960 as a cooperative program with the other nine state college institutions and the University of Wisconsin (graduate studies became a full-time, independent, academic-year program in the fall of 1966). Partially as a result of the establishment of graduate programs--many of the first graduate students were in-service teachers--separate schools were created for education and applied arts in 1961. Later, in 1963, a separate school was established for fine arts.

On July 1, 1964, the name of the institution became Wisconsin State University-Stevens Point. The schools were officially designated colleges on July 1, 1967. The College of Professional Studies and the College of Natural Resources were established in 1970. On July 9, 1974, under the law merging the University of Wisconsin and the Wisconsin State Universities, the institution became the University of Wisconsin-Stevens Point. The university offers a variety of curricula in general education, liberal and applied arts, fine arts, pre-professional study, teacher education, adult education, and natural resources.

In 1994-1995, UWSP celebrated its centennial, for which Justus Paul, Professor of History and Dean of the College of Letters and Science, wrote a detailed history of the University. Copies of *The World Is Ours* are available through the University Foundation.

MISSION STATEMENTS

In addition to sharing in the mission of the University of Wisconsin System, UWSP shares in the core mission of the university cluster and has its own select mission. All mission statements have been approved by the Board.

UNIVERSITY CLUSTER MISSION.

Each university in the cluster shall:

- offer associate and baccalaureate degree level and selected graduate programs within the context of its approved mission statement;

- offer an environment that emphasizes teaching excellence and meets the educational and personal needs of students through effective teaching, academic advising, counseling, and through university-sponsored cultural, recreational, and extracurricular programs;
- offer a core of liberal studies that supports university degrees in the arts, letters, and sciences, as well as specialized professional/technical degrees at the associate and baccalaureate levels;
- offer a program of pre-professional curricular offerings consistent with the university's mission;
- expect scholarly activity, including research, scholarship, and creative endeavor, that supports its programs at the associate and baccalaureate degree levels, its selected graduate programs, and its approved mission statement;
- promote the integration of the extension function, assist the University of Wisconsin-Extension in meeting its responsibility for statewide coordination, and encourage faculty and staff participation in outreach activity;
- participate in inter-institutional relationships in order to maximize educational opportunity for the people of the state effectively and efficiently through the sharing of resources;
- serve the needs of women, minority, disadvantaged, disabled, and nontraditional students and seek racial and ethnic diversification of the student body and the professional faculty and staff; and
- support activities designed to promote the economic development of the state.

SELECT MISSION STATEMENT.

In addition to the Core Mission of the University Cluster Institutions, the select mission of UW-Stevens Point is to provide programs that help communities become more vibrant, healthy, prosperous, and sustainable. We accomplish this by providing a broad foundation in the fine arts, humanities, natural sciences, and social sciences for associate and baccalaureate degrees.

Our commitment to helping communities thrive requires that we provide education, research and outreach in a wide array of disciplines, with particular emphases at the baccalaureate level in integrated natural resources management and environmental education; in the performing and visual arts; and in areas such as business, health and wellness professions, communicative disorders, design, select engineering programs, family and consumer sciences, information science, paper science, social work, and teacher education.

UW-Stevens Point provides select master's programs in business, communication, communication sciences and disorders, health care, health promotion, natural resources, teacher education, wellness, and other select areas clearly associated with this university's undergraduate emphases. UW-Stevens Point provides a clinical doctoral program in audiology, as well as professional doctoral programs in select areas of strength at the master's level.

UW-Stevens Point puts special emphasis on promoting inclusivity, advancing human wellness, providing excellent academic support resources, offering extensive study abroad and international programs, and providing a robust array of UW-Extension programs.

ACCREDITATION AND MEMBERSHIPS

ACCREDITATION.

The University of Wisconsin-Stevens Point is accredited by the North Central Association of Colleges and Secondary Schools.

In addition, various departments and programs are accredited by these national professional organizations:

- American Chemical Society;
- American Dietetics Association;
- American Speech, Language and Hearing Association;
- National Academy of Early Childhood Programs;
- National Association of Schools of Art and Design;
- National Association of Schools of Dance;
- National Association of Schools of Music;
- National Association of Schools of Theatre; and
- Society of American Foresters.

MEMBERSHIPS.

The University of Wisconsin-Stevens Point is a member of the

- American Council on Education;
- American Association of State Colleges and Universities;
- Inter University Communications Council;
- North Central Association; and
- Stevens Point Chamber of Commerce.

MAJORS, MINORS, AND GRADUATE PROGRAMS

The University of Wisconsin-Stevens Point is authorized to confer Associate, Bachelor of Arts, Bachelor of Fine Arts, Bachelor of Music, Bachelor of Science, Master of Arts, Master of Science in Education, Master of Music Education, Master of Science, and Master of Science in Teaching Degrees.

This listing provides major, minor, and graduate degree options. Please refer to the latest University *Undergraduate Catalog* for more specific information on majors and minors, as well as information on concentrations, options, areas of emphasis, and teacher certification and to the *Graduate Catalog* for information on kinds of graduate degrees available, or contact the Registrar.

<u>Program</u>	<u>Major</u>	<u>Minor</u>	<u>Graduate</u>
Accounting	*	*	

Adventure Education		*	
Aquaculture/Fish Culture		*	
American Studies	*		
Anthropology		*	
Art	*	*	
Art History		*	
Arts Management	*		
Athletic Training	*		
Audiology (Joint Clinical Doctorate w/UW Madison)			*
Biochemistry	*		
Biology	*	*	*
Business Administration	*	*	
Captive Wildlife		*	
Chemistry	*	*	
Chemistry (ACS certified)	*		
Child and Family Studies		*	
Clinical Laboratory Science	*		
Coaching		*	
Communication	*	*	*
Communication Sciences and Disorders	*		*
Comparative Literature		*	
Computer Information Systems	*	*	
Computer Science		*	
Conservation Biology		*	
Dance (see Theatre Arts)			
Dietetics	*		
Drama (see Theatre Arts)			
Early Childhood Education	*		
Earth Science		*	
Economics	*	*	
Education, Elementary	*		*
Education, Exceptional	*	*	
Education, General			*
Education, Secondary Certification			
English	*	*	*
English as a Second Language		*	
English for Elementary Education		*	
Environmental Communication		*	
Environmental Education for Elementary and Middle School		*	
Environmental Education/Interpretation		*	
Environmental Law Enforcement		*	
Environmental Studies		*	
Environmental Studies		*	
Environmental Geography		*	
Family and Consumer Science	*		
Fisheries and Water Resources	*	*	
Forest Recreation		*	

Forestry	*	*	
French	*	*	
Geographic Information Systems and Spatial Analysis		*	
Geography	*	*	
Geology		*	
Geoscience	*		
German	*	*	
Gerontology		*	
Health Education		*	
Health Information Management and Technology	*		
Health Promotion	*		
History	*	*	*
Human and Community Resources			*
Individually Planned Major	*		
Interior Architecture	*		
International Resource Management		*	
International Studies	*	*	
Land Use Planning		*	
Mathematics	*	*	
Mathematics, Applied		*	
Mathematics for Elementary Education		*	
Military Science and Leadership (Army ROTC)		*	
Museum Techniques		*	
Music	*	*	
Music Education			*
Musical Theatre (see Theatre Arts)			
Native American Studies		*	
Natural Resources			*
Natural Science	*		
Natural Science, Broad-field		*	
Nutrition		*	
Nutritional Sciences			*
Paper Science and Engineering	*		
Peace Studies		*	
Philosophy	*	*	
Physical Education	*		
Physics	*	*	
Political Science	*	*	
Psychology	*	*	
Public Administration & Policy Analysis	*	*	
Reading Certification in English			*
Religious Studies		*	
Resource Management	*	*	
Safety and Health Protection		*	
Small City Analysis		*	
Social Science	*	*	
Social Science, Broad Field	*	*	

Social Science in Health		*
Social Work	*	
Sociology	*	*
Soil & Waste Resources	*	*
Spanish	*	*
Strength and Conditioning		*
Theatre Arts		
Dance	*	*
Drama	*	*
Musical Theatre	*	
Web & Digital Media Development	*	*
Wildlife Ecology	*	*
Women's Studies		*
Writing		*
Youth Programming and Camp Management		*

SECTION 3

UNIVERSITY OF WISCONSIN-STEVENSON POINT:

ORGANIZATION

From an organizational perspective, the university is divided largely by role and function into five primary areas:

- Chancellor's Office;
- Academic Affairs;
- Business Affairs;
- Student Affairs; and
- University Advancement

OFFICE OF THE CHANCELLOR

CHANCELLOR.

The chancellor, chief executive officer of the university, has ultimate responsibility for the programs and operations of the university. The chancellor reports to the president of the System.

Responsibilities.

The chancellor provides leadership and oversight for the efficient, economical, and educationally effective operation of the institution in order to carry out the mission of the university: provide the highest quality academic programs possible within the available resources.

ADMINISTRATIVE PERSONNEL.

The administrative staff who report directly to the chancellor:

- Provost and Vice Chancellor for Academic Affairs;
- Vice Chancellor for Business Affairs;
- Vice Chancellor for Student Affairs;
- Vice Chancellor for University Advancement;
- Executive Director of University Relations and Communication
- Chief of Staff;
- Director of Equity and Affirmative Action,
- Special Assistant to the Chancellor for Economic Development
- Executive Assistant to the Chancellor and Office Manager.

NOTE. Line officers typically have decision-making authority and responsibility for subsidiary units; staff officers normally provide support services and serve in an advisory capacity to a line officer.

CHANCELLOR'S CABINET.

The chancellor's cabinet, which normally meets monthly during the academic year and as needed during the summer, advises and makes recommendations to the chancellor. The cabinet consists of the

- Chancellor
- Provost and Vice Chancellor for Academic Affairs
- Vice Chancellor for Business Affairs
- Vice Chancellor for Student Affairs
- Vice Chancellor for University Advancement
- Executive Director of University Relations and Communication
- Policy and Planning Analyst
- College Deans
- Chairperson of the Faculty Senate
- Chairperson of the Academic Staff Council
- Chairperson of the Classified Staff Advisory Committee
- President of the Student Government Association
- President of the Residence Hall Association
- Director of Facility Services
- Director of Equity and Affirmative Action
- Director of Information Technology
- Director of Athletics
- Director of the University Library
- Special Assistant to the Chancellor for Economic Development
- Sustainability Coordinator, and
- Chief of Staff

ACADEMIC AFFAIRS

OFFICE OF THE PROVOST AND VICE CHANCELLOR FOR ACADEMIC AFFAIRS

PROVOST AND VICE CHANCELLOR FOR ACADEMIC AFFAIRS.

The provost and vice chancellor is the chief academic officer of the university. Under the direction of the vice chancellor, Academic Affairs provides leadership and direction to the faculty and academic staff in the development, administration, and assessment of instruction, and in the evaluation of faculty and academic staff. The provost/vice chancellor for academic affairs reports to the chancellor.

Responsibilities.

The provost/vice chancellor for academic affairs provides leadership and oversight for

- academic mission assessment;
- undergraduate instruction and curriculum development;

- graduate program development, instruction, and support;
- degree requirement studies;
- instructional cost analysis;
- salaries;
- appointment, evaluation, retention, and promotion of faculty; and
- appointment, evaluation, retention, and promotion of academic staff.

ADMINISTRATIVE ORGANIZATION.

Line Administrators.

Reporting directly to the vice chancellor are seven line officers:

- Assistant Vice Chancellor, Information Technology;
- Dean, College of Fine Arts and Communications;
- Dean, College of Letters and Science;
- Dean, College of Natural Resources;
- Dean, College of Professional Studies;
- Executive Director, UWSP Extension; and
- Director, Teaching-Learning Resources.

Staff.

In addition to the seven line officers, there are four staff who report to the vice chancellor:

- Associate Vice Chancellor for Personnel and Budget;
- Associate Vice Chancellor for Academic Programs and Grant Support Services and Director, International Programs
- Director, Institutional Research
- Executive Assistant to the Provost

Associate Vice Chancellor, Personnel and Budget.

Responsibilities.

This associate vice chancellor

- is the chief assistant to the vice chancellor in matters relating to personnel and budget;
- serves as the vice chancellor's designee in matters relating to personnel and budget; and
- has signature authority on personnel and budget matters in the absence of the vice chancellor.

Primary Resource.

Contact the associate vice chancellor for personnel and budget for answers to questions about

- faculty appointment, retention, promotion, or tenure;
- academic staff appointment, reappointment, promotion, indefinite appointment, and titling of instructional personnel;

- merit;
- salary;
- personnel records;
- interpretations of System and campus personnel rules and policies;
- interpretations and information about the Wisconsin Open Meetings Law and Public Records Law;
- grievances or appeals of nonrenewal, failure to reappoint, denial of tenure, or denial of indefinite appointment;
- orientation programs and activities;
- other personnel issues;
- individual personnel files; and
- the *University Handbook*.

Associate Vice Chancellor, Academic Programs, Grant Support Services, and Director, International Programs.

Responsibilities.

This associate vice chancellor

- is the chief assistant to the vice chancellor in matters relating to faculty/staff development, extramural/intramural grant programs, laboratory/classroom modernization, and general computer access programs;
- serves as the vice chancellor's designee in matters relating to faculty/staff development, grant support, laboratory/classroom modernization, and general computer access programs;
- has signature authority on faculty/staff development, grant support, and laboratory/classroom modernization; and
- supervises the Director of Grant Support Services.

Primary Resource.

Contact the associate vice chancellor for academic programs and grant support services for answers to questions about

- academic program review;
- revisions to curriculum;
- general academic program information;
- faculty/staff development programs and opportunities;
- federal, state, and local grant opportunities for research and development;
- assistance in writing grants;
- faculty/student exchange programs; and
- laboratory and classroom modernization.

NOTE. Information on overseas programs sponsored by UWSP is provided below under International Programs.

Director, Institutional Research.

Responsibilities.

The director supports institutional planning and decision-making through the preparation, analysis, and interpretation of information necessary for the evaluation of the

- performance of the institution;
- performance of units within the institution; and
- external factors which impinge upon the institution.

Primary Resource.

The director serves as the primary resource for anyone who has a need for the kind of performance evaluation data gathered or who is interested in a special project related to institutional or unit analysis or evaluation.

Executive Assistant to the Provost

Responsibilities.

The special assistant provides .25 FTE support in the following areas:

- New program development
- Curricular matters
- Completion of projects and reports as assigned
- Other duties as assigned

Primary Resource.

The special assistant serves as the primary academic affairs office resource for new program development and curricular matters.

GRADUATE STUDIES.

Policy Development.

The Graduate Council has primary responsibility for graduate policy development, approval of graduate faculty, approval of graduate courses, and graduate student awards.

Role of College Deans.

Each dean administers graduate programs and provides oversight of graduate students in the dean's college. While a dean may delegate any or all of these responsibilities to department chairpersons or departmental graduate coordinators, within each college the dean is responsible for

- graduate assistantship positions and contracts;
- graduate fee waiver allocations and processing;
- monitoring instructional graduate assistants;
- graduate grade appeals;
- granting exceptions to graduate policies;
- approving graduate transfer credits;
- approving graduate students' programs of study;
- approving changes in graduate students' programs of study;
- approving theses;

- approving comprehensive examinations;
- hooding graduates; and
- determining individual student retention in a graduate program.

In addition, each dean may give

- initial approval for time extensions, and
- temporary authorization to teach graduate courses.

In both cases, final approval is determined by the Graduate Council.

Departmental Responsibilities.

Departments which offer graduate programs have a coordinator for graduate studies who, after consultation with the department, the appropriate dean, and the vice chancellor, coordinates and directs the department's graduate studies. Each departmental coordinator

- provides leadership in the department for the encouragement and support of graduate studies;
- directs and coordinates existing departmental graduate programs;
- directs and manages administrative functions pertaining to departmental graduate studies in cooperation with the departmental chairperson;
- provides leadership in the department for the development of new graduate courses or programs;
- conducts regular departmental reviews of its graduate programs;
- provides leadership in the department for the encouragement and support of research and other scholarly and creative activities by departmental graduate faculty and students;
- coordinates departmental graduate activities with the Graduate Council and other appropriate personnel; and
- promotes the availability of departmental graduate program offerings beyond the immediate campus area.

INTERNATIONAL PROGRAMS.

Objectives.

Study-abroad programs are to enable students and faculty to gain a direct and empathetic knowledge and understanding of other countries and cultures. The Office of International Programs is charged with the responsibility to coordinate and facilitate study-abroad programs which

- complement and enhance academic programs of the university;
- meet the university's goal of internationalizing the curriculum; and
- broaden students' appreciation of other cultures.

In pursuing this mission, International Programs works closely with academic departments and other appropriate units.

Programs.

International Programs offers a wide array of opportunities for study abroad both on a regular and an *ad hoc* basis. Faculty who are interested either in leading a regular semester program or establishing a special program are encouraged to contact the director.

Fall Semester.

Programs are offered in Great Britain, Germany (Munich), Poland, and the South Pacific.

Winterim.

While countries and programs vary, Costa Rica, Mexico/Belize, and Africa, are among the areas for regular Winterim programs.

Spring Semester.

Regular programs are offered in Great Britain, Australia, New Zealand, and Hungary. In addition, language-based programs are offered in France, Germany (Magdeburg), and Spain.

Summer Sessions.

Regular.

A College of Natural Resources program in Germany and Poland is offered each summer, as are a London theatre tour, a retail studies tour, an art and architecture program to selected European countries and a Spanish language immersion program in Oaxaca, Mexico.

Special Interest Programs.

Other summer session programs vary according to the area of expertise and interest of faculty leaders. Information on these programs and programs sponsored by other UW System institutions is available from International Programs personnel.

INFORMATION TECHNOLOGY

OBJECTIVES.

The goals of this unit are

- to provide services and resources in support of requirements of academic programs; and
- to provide assistance to students, faculty, and staff.

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer of this area is the Assistant Vice Chancellor for Information Technology, who reports to the Vice Chancellor. Individuals who report to the Assistant Vice Chancellor are the staff of Information Technology and the directors of the

- Telephone Support Office; and
- University Telecommunications.

Information Technology.

Information Technology personnel provide computing support services and technology for students, faculty, and staff, including

- student computer laboratories in major instructional buildings;
- compilation, maintenance, and descriptions of a broad selection of applications software packages (the Comprehensive Software Environment);
- electronic mail;
- computer acquisition, installation, and maintenance;
- software training workshops for faculty and staff;
- staffing of the Help Desk as a rapid assistance resource for faculty and staff;
- electronic test scoring for faculty;
- installation of instructional software on the campus network;
- assistance with instructional technology and design;
- maintain and develop the campus cable plant--data, voice, and video wiring, and fiber optic cable--in accordance with recognized industry and governmental standards and university policies;
- maintain and develop the campus network operating environment in order to
 - ♦ support a range of technologies;
 - ♦ support a range of devices and means by which computers communicate with other computers (protocols), and
 - ♦ support a range of user interfaces (the environments in which users work, such as Microsoft Windows operating systems and the applications which are added by Information Technology);
 - ♦ maintain universal access to applications; and
 - ♦ remain within available resources;
- maintain and enhance network-wide utilities and applications such as electronic mail, fax, information access, conferencing, --and scheduling;
- provide access to national and international networks; and

Telephone Support Office.

Telephone Support Office personnel provide and maintain telephone services on campus-owned telephone system. Services include:

- AUDIX multimedia voice mail system including Message Manager, Internet Messaging, and Fax Attendant);
calling Cards
cell phones
pagers
- fax service;
- local, extended community and long distance call service;
personal call authorization codes
- directory services, including a campus operator, printed directory and on-line directory;

- courtesy telephones, emergency (Code Blue) telephones and Ameritech owned, coin operated, and charge-a-call telephones;
- telephone equipment, including: telephone sets (analog, digital, and IP), cords (handset and wall), soft talks (shoulder rest), cord twisters, and speaker telephones.

University Telecommunications - Distance Learning Resources.

University Telecommunication - Distance Learning Resources personnel provide Television, Video Production, Digital Multimedia, Technology training and Interactive Distance Learning services and support for students, faculty, staff and external clientele, including:

- On campus analog and digital television studio and field services and video production support for faculty and staff
- On-line linear and digital nonlinear post production support
- Video animation, CD and DVD authoring and web design, development and production
- Video format transfer, duplication and dubbing
- Audio production and multi-channel transfer and editing, equalization, DAT, Stereo and Dolby
- TV set design and construction
- Television, multimedia, and web scripting and storyboarding

TEACHING-LEARNING RESOURCES/UNIVERSITY LIBRARY

OBJECTIVES.

The goals of this unit are

- to provide services and resources in support of requirements of academic programs; and
- to provide assistance to students, faculty, and staff.

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer of this area is the director, who reports to the vice chancellor and also serves as the director of the University Library. The director of the Tutoring-Learning Center reports to the director.

University Library.

Objectives.

The University Library

- provides users with information and access to information in support of scholarly activity and research, student learning, teaching excellence, and curricular development;
- makes accessible information in all available formats; and

- provides staff for
 - ♦ consultation and advisory services to groups and individuals;
 - ♦ classroom instruction; and
 - ♦ classes in the nature and use of information materials.

Collections.

The library's collections include

- over 400,000 books and periodicals;
- over 600,000 government publications in one of Wisconsin's major federal depositories;
- 910,000 microforms;
- 2,900 serials subscriptions;
- 42,000 multimedia pieces;
- a U.S. Census collection;
- a Native American collection; and
- an assassination collection, with emphasis on John Kennedy.

NOTE. Regardless of funding source, materials purchased by the library are for the library's collection and the use of the entire university community.

Primary Resource.

Every department is assigned a library faculty liaison to assist faculty, staff, and students in using the library and its resources. Each academic department appoints a departmental library liaison to work with the library. Faculty and staff, especially departmental representatives, are encouraged to seek the assistance of their library liaison.

Catalog Access.

The library catalog and electronic services are available via the campus network and the Internet to all computing labs and all offices with computers. On-line searching, electronic and print reserve and interlibrary loan services are also available to faculty. Customized lists of databases and electronic journals are available on the campus Web portal.

Access to the catalogs of other Wisconsin and international libraries is available via the university library's World Wide Web interface.

Acquisitions.

Allocations.

A portion of the library materials budget is allocated to programs and departments based a formula combining a base allocation and the elements of number of faculty, SCHs, majors, minors, graduate students, and cost of U.S. imprints in the field as cited in the *Bowker Annual of Library and Book Trade Information*. The allocation may be used to purchase both print and non-print materials.

The University Library maintains a General Fund for purchasing interdisciplinary materials, recreational reading, developing collections in new areas, balancing the collection with materials in subject areas not covered by classroom instruction and research programs and supporting unexpected inflationary increases in periodical subscriptions, emergencies, etc.

Budget allocations will be made as early as possible during the fiscal year. Departments are expected to spend one half of the departmental allocation by December 1 and one hundred percent by the end of February 15. Unspent funds by academic departments will be reverted to the library general fund to purchase materials that the library faculty deem useful for the library.

Policies.

Departments establish their own policies regarding expenditures and acquisitions. Each department must select a departmental library representative, who is responsible for approving all requests for purchasing library materials from the departmental allocation and for submitting the requests to acquisitions personnel.

Requests.

Requests for purchases from the departmental allocation may be made online or by using official library request cards and approved by the library representative according to the department's policy. Individual department members may discuss additional library needs with their department's library liaison or other appropriate library personnel. To access the online order cards, select Collection Development/Online Library Order Form from the Library's Web. Official library request cards are available from the Acquisitions Department or from the departmental library representative.

Reserve Books.

Books to be placed on reserve are purchased on the basis of one copy per fifteen students. The department must pay for the 1st, 3rd, 5th, and any additional copies from the departmental allocation; reserve will only purchase the 2nd and 4th copies. Reserve book requests must be approved and initialed by the department library representative.

Periodicals.

Periodicals are charged to the library's general fund.

Reports.

Departments are informed monthly regarding the status of their department allocation and are notified when their funds are exhausted. Unused allocations are used to strengthen the general collection. If department requests exceed the department allocation, requests are held for the following budget year unless the department asks for the return of the request cards.

Departmental fund reports are available on the Web, arranged by title and whether or not the material is received or on order. To access the reports, select Collection Development/Departmental Fund Report from the Library's Web.

Study, Research, and Lending Facilities.

Book Stacks.

The stacks are open to all users. Materials are checked out at the main circulation desk on the first floor or at the circulation desks on the second, third, and sixth floors. Faculty and staff must present a current university ID card to check out materials. Classroom teaching personnel may check out stack books until the end of the current term and may renew books after that date. (Phone renewals are not accepted.) However, books must be returned immediately

- after the first three weeks if anyone asks for them; or
- if needed for the reserve collection.

Classroom teaching personnel are not normally charged overdue fines, but are financially responsible for lost, missing, or mutilated materials.

Reference Room.

Books located in the reference reading room normally must be used in the building unless permission is given by the reference librarian for check-out. Those reference books which may circulate may be checked out after 8:00 P.M. until 9:00 the next morning.

New Books.

A sampling of new books being added to the collection is on shelves near the west end of the main circulation desk. Items shown there are listed in the on-line catalog as being "at new book shelf," and may circulate for three weeks. New materials received in the last 1-4 weeks may also be viewed in the library's catalog. To select the New Items list from the University Library Catalog, choose "New Items" from the menus at the top of each catalog screen.

Study Cubicles and Rooms.

Locked study cubicles on the fifth floor are available to classroom teaching personnel and graduate students. Applications are taken in the Library Administrative Office on the 5th floor assignments are made semester-by-semester. Group study rooms on the fourth floor are for patrons who need to confer. Patrons may sign up at the main circulation desk for regular use of a room. Unassigned groups may use the study rooms during hours when they have not been reserved. The Group Computer Work Rooms on the fourth floor are for the use of groups of (2 or more) University faculty, staff, and students who need to work on class projects without disturbing others. There is a limit of six hours per week per group. Printing is not available from these stations; users have to save their work to a zip disk or email it to themselves and print it out from a lab or office.

Periodicals Collection.

Periodicals are on the second floor. This collection contains over 1700 journals, newspapers, and current news magazines. In addition to periodicals which support the curriculum, the collection contains professional and trade journals. National and regional daily newspapers are available each day for patron use.

Faculty may check out periodicals, including current issues, for three days (with one renewal).

Government Documents.

The government publications department is on the 6th Floor. An officially designated federal depository library, the department receives over 800 publications weekly. The collection includes the official documents of the U.S. Government from 1789 to the present.

The library is also a state regional depository library for Wisconsin documents, and is therefore required by law to collect all state-issued documents and publications and to provide public access to them. Most Wisconsin documents from 1976 to the present are included in the library's on-line catalog.

Instructional Materials Center (IMC).

Non-print Collection.

Materials in this unit, located on the third floor, include

- 16mm films;
- videos;
- computer software;
- video disks;
- compact discs;
- records;
- filmstrips;
- tapes; and
- slides.

The IMC collection also includes art prints, museum displays, statuary, and a selection of K-12 curriculum-related materials and textbooks.

Services.

The IMC provides

- viewing/listening carrels for AV programs, films, and music;
- a media production lab;
- software programs preview and evaluations;
- assistance in developing teaching materials;
- a reserve area; and
- preview /projection rooms.

Faculty and students may reserve materials for classroom use. Most materials may also be borrowed by faculty and students for personal use. Films and videos not available for circulation may be viewed in the IMC.

Media Lab.

The Media Lab is located in the Instructional Materials Center. Here faculty and staff may produce materials in various media formats for class or personal use. Each process has step-by-step instructions and library staff members are available for assistance. The lab supervisor will help plan projects and assist in deciding on the most effective media format. While there is no charge for using the lab, users must pay for production supplies.

Production processes available are

- lamination;
- dry mounting;
- lettering;
- computer graphics;
- transparencies;
- art projector for enlarging or reducing designs;
- slide production;
- audio recording;
- cassette duplication; and
- slide-tape production.

The media lab also has light tables, typewriter, paper cutters, scissors, drawing aids, x-acto knives, magazines to cut up, adhesives, tracing paper, art stencils, dictionary, paper punches, computer graphics software, a color printer, and a variety of other similar materials.

Reserve Room.

The reserve collection, on the south side of the main lobby on the first floor, contains books, pamphlets, photocopied periodical articles, sample tests, and audio cassettes. Classroom teaching personnel typically place items on reserve so all students in a class may have equal access to special materials.

NOTE. All photocopying for reserve is subject to the copyright law. A description of current copyright regulations is in chapter x, section y, of this *Handbook*.

Placing Items on Reserve.

Items from the current collection may be placed on reserve at the request of an instructor. New reserve book purchase requests must be approved and initialed by the department's library representative before they are placed on order. Approved order cards are sent to the Reserve Desk.

Titles are placed on reserve for course use at the ratio of one copy for every fifteen students enrolled. Except in special circumstances, no more than five copies of a title will be purchased for reserve.

Textbooks.

Copies of textbooks are available from textbook rental and may be placed on reserve. Request are made through the reserve room personnel.

Renewal.

Items currently on reserve for a course are automatically renewed for the upcoming semester if the timetable indicates the course is to be taught.

Circulation.

Classroom teaching personnel specify the circulation privileges which satisfy the intensity of anticipated class use--

- two-hour/overnight;
- one-day;
- three-day; and

- seven-day.

Electronic Reserve.

Electronic reserve allows students to access their class E-Reserve readings from remote locations. Items which are available on Library full-text databases (Web or CD) are not candidates for E-reserves; i.e. JSTOR, EBSCOhost or WilsonWeb, Academic Universe, ProQuest material should not be duplicated. No more than 10% of a work may be used for electronic reserves. Guidelines for submitting electronic reserves requests are available under Reserves/Electronic Reserve Guidelines on the Library's Web.

Film Rentals.

Each department is given a budget for film rental for films other than those owned and circulated by the university. (Purchase of films come from departmental library allocations.) The film rental service is part of the IMC.

Rental request forms and procedures are available in department offices. Rental catalogs and other references are available in the IMC.

Off-campus Library Services.

Use of Other UW Institutions' Libraries.

A reciprocal borrowing policy has been implemented for faculty, students, and staff in all System libraries. Borrowers must present a currently valid UW identification card to establish borrowing privileges. The borrower must adhere to the circulation policies established by the lending library, including Interlibrary Loan, and is responsible for returning materials to the lending institution. Faculty, students, and staff may also borrow items (*not* journal articles) online from all UW System libraries using Universal Borrowing. From the University Library's online catalog, select "Other Catalogs," and select the library catalog(s) you wish to search from the UW Universal Borrowing Libraries box. Materials will arrive at the library within 48 hours. UW System library materials may be returned to any UW System Library.

Interlibrary Loan.

This service enables UWSP borrowers to obtain printed materials not available in the UWSP library or in other local libraries. Books and photocopies of articles can be requested from other libraries. However, since interlibrary loan activity is regulated by national, regional, and local agreements made by participating libraries, there are some limitations on the service.

These materials are generally not available through interlibrary loan:

- books published within the past year;
- reference materials, rare items, and genealogical materials;
- newspapers, unless available in microform;
- entire volumes or issues of periodicals (but photocopies of specific articles may be requested).

Duplicating.

Regular (paper-to-paper) copying machines are located on the 1st, 2nd, 3rd, and 6th floors. A high-resolution color copier is available in the Media Lab on the 3rd floor. Faculty duplicating materials for classroom use may charge the costs to department accounts.

Microfilm-to-paper copiers are located in the periodicals department on the 2nd floor and 5th floor (in University Archives). Microfiche-to-paper copiers are located in the reference room and in the government documents area. A microfiche-to-microfiche copier is available on the 6th floor.

A periodicals photocopy service is available for UWSP Faculty. This service includes only periodicals owned by the Library. Copies will be delivered through campus mail. Please check with your department about a charge back account number. The Library will charge departments \$.05 per page. A monthly statement will be sent to each department with requesters' names, article titles, journal titles, page numbers, and the amount charged. Instructions for requesting articles are on the Library's Web site, under Periodicals.

University Archives.

Responsibilities.

The archivist

- collects, organizes, catalogs, preserves, and maintains historic records for all UWSP departments and units; and
- is responsible for the records management of all university materials to ensure that retention or destruction of records is in compliance with state statutes.

Collections.

Patrons--faculty, staff, students, and community researchers--have access to a wide variety of materials pertaining to UWSP history, local history, Wisconsin genealogy, and the regional history of central Wisconsin. Archives houses three separate but complementary collections:

- University of Wisconsin-Stevens Point records;
- Portage County Historical Society Collection; and
- Area Research Center Collection.

Archival materials generally do not circulate but must be used in the archives reading area.

Primary Resource.

In addition to responding to requests pertaining to the collections, the archivist is usually able to answer questions and provide materials pertaining to the development and history of institutional policies and procedures.

COLLEGE OF FINE ARTS AND COMMUNICATION

OBJECTIVES.

The guiding principle of the college is *the best in performance, creativity, and expression.*

The college is committed to

- excellence in training professionals in communication, the performing arts, and the visual arts;
- a broad understanding of the arts, humanities, and communication as a basis for reasoned, intelligent, and sensitive individuals interacting with other individuals and with society; and
- a broad understanding of the arts and communication as they relate to the unique aspects of diverse and dynamic cultures in a changing world.

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer of the college is the dean, who reports to the vice chancellor for academic affairs.

Departments.

Reporting directly to the dean of the college are the chairpersons of the four academic departments of the college and three staff members:

Chairpersons:

- Art and Design;
- Communication;
- Music; and
- Theatre and Dance.

Staff:

- Director of the American Suzuki Talent Education Center;
- Development Coordinator; and
- COFAC Information Technology Specialist.

In addition to the academic curricula offered by the departments, an arts management program is administered by the dean.

Cocurricular Activities.

Supplementing the course work of the departments of the college are numerous performance activities. Many of these activities are open by audition to all students of the university; some are open to non-students. Among the activities available are

- drama and musical theatre productions;
- dance concerts;
- band, orchestra, and choral concerts;
- faculty and student recitals;
- student educational television;
- student radio;
- student newspaper; and
- art exhibits.

Outreach Programs.

The dean also has responsibility for the

- Summer Arts Camps;
- Carlsten Art Gallery;

- Performing Arts Series;
- English for Foreign Students Program; and

In addition, the dean and departments work closely with UWSP Extension on outreach programs through the Conservatory for Creative Expression as well as other programs in the arts and communication as needed.

COLLEGE OF LETTERS AND SCIENCE

OBJECTIVES.

A community of teachers, scholars, and students who strive for high standards of academic excellence, the college offers majors in each of its thirteen departments and courses fulfilling general degree requirements for all UWSP programs. The goal of the college is to provide each student the opportunity to

- obtain the knowledge required to pursue graduate studies and/or professional or technical careers;
- secure those elements of knowledge in the humanities, social sciences, and natural sciences to enable the student to assume a responsible and productive role in society; and
- enroll in courses which
 - ♦ help the student understand, appreciate, and effectively use the process of learning and problem solving, and
 - ♦ increase both the depth and breadth of human understanding as it is developed within the social sciences, natural sciences, and humanities.

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer of the college is the dean, who reports to the vice chancellor.

Staff.

In addition to thirteen department chairpersons, there are two staff officers who report to the dean: one full-time associate dean and one ½-time associate dean.

Full-Time Associate Dean.

In addition to providing the dean with recommendations on matters pertaining to the college, this associate dean has primary responsibility for research, evaluation, consultation, and problem solving on

- budgets and capital needs;
- major and minor facilities projects and classroom/laboratory modernization projects;
- load studies, staffing, and other academic concerns;
- screening grant and sabbatical proposals;
- summer session budgets and student credit hour production; and
- oversight for the Museum of Natural History and its programs.

Half-Time Associate Dean.

In addition to dealing with specific projects assigned by the dean, this associate dean has primary responsibility for

- curricular matters and decisions on student requests for grade changes;
- inter-institutional agreements for student courses and credit;
- requests for financial support for second degrees; dealing with student policy matters; and
- reviewing departmental requests for curricular revisions.

Development Coordinator

Information Technology Specialists (3)

Departments.

Reporting directly to the dean of the college are the chairpersons of the thirteen academic departments of the college:

- Biology;
- Chemistry;
- Computing and New Media Technologies;
- English;
- Geography and Geology;
- History;
- Mathematical Sciences;
- Philosophy and Anthropology;
- Physics and Astronomy;
- Political Science;
- Psychology; and
- Sociology and Social Work; and
- World Languages and Literatures.

In addition, the college administers the following interdisciplinary programs:

- American Studies;
- International Studies;
- Peace Studies; and
- Women Studies.

Museum of Natural History.

The associate dean, who reports to the dean, provides oversight for the museum and its programs. The associate dean works closely with a museum advisory committee appointed by the dean, recommends policies to the dean, and is responsible for the implementation of those policies.

Objectives.

The museum, which consists of a public exhibit area in the LRC and various other scientific collections used by faculty, students, and other scientific communities, supports and enhances

- teaching, research, and scholarship in natural history;
- student training in museology; and
- public education and outreach.

Collections.

The five collections with an asterisk are the 2nd or 3rd largest in the state. The museum's collections, parts of which are on display in the exhibit area, include

- an herbarium* of over 180,000 specimens;
- 5,250 fish and reptiles*;
- 6,500 mammals*;
- 2,500 birds;
- 20,000 parasites*;
- archeology artifacts of between 200,000 and 250,00 pieces;
- 1,200 plant fossils;
- invertebrates*, primarily several thousand clams and several thousand insects; and
- geology specimens totaling several thousand.

COLLEGE OF NATURAL RESOURCES

OBJECTIVES.

The College of Natural Resources (CNR) is the largest and premier undergraduate institution of natural resources in the United States, with approximately 1400 baccalaureate and 140 master's students. The CNR offers opportunities in education, research, and outreach in integrated natural resources management, environmental education, and paper science. The college

- provides undergraduate and graduate instruction that combines theoretical concepts with applied, practical experience;
- promotes scholarly activities, especially student research, which enhance the creation and application of knowledge or contribute to the resolution of environmental and natural resources management problems; and
- shares faculty and student expertise with citizens, communities, agencies, and industries through outreach, scholarship, and consulting.

Commitment to Highest Quality in Undergraduate Education

The College of Natural Resources is committed to providing the best education available to students in natural resources, who become leaders in building a sustainable future. Student success is job one in CNR. Our excellent cadres of professional educators, who are collegial, personal, respectful and caring, offer outstanding experiential learning opportunities that are “*applied and practical*,” and “*integrated and international*.” We equip students with a tool kit for success. We focus on student-centered excellence through a variety of learning support features, such as:

- CNR Student Success Center
- CNR Student Scholarship Program
- CNR Summer Camps
- CNR International Study Courses
- CNR Student Chapters
- CNR Student Internship Program
- CNR Student Research Symposium
- GEM Education Center

Education is our Business— Serving Students and Stakeholders

Building on longstanding strengths of the College of Natural Resources, a unifying theme and vision is the Global Environmental Management (GEM) Education Center, which extends CNR's reach and enhances CNR's margin of excellence. GEM's purpose – *Pioneering and applying practical learning methods and technology to solve natural resource problems by linking faculty, students and citizens worldwide.*

ADMINISTRATIVE ORGANIZATION.

Dean (reports to Vice Chancellor for Academic Affairs)

Chief administrator. Responsible for: leadership in college-wide planning and development; building partnerships with external constituencies; faculty hiring, review and retention.

Associate Dean for Academic Affairs (reports to the Dean)

Responsible for CNR curriculum, course scheduling, and faculty teaching assignments; summer field training; international course studies; student recruitment, advising, and retention.

Associate Dean for Outreach and Extension (reports to the Dean)

Responsible for CNR field training facilities and operations; cooperative extension and outreach educational programs and services in natural resources for citizens, communities, industry and professional clients.

Departments, Disciplines, and Centers.

The CNR is organized in five disciplines and one department, as well as many centers that link instructional and outreach programs with external partners, to provide outstanding educational experiences for students on campus and stakeholders in communities of Wisconsin and beyond. Individuals who report to the dean are the

- chairperson of the Department of Paper Science and Engineering; and
- discipline coordinators and faculty in
 - Forestry;
 - Human Dimensions of Natural Resource Management;
 - Soils and Waste Resources;
 - Water Resources; and
 - Wildlife.

Individuals who report to the dean, or as delegated to the associate dean for outreach and extension, are the

- center directors of
 - Advanced Computer Lab (ACL)
 - Aquatic Entomology Lab
 - Aquatic Toxicology Lab
 - Becoming an Outdoors-Woman Program (BOW)
 - Center for Land Use Education;
 - Center for Watershed Science & Education (CWSE)
 - Central Wisconsin Groundwater Center
 - Water and Environmental Analysis Lab
 - Wisconsin Groundwater Guardian Program
 - CNR field stations
 - Central Wisconsin Environmental Station (CWES)
 - Schmeckle Reserve
 - Treehaven Field Station
 - Environmental Education and Training Partnership (EETAP)
 - Forestry Outreach Programs
 - Global Environmental Management (GEM) Education Center;
 - National Environmental Education Advancement Project (NEEAP)
 - UW-Extension Solid and Hazardous Waste Education Center
 - UW-Extension Wisconsin Lakes Partnership
 - Wisconsin Association for Environmental Education
 - Wisconsin Center for Environmental Education;
 - Wisconsin K-12 Energy Education Program (KEEP)
 - Wisconsin K-12 Forestry Education Program (LEAF)
 - Wisconsin Cooperative Fishery Research Unit
 - Wisconsin Environmental Education Board

The following individuals also report to the Dean:

- Development Coordinator
- Information Technology Specialist

COLLEGE OF PROFESSIONAL STUDIES

OBJECTIVES.

The college offers

- programs of study leading to employment in professional fields (many of which are often referred to as "helping professions"); and
- continuing education for professionals.

To meet these responsibilities, the goals of the college are to

- provide classroom, laboratory, and field experiences for students to qualify for entry into designated professions;
- provide continuing education experiences for working professionals; and
- operate learning laboratories which simultaneously provide
 - ♦ professional experiences for students; and
 - ♦ professional services to the university and region.

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer of the college is the dean, who is also the teacher certification officer for UWSP. The college is organized into schools, divisions, and departments. Administrative personnel who report to the dean are the

- Associate Deans and Heads of the
 - ♦ School of Business and Economics;
 - ♦ Division of Interior Design Architecture;
 - ♦ School of Communication Sciences and Disorders;
 - ♦ School of Education;
 - ♦ School of Physical Education and Athletic Training; and
 - ♦ School of Health Promotion and Human Development;
- Chairpersons of the
 - ♦ Department of Military Science; and
 - ♦ School of Health Care Professionals; the
- Director of
 - ♦ Athletics
- Development Coordinator
- Professional Development Network (PDN) Outreach Specialist(s)
- CPS Information Technology Specialist

UWSP EXTENSION

OBJECTIVES.

UWSP Extension personnel

- extend the resources of the university beyond the campus;
- maintain and promote the integration of the extension function in the university;
- encourage faculty and staff participation in extension and outreach activities;
- promote the utilization of distance learning and video in support of campus instruction and outreach education;
- promote the inter-campus sharing of instructional resources; and
- coordinate campus extension and outreach functions with University of Wisconsin-Extension.

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer for this unit is the Assistant Vice Chancellor for UWSP Extension.

The administrative personnel who report to the assistant vice chancellor are the directors for

- Credit Outreach;
- Outreach Education; and
- University Telecommunications.

Credit Outreach.

This unit provides non-traditional and in-service personnel an opportunity to continue or renew their education through undergraduate and graduate credit courses. Courses are typically offered at various sites in central Wisconsin or via distance learning.

Outreach Education.

Personnel in this unit facilitate noncredit professional development, learning opportunities, and personal enrichment programming offered by various areas within the university and other organizations.

Included within this unit are the Small Business Development Center and the Conservatory for Creative Expression.

University Telecommunications.

Telecommunications staff provide

- on-campus television services and video production services for faculty and staff;
- support for distance learning activities involving UWSP, other UW institutions, consortia partners, and cooperating agencies; and
- television production services for off-campus agencies and organizations.

BUSINESS AFFAIRS

OFFICE OF THE VICE CHANCELLOR

VICE CHANCELLOR.

The vice chancellor for business affairs is the chief financial and business officer of the university. The vice chancellor provides leadership and direction to the finance, business, human resources, safety and loss control, university police and security services, facility planning, administrative information systems, and facility services units and advice and counsel on those operations to the chancellor, cabinet, deans, governance units, and System offices. The vice chancellor reports to the chancellor.

Responsibilities.

The vice chancellor provides for

- development, implementation, and monitoring of the campus operating and capital budgets, finance, business, human resources, safety and loss control, university police and security services, facility planning, administrative information systems, and facility services units;

- development, implementation, and monitoring of campus policies pertinent to finance and business operations;
- development of reports and information to System and other agency offices;
- the efficient operation of units within the Business Affairs Division; and
- assistance and information to community business and governmental units.

ADMINISTRATIVE STRUCTURE.

Nine administrators report to the vice chancellor:

- Controller and Director of Financial Operations;
- Director, Facilities Planning and Space Management;
- Director, Personnel Services;
- Director, Facility Services;
- Director, Safety and Loss Control;
- Senior Budget Planner;
- Director, Administrative Information Systems;
- Director, Revenue, Liability and Parking Services; and
- Senior Internal Auditor

FINANCIAL OPERATIONS

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer of financial operations is the controller. The three line officers responsible for the internal units, who report to the controller, are the

- Director of Payment Services and Travel;
- Chief Accountant/Grant Officer, General Ledger;
- Director of Purchasing;

OBJECTIVES.

The objective of Financial Operations is to use established national standards in order to meet or exceed the expectations of its clients as it provides financial services to the campus. Financial Operations will

- provide fiscal services in
 - ♦ purchasing;
 - ♦ accounts payable;
 - ♦ travel administration;
 - ♦ capital inventory management;
 - ♦ government grant accounting and general ledger accounting; and
- provide information technology services to support administrative functions;
- ensure compliance with federal, state, Board of Regent, and university fiscal policies, laws, and procedures; and
- ensure that appropriate internal controls are in place to safeguard the university's assets and to provide accountability for those assets.

Payment Services.

In fulfilling their objective of providing non-personnel payment and pre-audit financial services for the university, personnel in this unit

- examine the authenticity, legality, authorization, and appropriateness of payment transactions and documents for timely processing;
- interpret and ensure compliance with applicable laws and fiscal and administrative policies and procedures regarding payment of non-personnel transactions; and
- provide appropriate and efficient payment of allowable travel expenses for faculty, academic staff, and classified personnel on university-related business.

General Ledger.

This unit, under the direction of the chief accountant, maintains accurate and auditable financial information for the campus in order to

- ensure compliance with applicable laws, policies, and procedures;
- exercise budget control and provide accountability of financial assets;
- administer grant accounting and financial reporting of student aid;
- provide financial reports to the campus and other appropriate agencies; and
- assist in the analysis of financial information to maximize use of resources.

Purchasing.

The objectives of the personnel in this unit are to

- expedite the purchase of quality services and commodities at the best price; and
- assure delivery of goods and services in a satisfactory and timely manner to the right place.

ADMINISTRATIVE INFORMATION SYSTEMS

In order to provide information technology services in support of administrative functions, members of this unit

- provide users with systems and support, which enable the users to meet their objectives in a timely fashion;
- provide leadership in the creation of computerized data gathering and delivery of information;
- provide training and tools which allow users to retrieve information and generate reports without technical assistance; and
- create a data model, which supports the informational needs and business functions of the university.

BUDGET DEVELOPMENT

RESPONSIBILITIES.

The senior budget planner

- develops the annual operating budget;
- works with deans, department chairs, directors, and cabinet officers to assist them as they develop their budgets within the framework of System guidelines and state statutes;

- collaborates with the associate vice chancellor for personnel and budget to determine salary increases for faculty and academic staff within legislative, Board of Regents, and Faculty Senate guidelines, and to produce salary increase letters which accurately reflect salary information; and
- prepares studies and reports for campus personnel, System, and other state agencies.

BURSAR AND DIRECTOR OF REVENUE, LIABILITY AND PARKING SERVICES

Four offices, all involved in providing student-related financial services to students, parents, staff, and System, are under the direction and oversight of the bursar/assistant controller.

Bursar's Office

Responsibilities.

Personnel in the bursar's office, located in the Park Student Services Center,

- provide a centralized, automated system for providing receipts;
- collect payments for tuition, fees, housing, and other miscellaneous charges;
- provide a deposit service for departmental revenues;
- distribute payroll checks;
- collect reimbursement for bad checks; and
- disburse financial aid loans, grants, and scholarships.

Parking Administration

The objectives of this unit are to provide convenient, quality, and affordable parking for vehicles on campus in order to meet the needs of the campus community and visitors. To meet their objectives, staff

- assign parking lots and handle parking permit sales (decals) for faculty, staff, and students;
- administer and enforce parking regulations;
- arrange conference and large group parking;
- arrange visitor and special needs parking; and
- process parking appeals;
- recommend proposals for the revision of parking regulations;
- maintain and repair parking lots and equipment;
- develop new parking areas.

Parking regulations are in chapter 9 of this *Handbook*.

Perkins Loan Administration

This office provides all services related to Perkins (formerly NDSL) loans. The staff

- prepares promissory notes;
- processes deferment and cancellation requests;
- collects delinquent accounts;
- conducts exit interviews; and
- prepares necessary reports.

Student Accounts Receivable

This office provides a centralized, automated student billing system, for which staff

- prepare billing statements;
- process refunds;
- collect delinquent accounts;
- provide financial information to students and, where appropriate, to parents; and
- prepare necessary reports.

Primary Resource

Faculty and academic staff who have any questions concerning liability for activities, events, property, contracts, or capitol equipment are encouraged to contact the bursar (Main Building 002).

FACILITIES PLANNING AND SPACE MANAGEMENT

RESPONSIBILITIES.

The director

- maintains, revises, and implements the Campus Long Range Physical Development Plan, including
 - ♦ building space utilization;
 - ♦ outdoor recreation facilities and open spaces;
 - ♦ vehicular and pedestrian transportation;
 - ♦ parking;
 - ♦ utilities; and
 - ♦ land acquisition and zoning;
- assesses facilities, develops a facility repair and capital improvements budget for submittal, and coordinates corrections of facility deficiencies;
- ensures university compliance with the Wisconsin Environmental Policy Act (WEPA); and
- has primary responsibility for local land management issues, including
 - ♦ land acquisition;
 - ♦ land swaps;
 - ♦ boundary locations;
 - ♦ public rights of way;
 - ♦ granting and procuring easements; and

- ♦ relations with the university's adjoining property owners.

FACILITY SERVICES OPERATIONS

RESPONSIBILITIES.

Personnel in this unit

- provide direct services to faculty, academic staff, classified staff, students, and visitors;
- serve as the stewards of the university's physical facilities; and
- support the academic, research, and community service mission of the university.

OBJECTIVES.

The overall objectives of personnel in these units are to

- provide optimum service;
- meet users' needs;
- implement required service and safety programs;
- ensure compliance with state and federal mandates; and
- minimize costs.

SERVICES.

Personnel in this unit provide

- mail services for the campus;
- purchase and stock maintenance items and paper supplies;
- administration of orders for materiel and supplies from off-campus vendors;
- a centralized receiving area from which items are delivered to campus offices;
- scheduling of university vehicles;
- maintenance and upkeep of university vehicles;
- housekeeping and custodial services in all academic and administrative facilities;
- grounds maintenance and snow removal for all campus land;
- landscaping, athletic field construction, and court construction;
- operation of the central heating plant;
- operation and maintenance of all heating, cooling, and ventilation equipment;
- general building maintenance and repair of academic and administrative buildings, including
 - ♦ locksmithing;
 - ♦ plumbing;
 - ♦ electrical installation and maintenance;
 - ♦ glazing;
 - ♦ carpentry;
 - ♦ masonry; and
 - ♦ painting;

- design and construction service for remodeling and renovation projects under \$30,000; equipment maintenance and repair services for refrigeration, electrical, elevators, and other specialized areas;
- furniture moving and special set-up of furniture and staging;
- auto maintenance shop for all campus vehicles;
- campus recycling program;
- trash removal;
- surplus sales; and
- identification, planning, and coordination of projects through the Department of Administration for repairs, major maintenance, and renovation.

Facility Services Operations is budgeted to maintain general purpose revenue (tax supported) facilities. Services provided to program revenue facilities, remodeling, and departmental equipment repair and maintenance is on a charge back basis. Furniture moving and equipment set-ups are normally also on a charge back basis.

Mail Services.

In order to facilitate the pickup and delivery of intra-campus and U. S. Postal Services mail, personnel in this unit

- pick up mail once a day every week-day from a centralized location in each building;
- deliver mail sorted by departments to a centralized location within each building once a day every weekday;
- deliver, pick up, and process priority or small package air and surface items for other carriers (i.e., UPS, Roadway); and
- assist units and individuals with information regarding postal regulations and preparation of bulk mailings.

NOTE. Federal Express is not available through Mail Services but may be contacted directly by individuals wishing to use this service.

Central Stores and Receiving.

Central Stores.

The personnel in this unit purchase and stock commonly and frequently used office, administrative, classroom, and maintenance supplies for timely and cost-effective resale to departments, units, and student organizations. Items not normally stocked can usually be ordered through this unit.

Receiving.

The Receiving Department is the central location for receiving and subsequent delivering of items ordered by campus departments and units and for items sent to departments/units or individuals by carriers other than the Postal Service. Items are typically delivered within 24 hours of arrival.

Transportation Services.

Transportation Services personnel provide quality and affordable transportation in expertly maintained passenger vehicles for use by faculty, staff, and authorized student organizations on official state business.

Reservations.

Advance reservations, which are required, may be made during normal business hours. Vehicles may be picked up and dropped off 24 hours per day.

Driver Authorization.

Personnel who use fleet vehicles must have a *Vehicle Use Agreement* on file with the transportation office. State policies also require checking users' driving records. Forms may be obtained from and questions addressed to the transportation office.

Van Driver Training.

University policies require that any individual requesting to drive a 15-passenger van must complete a Van Driver Training Program or hold a commercial license. Transportation offers a training program.

Policies and Prices.

Complete information on the use of university vehicles is in chapter 9 of this *Handbook*, under *Transportation Services Policies*.

INTERNAL AUDITOR

The internal auditor

- ensures that adequate internal financial controls exist and are in place, and
- conducts financial and compliance audits for the campus.

PERSONNEL AND PAYROLL SERVICES

Of the fifteen separate classifications of functions performed by the staff of Personnel and Payroll, only three--benefits administration and counseling, retirement counseling, and consulting activities--are optional services. The remainder are all required by federal, state, and System laws, mandates, regulations, policies, or procedures.

RESPONSIBILITIES.

Staff members

- provide advice to administrative personnel on appropriate salary or pay ranges, which includes these functions related to academic staff:
 - ♦ classification and titling of vacant positions;

- ♦ reclassification or re-titling of current positions; and
- ♦ administration and interpretation of Hayes-Hill guidelines and procedures.

For specific information concerning Hayes-Hill guidelines, refer to Chapter 4, section 4, in the subsection titled "Minimum Qualifications for Appointment and Promotion," or Chapter 4, section 5, the local Hayes-Hill procedures ("Hayes-Hill Titling Advisory Committee Operational Procedures and Policies").

- process payroll information for unclassified staff, student employees, and classified personnel, including completion of I-9 forms;

NOTE. There are two categories of employees authorized under state statutes:

- *unclassified* personnel, who are primarily faculty, academic staff, and student employees; and
 - *classified* personnel, who are primarily clerical and support personnel or limited term employees.
- administer insurance benefits programs for unclassified and classified staff;
 - administer retirement programs for unclassified and classified personnel, and offer retirement counseling;
 - administer performance evaluations for classified staff and non-classroom-teaching academic staff;
 - administer classified and unclassified sick leave, vacation, and leave programs;
 - handle labor relations matters related to classified personnel;
 - administer recruitment, classification, and compensation programs for classified personnel;
 - coordinate training programs for classified staff; and
 - ensure compliance with applicable laws, policies, and procedures.

SAFETY AND LOSS CONTROL

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer of safety and loss control is the director, who reports to the vice chancellor for business affairs. The director is responsible for risk management, property, liability and worker's compensation claims management administration, loss prevention initiatives, and provides oversight to four directors/managers:

- Director, University Police and Security Services;
- Director, Environmental Health and Safety;
- Manager, Printing & Design Services; and
- Worker's Compensation Coordinator.

Faculty and staff who have questions concerning liability for activities, events, property, safety hazards, or working conditions are encouraged to contact personnel in the appropriate safety and loss control unit or the director.

REPORTING ACCIDENTS AND THEFTS.

Immediately report accidents and criminal activities to University Police and Security Services, extension 3456. Subsequent claims for insurance or medical purposes are filed with Risk Management.

OBJECTIVES.

Safety and Loss Control areas involve direct services to faculty, academic staff, classified staff, students, and visitors. Access to those services is directly with the specific area for some and through one's own department or unit office for others. The overall objectives of units within Safety and Loss Control are to

- preserve the physical and human assets of the university;
- assure the continued operation of the university through the promotion of a safe environment;
- implement service and safety programs which complement the university's mission;
- ensure compliance with UW system policies and state and federal mandates;
- manage risk exposure to minimize loss;
- meet users' needs; and
- minimize insurance premium costs.

Risk Management.

Responsibilities.

Personnel in this area are responsible for

- administering the university's liability and property insurance program;
The university is self-insured; guidelines and policies for insurance coverage are statutory and administered through UW System Risk Management and the Bureau of State Risk Management.
- claims management administration;
- conducting accident investigations; identifying areas that warrant policy development to minimize risk exposure;
- initiating risk management cost and intervention programs to control loss;
- managing the special event insurance program; and
- managing the camps and clinics insurance program.

Objectives.

Primary objectives are to

- ♦ maintain and preserve the assets of the university;
- ♦ identify and control potential property and personnel liability;
- ♦ facilitate property and liability claims reporting, investigation, and adjustment;
- ♦ develop and administer loss control techniques to reduce frequency and severity of losses; and
- ♦ assist departments and units in
 - ♦ assessment of risk management practices;
 - ♦ training of personnel in risk management;

- ♦ risk analysis; and
- ♦ implementation of liability loss control practices to reduce risk exposure.

Liability and Property Insurance.

The university is self-insured. Authority and policies for insurance coverage are statutory. Guidelines and policies have been developed by the Bureaus of State Risk Management and UW System Risk Management.

Worker's Compensation.

Responsibilities and objectives are to

- facilitate case management of work related injuries or illnesses, including:
 - reporting and procedures;
 - preparation of forms; and
 - coordination of investigations and rehabilitation processes;
- minimize risk of occupational injuries and illnesses through the use of recommended loss prevention and control techniques;
- promote health and safety awareness and safe work practices;
- conduct accident analyses to correct deficiencies and avoid recurrences;
- promote early return to work of injured employees by working in close cooperation with the supervisor to coordinate light or alternate duty assignments;
- prepare reports to inform division heads of worker's compensation claims processed for their area; and
- act as a liaison between the injured employee and UW System Administration.

Environmental Health and Safety.

Members of this unit are the primary campus resource for information and service directed toward improving staff occupational safety and securing environmental performance. The objectives of this unit are to

- ensure university compliance with environmental and occupational safety and health regulations;
- provide advice and recommendations on avoiding the creation of environmental or occupational health hazards;
- improve working conditions related to occupational safety and health; and
- enhance environmental practices.

To meet the unit's responsibilities, staff members:

- facilitate environmental, health, and safety program development;
- implement environmental, health, and safety training programs;
- complete industrial hygiene and ergonomic surveys and reports;
- investigate complaints related to work and safety hazards;
- participate in external and internal environmental health and safety organizations;
- establish programs and protocols for radiation safety;
- establish programs and protocols for hazardous materials management and hazardous waste disposal;

- complete required environmental inventories and reporting;
- coordinate with other campus units for
 - ♦ safety inspections;
 - ♦ accident investigations;
 - ♦ radiation safety;
 - ♦ loss prevention;
 - ♦ worker's compensation;
 - ♦ wellness issues; and other environmental, health, and safety issues.

University Police and Security Services.

University Police and Security Services is located in the George Stien Building, 1925 Maria Drive, on the north end of campus adjacent to Colman Field, and is open 7 days per week, 24 hours per day. The telephone extension is 3456.

Objective.

The objective of the university police and security services unit is to provide a safe environment to learn, work, and live. This encompasses protection of persons and property, and assistance to students, faculty, staff, and visitors to the university.

Responsibilities.

To achieve their objective, staff members provide

- ♦ basic protection of individual rights;
- ♦ protection of persons and property;
- ♦ patrols to deter and detect crime and fire/safety hazards;
- ♦ investigation of reported incidents;
- ♦ identification and elimination of hazards;
- ♦ identification and elimination of opportunities for crime;
- ♦ enforcement of university regulations and state laws;
- ♦ enforcement of UWS and UWSP parking regulations;
- ♦ personal escorts;
- ♦ student transit service;
- ♦ campus crime prevention and individual awareness programs.

Other Services.

Augmenting primary responsibilities, the members of the unit also provide

- 24-hour emergency telephone call responses from campus telephones (calls from the outside emergency telephones with blue lights mounted on top are automatically routed to University Police and Security Services);
- after-hours switchboard service (after-hours calls to the university operator are automatically routed to university police and security services);
- oversight and supervision for the Student Security Patrol;

The Student Security Patrol program was developed to augment University Police and Security Services personnel. Its members provide

additional security in and around residence halls, academic and administrative buildings and parking lots.

- oversight of the student armory
- telephone service for reporting maintenance and grounds problems after normal business hours;
- facilities to pick up vehicle transportation packets after normal business hours; and
- safety inspections.

Printing & Design Services.

This unit provides a centralized rapid digital mass reproduction service for faculty, staff, and student organizations. Services include

- digital submission of jobs – pdf files and most publishing software – from Windows or Macintosh platforms;
- completely networked digital capabilities;
- 24 hour turn-around time for most projects;
- choices from among a wide variety of paper types and colors;
- high volume copying;
- full color and two-color copying;
- business cards;
- full color pin-on 2.25” buttons
- half-tone and screening;
- bindery services, including
 - ♦ collating and stapling;
 - ♦ tape binding (as projects are run);
 - ♦ folding;
 - ♦ creating booklets;
 - ♦ punching;
 - ♦ cutting;
 - ♦ tabs; and
 - ♦ personalized note pads;
- laminating;
- assistance in developing a project for on-campus printing;
- limited desk-top publishing; and
- maintenance of convenience copiers.

Copiers for departmental use and coin-operated copiers for student and personal use are located in various academic buildings.

Price quotes and brochures fully explaining services are available directly from Printing & Design.

NOTE. The Copyright Law, an explanation of which is in chapter 5 of this *Handbook*, establishes strict limitations on what may legally be reproduced. Persons who have questions regarding print materials may contact printing staff.

STUDENT AFFAIRS

OFFICE OF THE VICE CHANCELLOR

VICE CHANCELLOR.

The vice chancellor for student affairs is the chief administrative officer for student development and student services. The vice chancellor provides leadership and direction for units extending the learning environment outside the classroom and in the public relations activities of the university, and serves as a liaison to the central Wisconsin region and other external constituents. The vice chancellor reports to the chancellor.

Responsibilities.

The vice chancellor provides direction and leadership for

- community relations and promotion of the university as a state-wide resource;
- programming in student development and student services to expand and shape the learning environment outside the classroom;
- development, implementation, and monitoring of campus policies pertinent to student development;
- development, implementation, and monitoring of campus policies pertinent to the use of student funded facilities;
- development and maintenance of student housing facilities; and
- coordination of university-wide special events.

Goals.

To meet their responsibilities, personnel in the various units seek to

- develop campus and community policies and practices which involve students and teach democratic principles;
- provide high quality, cost-effective human services;
- provide a living and dining environment which is safe, clean, accessible, affordable, and educationally oriented;
- provide a comprehensive involvement network offering leadership and service opportunities;
- foster positive relationships with university constituents;
- promote the understanding of a balanced lifestyle, including the exploration of the social, physical, intellectual, career, emotional, and spiritual aspects of wellness;
- communicate their knowledge and expertise to faculty, students, and other constituents; and
- extend services, expertise, and facilities beyond the campus.

ADMINISTRATIVE STRUCTURE.

Staff.

In addition to fourteen line officers, there is one staff officer who reports to the vice chancellor:

- Assistant to the Vice Chancellor for Student Affairs, Budget.

Assistant to the Vice Chancellor, Budget.

This assistant

- provides consultation, advice, and recommendations to the vice chancellor on the financial operations of the division;
- manages daily administrative activities;
- prepares personnel contracts for the division;
- coordinates the auxiliary budget process for the campus;
- provides financial reporting/expertise for all auxiliary operations on campus; and
- has primary responsibility for fee waivers for faculty and academic staff.

Line Administrators.

Reporting directly to the vice chancellor are fourteen line officers:

- Director, Academic Advising Center and New Student Programs
- Director, Alumni/University Relations
- Director, Career Services
- Director, Conference and Reservations;
- Director, Counseling Center;
- Director, Development and UWSP Foundation
- Director, Health Services;
- Director, Helen R. Godfrey University Child Learning and Care Center;
- Director, Multicultural Affairs;
- Director, News Services
- Director, Residential Living;
- Director, Tutoring/Learning Center;
- Executive Director, Enrollment Services; and
- Executive Director, Student Development and University Centers.

ACADEMIC ADVISING CENTER AND NEW STUDENT PROGRAMS

PROGRAMS.

Three units, all involved in providing services for new students, are under the direction and oversight of the director. Two of the units also serve continuing students.

New Student Orientation.

These retention-based programs are conducted during the summer for new freshmen and during continuing registration for transfer students. Personnel meet with new students and their parents to provide

- placement testing;
- advising;
- course registration; and
- information on such matters as
 - ♦ academic policies;

- ♦ academic support programs;
- ♦ housing and other student development programs; and
- ♦ sexual harassment and discrimination.

Student Academic Advising Center (SAAC).

Direct Student Services.

Personnel in this unit provide

- academic advising for undeclared majors;
- alternatives advising for students in transition between majors; and
- assistance to students in
 - ♦ developing educational plans;
 - ♦ selecting a major; and
 - ♦ clarifying the relationships between educational plans and career goals.

Additional Responsibilities.

The staff members in SAAC also

assist departments in establishing and maintaining effective academic advising programs and in assessing academic advising;
 advise new freshman in specific majors (following consultation with and at the request of departments);
 distribute information to faculty advisers about changes in academic policies and procedures not yet in the catalog;
 provide training and counseling programs for all first-time advisers; and
 provide general training for all peer advisers.

Office of Disability Services.

Objective and Responsibilities.

The objective of personnel in this area is to ensure that qualified students with disabilities are provided equal access and accommodations appropriate to their disabilities in all university programs and academic pursuits. To meet this objective, staff members

- inform students with disabilities about the availability of accommodations or adjustments;
- collect documentation from students in order to make appropriate accommodations;
- inform students with disabilities of their rights;
- promote self-advocacy among students with disabilities;
- sensitize and inform faculty and staff about the law and other issues related to disabilities; and
- provide not only accommodations but address the psycho-social, advising, and career needs of students with disabilities.

Primary Resource.

The staff in this unit will answer questions and address concerns of faculty and academic staff who need information or assistance in dealing with a disabled student

or who believe they have students in their classes or in co-curricular activities who have unidentified physical or learning disabilities.

The Director of Disability Services also serves as the campus ADA (Americans with Disabilities Act) Compliance Officer.

A copy of the *1996-1997 Disability and Accommodations Handbook* may be viewed in chapter 9 of this *Handbook*.

ALUMNI/UNIVERSITY RELATIONS

Under the leadership of the director, who reports to the vice chancellor for student affairs, personnel in Alumni/University Relations

- Establish and maintain a mutually beneficial relationship between the university and its alumni and friends;
- Plan and implement an annual calendar of events that support the university's development and communication objectives;
- Regularly communicate with constituents to strengthen the university's image and increase the support of key constituencies such as students, faculty and staff, alumni, volunteers and other friends of the university;
- Direct the activities of the Alumni Association Board of Directors and the Board of Visitors
- Manage and maintain a computerized database of over 50,000 alumni and friends.

CAREER SERVICES

The Career Services Office provides comprehensive career/life planning and job search assistance linking education and the world of work for UWSP students and alumni. Toward this end, the staff provides:

Career counseling

Career assessment opportunities with follow-up interpretation

Job search assistance including resume development, correspondence, interviewing, employer identification, and related workshops

Electronic registration process providing:

- online access to vacancy postings
- on-campus interviewing and related events
- referral to employers seeking candidates for internships and career positions
- inclusion in electronic resume books

Internship information to integrate classroom learning with related work experience

Sponsorship of job/career fairs and information about other fairs throughout the state and country

Graduate/professional school information

Office library housing computers, employer literature, employment and graduate/professional school resources

Follow-up studies of recent UWSP graduates tracking their employment or continued education

Booklets and handouts on a wide range of career and job search topics

In addition, the staff of this unit also:

Teach a Career Exploration course and make numerous presentations in classes across the disciplines

Administer the Cooperative Education Program in which approximately 125 students receive work experience related to their academic and career interests

Co-coordinate the ACCESS Program (Academic and Career Counseling Enabling Student Success) in concert with the Student Academic Advising Center

Coordinate the Freshman Scholarship program

Serve as liaisons between the university and the employer community to bridge education and the world of work

CONFERENCE AND RESERVATIONS

RESPONSIBILITIES.

The Conference and Reservations Office has been delegated the managing authority of university facilities for non-curricular use. Personnel in the office schedule the use of campus facilities for discussion of public questions or for civic, social, recreational, or athletic activities. The university is obligated to provide requested facilities to residents of the state to the extent that the facilities are available and resources permit.

Authority.

Responsibility and authority for management of university facilities derives from Chapter UWS 21 (Rules of the Board, Wisconsin Administrative Code; see chapter 2, section 3) and is exercised in accordance with the provisions of the university's Facilities Use Policy.

Facilities Use Policy.

A copy of the *Facilities Use Policy* is in chapter 9 of this *Handbook*.

SERVICES.

Personnel in this office

- make reservations for the use of all campus spaces (indoors and outdoors) for all campus activities other than academic classes;
- accept reservations for space use in person, by mail, or by telephone;
- do not charge a facilities use fee (room rental) for departments, units, or other campus organizations;

- do not charge a facilities use fee for off-campus organizations sponsored by campus organizations but do not waive equipment or maintenance charges;
- assist organizations with food service requests;

NOTE. The University Food Service Catering Office has the exclusive contractual rights for providing food service on campus. The only exceptions are athletic events, the CPS cafeteria, and recognized student organization meetings where food service costs do not exceed \$50. Other organizations may sometimes receive a waiver from catering and provide their own food service.

- assist organizations in providing technical support from slide projectors to concert sound or lighting;
- coordinate parking for larger events; and
- coordinate summer conferences, institutes, workshops, and camps.

COUNSELING CENTER

RESPONSIBILITIES.

Counseling Center staff members promote a wellness lifestyle by

- providing services and programs to enable students to learn skills, attitudes, and behaviors for healthy personal development and successful academic progress;
- providing opportunities for students to learn to
 - ♦ manage personal problems and institutional crises effectively and independently; and
 - ♦ enhance learning skills and motivation; and
- providing consultation for faculty and staff.

SERVICES.

Staff of the Center provide

- crisis intervention and emergency coverage;
- psychological assessment, counseling, and psychotherapy;
- consultation;
- developmental programming for students; and
- a testing center for students and departments through arrangement with ETS.

OBJECTIVES AND PROGRAMS.

Objectives.

Primary objectives to meet responsibilities are to

- encourage students to make responsible choices;
- provide information and assistance with psycho-physical problems;
- promote awareness of connections between physical and emotional well-being;
- provide psychological services to students experiencing difficulties with academic work;
- encourage career decisions based on realistic assessments of self, environment, and opportunities;

- provide information and consultation to students regarding college, major, and career decisions;
- provide information and psychological development opportunities in helping students understand and express emotions in a healthy manner;
- assist students in identifying and resolving emotional difficulties; and
- provide information and assistance related to values clarification and behavioral integrity.

Programs.

Programs, services, and environments provided by staff to meet the objectives include

- crisis intervention;
- individual counseling;
- group counseling;
- group informational sessions;
- consultation;
- psychological assessment;
- relaxation training;
- test anxiety management;
- academic assistance counseling;
- testing (intelligence, career, achievement, study skills, etc.);
- testing services for departments (placement, CLEP, etc.);
- career information resources (career search software is available); and
- a self-help library.

DEVELOPMENT OFFICE AND UWSP FOUNDATION.

The Development Office is headed by the Executive Director of Foundation/Development, who reports to the vice chancellor of student affairs in matters pertaining to the development office and to the UWSP Foundation Board of Directors for matters pertaining to the Foundation.

Objectives.

To meet their objectives to develop, coordinate, and implement activities which generate gifts to the institution, personnel in this unit

- engage in fund raising;
- assist departments, units, and personnel in fund raising;
- identify and cultivate prospective donors;
- accept gifts to the Foundation on behalf of the university;
- provide for donor recognition;
- ensure fiduciary responsibility for asset management of the UWSP Foundation;
- provide account services for Foundation accounts to departments and units; and
- maintain donor records.

ENROLLMENT SERVICES

OBJECTIVES.

Personnel in Enrollment Services areas work with parents and students to

- recruit students;
- provide assistance and information about enrollment, scholarships, academic requirements, and related matters;
- provide information and counseling on financial aid;
- assist students in exploring career options and opportunities;
- help foreign students matriculate and succeed in their new environment; and
- maintain accurate and current academic records.

ADMINISTRATIVE ORGANIZATION.

The chief administrative officer for this area is the executive director for enrollment services, who also serves as registrar and director of registration and records.

Administrative personnel who report to the executive director are the

- Director, Admissions and High School Relations;
- Director, Financial Aid; and
- Director, Foreign Student Programs.

Admissions and High School Relations.

Admissions.

Admissions personnel have primary responsibility for

- ensuring compliance with federal and state laws, Board policies, and university policies on equal opportunity and affirmative action in the admission of students;
- verification of high school graduation or the equivalent;
- verification of transfer credits and determination of course equivalents;
- admission of
- new students;
- transfer students;
- foreign students; and
- re-entering students, special students; and high school students;
- re-admission of suspended students;
- determination of residency and eligibility of Wisconsin-Minnesota reciprocity; and
- enrollment management.

High School Relations.

High School Relations personnel

- create marketing and recruitment strategies and programs;
- recruit academically successful and talented students;
- ensure the consistent improvement of the quality of new students;
- assist individual departments in developing and implementing recruiting programs; and
- coordinate the administration of the Freshman Scholarship Program.

Registration and Records.

Personnel in this unit

- register every student;
- handle all drop/add procedures;
- maintain academic records;
- provide progress reports for advising to each student;
- provide grade sheets to each enrolled student each semester;
- provide transcripts;
- produce the semester timetable;
- develop the academic calendar;
- maintain accurate information on all majors, minors, concentrations, and unique course sequences;
- maintain accurate descriptions of all courses;
- provide certification for students requiring verification of enrollment; and
- certify completion of degree requirements for graduation.

Financial Aid.

Financial aid is available to students based on need (e.g., Pell Grants or Supplemental Educational Opportunity Grants) and based on factors other than need (e.g., Unsubsidized Stafford Loans or scholarships).

The objectives of personnel in this unit are to

- provide help to students and their parents in finding the resources to finance the students' education at UWSP;
- provide aid in a timely, accurate, and personal manner; and
- provide financial assistance without overburdening individuals with excessive indebtedness.

To meet these objectives, staff members

- acquire, learn, and disseminate current information on aid procedures;
- provide information on the availability of aid;
- provide counseling and advice to students and families seeking assistance with the forms necessary for filing for aid;
- conduct careful and thorough analyses of aid forms to determine eligibility and appropriate levels of assistance;
- award aid to students with a demonstrated need;
- monitor recipients' eligibility; and
- adjust awards when necessary.

Foreign Student Programs.

The goals of personnel in this unit are to

- help foreign students become productive and contributing members of the UWSP community; and
- facilitate campus and community utilization of the cultural resources embodied in the foreign student population.

To achieve their goals, staff members

- encourage and facilitate interaction among foreign students and host families, American students, campus organizations, and the community at large;
- provide orientation programs for new foreign students each semester;
- provide leadership development programs and activities;
- encourage co-curricular involvement; and
- develop community outreach programs.

HEALTH SERVICES

RESPONSIBILITIES.

Health Service personnel

- place a high priority on the prevention of illnesses and injuries;
- are dedicated to preserving and promoting the quality of life for all students;
- offer a full range of clinical, pharmaceutical, and laboratory services;
- provide prompt and high quality medical care to ensure that health problems, illness, and injury are appropriately assessed and treated or patients are appropriately referred for treatment;
- provide rehabilitation and follow-up treatment for ongoing illnesses and/or injuries; and
- provide students with a variety of health related information, programs, screening options, and resource materials to make appropriate decisions to improve personal health and wellness.

NOTE. Health Service personnel do not provide instructors with written excuses or verbal confirmation of student illnesses.

ELIGIBILITY, INSURANCE, AND CONFIDENTIALITY.

Eligibility.

The Health Service is available to all currently enrolled UWSP students who have completed the required medical history forms.

Health Insurance.

Students are not required to have insurance to be seen at the Health Service. However, students are urged to consult with their families about coverage or consider obtaining a student insurance plan for services such as emergency and hospital care, specialist care, laboratory care, and ambulance transport.

Confidentiality at the Health Service.

All medical records and patient visits are completely confidential. Medical records are not released to anyone without the student's written consent. Students may review their personal medical records at any time.

HOURS.

The health service is open

- Mondays – Thursdays 7:45 A.M. to 4:30 P.M.;
- Fridays 7:45 A.M. to 4:00 P.M.

Appointments Required.

Except for emergencies, all students are seen only by appointment. The appointment desk is open 7:45 to 4:30 Monday through Thursday, and 7:45 to 4:00 on Friday.

Urgent and Emergency Services.

Consideration is always given to students with sudden severe illness or injury and emergencies. Emergency patients are given priority based on the severity of their condition.

After-hours Care and Hospitalization.

After-hours care is available through the Emergency Room at St. Michael's Hospital or at the Urgent Care Center at the Rice Clinic. Hospitalization is also available at St. Michael's Hospital if necessary. Payment is required at the time of service if you do not have insurance.

St. Michael's.

The main and emergency entrances to the hospital are located just off Illinois Street between Sims and Prais Streets. (The hospital is directly across the street from Delzell Hall but the entrances are on the north side of the building.)

Rice Clinic.

The Urgent Care Center is located at St. Michael's Hospital, 900 Illinois Avenue. The entrance to the Urgent Care Center is on Illinois Avenue.

SERVICES.

Normal outpatient care includes the broad range of services usually associated with a quality health care facility, and a pharmacy. Details are available from the Health Services receptionist and on Netscape at wellness.uwsp.edu.

HIV/AIDS Antibody Treatment and Counseling.

The University Health Service has been designated as part of the Wisconsin Division of Health HIV Testing and Counseling Program. Health Service personnel provide free HIV antibody testing and pre- and post-test counseling for students. To ensure full confidentiality and anonymity, no identifying information is required when scheduling an appointment.

STAFF.

Personnel in the unit include

- physicians;

- nurse clinicians;
- physician assistants
- medical technologists;
- pharmacist;
- wellness coordinator;
- medical assistant;
- licensed practical nurses; and
- physical therapist.

MULTICULTURAL AFFAIRS

OBJECTIVES.

The objective of multicultural affairs personnel is to conduct activities and provide services which enhance cultural diversity. To achieve this objective, staff

conduct a variety of programs aimed primarily at the enrichment, recruitment, and retention of minority students;

coordinate cultural awareness activities with student organizations

- ♦ AIRO, American Indians Reaching for Opportunity;
- ♦ BSU, Black Student Union;
- ♦ SALSA, Stevens Point Alliance for Latino Studies and Advancements; and
- ♦ HaSEAAC, Hmong and South East Asian American Club;

support cultural awareness activities of faculty and academic staff with the colleges;

provide financial support to minority students; and

coordinate the university's Design for Diversity Plan.

ADMINISTRATIVE ORGANIZATION.

Administration.

The chief administrative officer is the Director for Multicultural Affairs. Administrative personnel who report to the director are the

- Director, Educational Support Programs;
- Director, Native American Center;
- Director, Upward Bound;
- Outreach Specialist, Multicultural Resource Center;
- Coordinator, Pre-college Programs; and
- Senior Outreach Specialist, Program for Academic and Cultural Enrichment.

Programs.

Multicultural Affairs oversees programs designed to attract and retain minority students:

Educational Support Programs.

The goal of personnel in this unit is to assist disadvantaged students make an effective adjustment into the university environment.

Disadvantaged students are those defined by federal statutes as

- coming from families with low income;
- first generation college students determined to be at risk; and
- physically disabled or learning disabled students.

Pre-college Programs.

Sponsored and funded by the Department of Public Instruction, these programs bring minority students in grades 7 through 12 to campus each summer for academic skill building, enrichment, and career opportunities awareness.

Upward Bound.

Funded by the Department of Education funded, Upward Bound brings disadvantaged high school students to campus for four summers for academic skill building. The students are monitored by the program director throughout the academic year through their high school counselors and program staff.

Native American Center.

The Center provides technical assistance to Native American tribes in Wisconsin and also works with Native American students on campus.

Multicultural Resource Center.

The Center works closely with minority student organizations on campus and provides special assistance to minority students.

UNIVERSITY NEWS SERVICES.

The news services unit is headed by the director, who reports to the vice chancellor for student affairs.

NOTE. Any materials to be printed off campus must have prior authorization from the agency printing manager in news services. To assist departments and units in this process, personnel will help arrange for desktop graphics and layout services, and will edit and proofread copy.

As a further service to departments and units, personnel will also help arrange for desktop graphics and layout services and will edit and proofread materials to be reproduced through campus duplicating services.

Responsibilities.

Personnel in this unit work with other departments and units to ensure the quality of all university publications.

In fulfilling this obligation and their other responsibilities in print procurement and as the university's primary public relations area, staff members in this unit

- gather and disseminate news and information to newspapers and radio and television stations throughout the state and nation;
- consult with and assist personnel and students in the development of publications;
- procure printing (provide consultation on procedures, estimate printing costs, select paper, edit copy, provide other similar services);
- provide photographic services for departmental, administrative, or university-wide projects and publications;

- edit and produce the university catalog, the weekly campus newsletter, and alumni publications;
- support administrative units and academic departments through writing, photographic, and editorial services;
- provide, in cooperation with academic departments, student and staff training and internships in writing, editing, and photography;
- serve as a clearinghouse of information about the university for the public and local, state, and national media;
- serve as public relations consultants to administrators, faculty, staff, and students;
- develop in-house communications;
- coordinate special public relations projects; and
- consult with university personnel to maximize media exposure.

Primary Resource.

Contact University News Services to

- place items in the Campus Newsletter;
- provide information for news releases (including *The Pointer*);
- get information and assistance in developing printed materials for publication;
- get authorization to have materials printed off campus; or
- get assistance in any area related to the objectives of the unit.

STUDENT DEVELOPMENT AND UNIVERSITY CENTERS

Student Development and University Centers consists of six primary units under the direction of the executive director:

- Centers Operations & Facilities;
- Centers Services;
- Campus Activities and Recreation;
- Student Involvement and Employment;
- Student Health Promotion, and
- Student Rights and Responsibilities.

STUDENT DEVELOPMENT & UNIVERSITY CENTERS MISSION

To help shape a productive and healthy campus culture by providing essential services, by maintaining unique facilities where the campus community can gather and renew, and by extending the learning environment outside of the classroom.

STUDENT DEVELOPMENT & UNIVERSITY CENTERS GOALS

Services Goal

Provide essential, high quality, cost effective and convenient human services the university needs regularly.

Primary Units:

- University Dining

- University Store
- Textbook Rental
- Technology Systems and Promotions
- Point Card Access/Debit System
- Information & Personal Service Center
- Hair Salon, Copying Center, etc.
- University Box Office

Environments Goal

Create and manage a variety of stimulating, safe, comfortable, clean and accessible environments that encourage the university community to gather, to learn and to have fun together.

Primary Units:

- Daily Operations
- Space Utilization
- Facilities & Décor Planning
- Maintenance Programs
- Custodial Services
- Safety Loss Prevention and Recycling Programs
- Program and Technical Services
- Personnel and Business Administration

Education Goal

Engage students in a comprehensive student involvement network that offers work, service and leadership opportunities which teach personal and professional skill development and the principles of wellness.

Primary Units:

- Student Employment Programs
- Volunteer/Service Learning Programs
- Student Governance Programs
- Student Organization Administration
- Organization Advisor Coordination
- Leadership Training Programs
- Student Health Promotion
- Social and Global Education

Renewal Goal

Develop and promote recreational and leisure activities that enhance a sense of belonging, encourage positive student socialization and provide for fun, fitness and human renewal.

Primary Units:

- Centertainment Productions
- Performing Arts Production & Promotion

- Basement Brewhaus
- Entertainment Contract Management
- Campus Calendar & Usher Service
- Group Fitness/Cardio Center
- Intramural Programs & Club Sports
- Outdoor Recreational Services
- Adventure Programs

STUDENT HEALTH PROMOTION GOAL

Provide information and behavior change interventions in the areas of alcohol, tobacco, nutrition, sexual abuse, stress and overall fitness to assist UWSP students in reaching their academic objectives.

STUDENT RIGHTS AND RESPONSIBILITIES GOAL

Teach and/or manage appropriate social behaviors within the community with a focus on self-responsibility, self-determination and self-discipline as we pursue a safe, healthy and just community. Within this unit are the following functions:

- Academic misconduct (UWS Chapter 14)
- Non-academic misconduct (UWS Chapter 17)
- Conduct on university lands (UWS Chapter 18);
- Policy development for student behavior related to alcohol and other drugs, tobacco use, sexual behavior/harassment, complaints of discrimination, educational rights & privacy and accommodation of religious beliefs (UWSP Chapter 22);
- Student legal issues; and
- Management of student emergency/crisis situations.

The Rights & Responsibilities area works closely with the Residential Living, Student Health Promotion, Campus Security and with various community agencies when necessary to resolve issues of alcohol/drug abuse, sexual abuse and other safety concerns.

TUTORING/LEARNING CENTER

ADMINISTRATION.

The Tutoring/Learning Center is headed by the director, who reports to the vice chancellor for student affairs. The director also coordinates the Freshman Interest Group program, a joint effort of Housing and Academic Affairs.

OBJECTIVES.

Tutoring/Learning Center personnel seek to

- help students and faculty improve the quality of writing across the curriculum;
- improve students' reading and comprehension skills; and
- assist students enhance their study skills.

Resources.

To achieve these objectives, staff members provide

- tutoring to students in
 - ♦ reading;
 - ♦ writing; and
 - ♦ taking tests and other learning skills;
- tutoring to students in a variety of subject-areas;
- opportunities for peer tutors to work with students one-on-one on reading and writing assignments;
- study groups for a range of general degree requirements courses;
- specially designed tutoring support for disadvantaged students and students with disabilities;
- assistance to faculty and academic staff for classes, specific student referrals, or their own writing projects;
- credit-bearing courses (pass/fail) which focus either on writing or on reading within a particular major; and
- a credit-bearing course which prepares students to serve as peer tutors in the center.

HOT LINE.

For immediate assistance for questions about grammar or documentation, faculty, staff, and students may call 3568.

HELEN R. GODFREY UNIVERSITY CHILD LEARNING AND CARE CENTER

The Center is headed by the director, who reports to the vice chancellor for student affairs.

OBJECTIVES.

The objectives of personnel in this unit are to

- provide convenient child care services at a reasonable cost to parents who are UWSP students, personnel, or alumni;
- provide top quality child care in a stimulating environment;
- provide activities which help children learn to grow emotionally, socially, physically, and intellectually while enjoying themselves;

Goals include

- ♦ enhancing the child's self-concept;
- ♦ promoting socialization;
- ♦ fostering language development;
- ♦ improving motor coordination;
- ♦ developing skills in problem solving; and
- ♦ facilitating concept formation.
- maintain quality of staff, programs, and facilities to continue national accreditation; and

- maintain quality of staff, programs, and facilities to continue state licensing.

SERVICES AND BENEFITS.

Among the services and benefits which the center can provide to students, staff, and alumni who are parents are

- acceptance of students ages 2 through 6 for academic year programs;
- acceptance of students ages 2 through 10 for summer programs;
- acceptance of students who are not toilet trained;
- a convenient on-site location in the lower level of Delzell Hall;
- a safe drop-off site (adjacent to the back door) in parking lot C, immediately behind Delzell Hall;
- reasonable rates;
- fees based on scheduled hours;
- flexible hourly scheduling;
- availability of year-round programming;
- availability of drop-in care;
- availability of a morning preschool;
- parent education programs;
- availability of child care referral and resource information;
- transportation from all local grade schools for enrolled children;
- daily activities for children in art, science, music, block building, outdoor play, stories, dramatic play, cooking, and field trips;
- assurance of daily nutritious snacks for children; and
- open enrollment to the community for the summer program.

RESIDENTIAL LIVING

RESPONSIBILITIES.

Residential Living provides safe, well-maintained facilities designed to accommodate the changing needs of the student population and to support program objectives. Residential Living personnel and programs

- encourage a positive living environment;
- assist students in making a successful transition into the university;
- help students succeed during their years as members of the university community;
- assist students in accessing campus resources;
- provide students with academic support;
- provide students with enhanced opportunities for personal growth; and
- provide a community which promotes the development of citizenship, leadership, tolerance, and appreciation for diversity.

Residential Living also provides housing for individuals who visit the campus as participants in summer conference programs.

OBJECTIVES AND PROGRAMS.

Objectives.

Primary objectives to meet responsibilities are to

- encourage students to govern themselves responsibly through participation in hall governance structures;
- provide safe, clean, comfortable environments for living and studying;
- promote and support abstinence or responsible use of potentially addicting substances;
- encourage the development of healthy sexual behaviors and attitudes;
- encourage the development of behaviors and attitudes which result in healthy, on-going self-care practices;
- provide support for the academic mission;
- create opportunities for student involvement;
- create programs which challenge and stimulate thinking;
- facilitate programs which expand students' awareness about career choices and opportunities;
- promote and support activities which provide experiential learning and skill development;
- help students identify and enhance their skills;
- teach students to distinguish between feelings and the behavioral response to those feelings;
- teach students to take responsibility for their own feelings;
- encourage students to seek assistance in times of need;
- provide opportunities for students to identify and develop their values and beliefs;
- provide opportunities for students to increase their awareness of different cultures, values, and beliefs; and
- provide opportunities for students to become more accepting of themselves and others.

Programs.

Programs, services, and environments provided by staff to meet the objectives include:

- democratic policy- and decision-making structures in each residence hall;
- establishment of community principles throughout the halls;
- assistance in conflict resolution;
- skill development programs;
- educational, cultural, recreational, and social activities;
- safety procedures and programs;
- substance abuse programs and interventions;
- staff interventions and consultations for inappropriate behavior;
- programs on sexual orientation and lifestyles;
- wellness clubs;
- weight and fitness rooms;
- intramural athletics participation;
- community quiet hours;
- academic resource programming;
- faculty mentor program;
- academic recognition programs;
- computer labs and study lounges in each hall;
- career consultation;

- skill development training programs;
- participation in the Freshman Interest Group program;
- support for student-initiated study groups;
- creation and support for programs which teach cultural understanding; and
- “ARC to Success” Program.

GENERAL INFORMATION.

Periods of Operation.

Openings.

The residence halls are opened the weekend before classes begin in the fall semester and on the Sunday before classes begin in the spring semester.

Closings.

The residence halls are closed during regular university break periods. Halls normally close several hours after the last final has been scheduled for an exam period; however, the housing contract requires residents to vacate their rooms within 24 hours of taking their last final. This assists Residential Living personnel in maintaining a reasonably quiet study atmosphere for students who are still taking exams.

Vacation Housing.

Housing is available for students who must remain on campus because of academic commitments, jobs, or travel distances over the Thanksgiving, winter, or spring breaks at a nominal cost. Reservations are made at the Residential Living office. Depending upon their regular room assignment, students may be able to stay in their own room during the break or may be accommodated in a lounge room.

Residency Requirement.

The Board of Regents requires all freshmen and sophomores to live in residence halls. At UWSP, this is applied to all individuals who have graduated from high school within the past two years.

Exceptions.

Exemptions are granted to

- married students;
- students with dependent children; and
- students living with their parents or legal guardian within a 40-mile radius of Stevens Point.

NOTE. All freshmen and sophomores not living on-campus must file an exemption form with the Residential Living office.

Appeals.

Students who do not qualify for an exemption but have reason to believe they should be exempted from the housing residency requirement may file an appeal with the Residential Living office.

HOUSING FOOD SERVICE.

Individuals living in the residence halls (except those in South Hall) are required to participate in a meal plan. Students may choose from among five meal plans designed to meet their individual needs and preferences. Information about the various plans is available from the Point Card Office, extension 2012.

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SECTION 4

UNIVERSITY OF WISCONSIN-STEVENSON POINT:

GOVERNANCE ORGANIZATIONS

FACULTY SENATE

The Faculty Senate is the primary governance body on the campus.

FACULTY DEFINED FOR GOVERNANCE.

Under the provisions of the *Constitution of the Faculty Senate* and for all governance purposes outlined in that constitution, "faculty" is defined as the chancellor, all persons holding faculty appointments, and all persons holding academic staff appointments.

A copy of the *Constitution of the Faculty Senate* is in chapter 9 of this *Handbook*.

MEMBERSHIP.

Eligibility.

All persons holding faculty appointments and all persons holding academic staff appointments are eligible for membership in the Senate.

Election.

Size.

The Senate consists of no fewer than 35 and no more than 45 elected senators, chairpersons of standing committees, one dean, and the chancellor or the chancellor's designee (the chancellor or a designee are *ex officio* members). The distribution of senators is determined by the number of full-time equivalent faculty and academic staff in the college or other equivalent area.

Constituencies.

Senators are from each college, the University Library, and from among those not assigned to a college (Business Affairs and Student Development/University Relations). Senators serve as representatives of the entire university, not the constituency from which they are elected.

Voting, Election, and Term.

The annual election is in April, by mail ballot; voting is at large. Write-in votes will not be counted for Senate elections or for elections of its standing committees. Senators are elected for two-year terms but committee chairpersons are elected for one-year terms; all may be re-elected for an additional term.

STRUCTURE.

Committees.

The primary work of the Senate is conducted through its standing committees, which seek broad input and give detailed consideration to the issues before them. All committees report to the Senate; no action of a committee is final until it has been reported to the Senate. Some matters brought by committees require a vote of the Senate, others only the report. However, any member of the Senate may request and require a vote on any matter brought before the Senate by a standing committee.

Committee Membership.

Membership on these committees is not restricted to members of the Senate.

Executive Committee.

The officers of the Senate and the chairpersons of the standing committees serve as the Executive Committee of the Senate. Among its other responsibilities, the Executive Committee acts on behalf of the Senate when the Senate is not in session (primarily during the summer).

AUTHORITY.

The faculty and academic staff derive their authority from 36.09 (4) and (4m) of the statutes:

(4) FACULTY.

The faculty of each institution, subject to the responsibilities and powers of the board, the president and the chancellor of such institution, shall be vested with responsibility for the immediate governance of such institution and shall actively participate in institutional policy development. As such, the faculty shall have the primary responsibility for academic and educational activities and faculty personnel matters. The faculty of each institution shall have the right to determine their own faculty organizational structure and to select representatives to participate in institutional governance.

(4m) ACADEMIC STAFF.

The academic staff members of each institution, subject to the responsibilities and powers of the board, the president and the chancellor and faculty of the institution, shall be active participants in the immediate governance of and policy development for the institution. The academic staff members have the primary responsibility for the formulation and review, and shall be represented in the development, of all policies and procedures concerning academic staff members, including academic staff personnel matters. The academic staff members of each institution shall have the right to organize themselves in a manner they determine and to select representatives to participate in institutional governance.

INTERACTION WITH UW SYSTEM.

Faculty Representatives.

The Faculty Senate interacts with the Board and UW System administration primarily through the chairperson of the Senate, who serves as UWSP's member of the Faculty Representatives. The faculty representatives meet monthly; meetings are chaired by the Senior Vice President for Academic Affairs.

Communications.

The faculty representative receives many documents from System administration, including system reports, budget information, the packet of information which Regents receive prior to their meeting, and press clippings related to the UW System. Board and board committee minutes are now on the network.

Network.

The representatives sometimes discuss issues through an electronic mailing list which includes all representatives but not System administration.

Board Meetings.

The chairperson of the Senate also attends the monthly meetings of the Board as an observer and to report on the actions of the Board to the Senate. Occasionally, a representative will address a Board committee or the full Board or will meet with regents privately to discuss issues of concern.

INSTITUTIONAL POLICIES PERTAINING TO FACULTY SENATE.

Administrative Committees.

The Executive Committee of the Faculty Senate or the chairperson of the Senate shall appoint all faculty and academic staff members of administrative committees. Administrators responsible for administrative committees to which faculty or academic staff are to be appointed may notify the chairperson either to request appointees or to make nominations and request appointees from among the nominees.

Released Time.

Chairperson of the Senate.

A half-time (.50 FTE) position is assigned to the chancellor's office to provide released time from teaching responsibilities for the chairperson of the Senate.

Replacement.

The chairperson's department or unit is authorized to hire a .50 FTE replacement for the chairperson when the department or unit deems it necessary.

Other Officers.

Requests for Load Relief.

The Senate or individual officers may request that departments or units in which faculty serve grant load relief of .25 FTE for chairpersons of these committees:

- Academic Affairs;
- Academic Staff Council;
- Curriculum;
- Faculty Affairs;
- Graduate Council;
- International Affairs;
- University Affairs;
- University Personnel Development;
- University Planning.

Action.

Departments and units from which load relief is requested for individuals in the enumerated positions shall arrange for load relief whenever possible.

SCH Production.

Load relief granted by departments or units to individuals for Senate office is carried as official released time. For classroom teaching personnel, the FTE allocated to released time is not required to generate SCH.

STUDENT GOVERNMENT ASSOCIATION

PURPOSE.

The Student Government Association works with faculty and administration to achieve the best possible university environment. SGA serves as the messenger's voice for student concerns, ideas, and interests in all facets of university life.

A copy of the SGA constitution is in chapter 9 of this *Handbook*.

MEMBERSHIP, OFFICERS, AND STUDENT SENATE.

Eligibility.

Every student of the university is considered a member of the Student Government Association.

Elected Officers.

The Student Government Association is led by an elected president and vice president.

Student Senate.

Decision Body.

As the voting body of SGA, the Student Senate debates issues, passes resolutions, approves budget allocations, and confirms appointees.

Size.

The Student Senate consists of between 16 and 30 elected senators. The distribution of senators is determined by the number of students in each of the colleges. Each college is represented by a minimum of four senators.

Voting, Election, and Term.

The annual election is in the spring, with ballot boxes at various sites across campus. The president and vice president are elected at large, while senators are elected by each college. Elected officers and senators serve a one-year term.

Segregated Fees.

The Student Senate votes on the disbursement of all segregated fees. The Finance Committee holds hearings, prepares a segregated fee budget, and reports its recommendations to the Student Senate for approval or amendment and approval.

Executive Board.

The president appoints 12 students who, along with the president and vice president, hold paid positions and serve as the executive board of SGA. The members of the executive board are the

- president;
- vice president;
- executive director;
- secretary;
- budget director;
- budget assistant;
- budget controller;
- communications director;
- academic issues director;
- legislative issues director;
- student life issues director; and
- SOURCE director (training resource and organizational disciplinary body).

AUTHORITY.

Students derive their authority from 36.09 (5) of the statutes:

(5) STUDENTS.

The students of each institution or campus, subject to the responsibilities and powers of the board, the president and the chancellor and the faculty shall be active participants in the immediate governance of and policy development for such institutions. As such, students shall have primary responsibility for the formulation and review of policies concerning student life, services and interests. Students in consultation with the chancellor and subject to the final confirmation of the board shall have the responsibility for the disposition of those student fees which constitute substantial support for campus student activities. The students of each institution or

campus shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance.

CLASSIFIED STAFF ADVISORY COMMITTEE

PURPOSE.

The Classified Staff Advisory Committee promotes active participation in university decision-making, informed communication, and a positive professional environment for all classified employees.

A copy of the Classified Staff Advisory Committee by-laws is in chapter 9 of this *Handbook*.

ROLE.

The committee offers advice and recommendations to the chancellor on issues pertaining to classified personnel or presents the views of classified personnel on university-wide issues.

MEMBERSHIP.

Eligibility.

Any represented classified employee, non-represented classified employee, limited term employee, or project appointment employee is eligible for election to the committee.

Size and Representation.

The committee has eleven members and includes at least one member each from among the

- represented classified staff;
- non-represented classified staff; and
- limited term employees.

Voting and Election.

Members are elected at large during an April general meeting of the classified staff. Members serve a two-year term.

Officers.

There are two chairpersons and a secretary, elected by the committee from among its members for a one-year term.

MEETINGS.

The committee meets at least monthly

SECTION 5

UW CREDIT UNION

ABOUT UW CREDIT UNION

UW Credit Union was founded on the idea that members' needs matter most. For more than 80 years, we've been dedicated to providing meaningful financial services to our members with the honesty and integrity they deserve. Our mission is to improve the financial lives of people because here, our members come first.

Since our inception, we've understood that dynamic campus communities begin with great people. That's why we're dedicated to meeting and exceeding the needs of students, faculty and staff.

UW CREDIT UNION IS DEDICATED TO:

All UW System employees past and present are eligible to become members. No matter where you are along life's journey, you can trust us to be there for you every step of the way.

LEARN MORE:

To learn more about us and our full line of services, visit www.uwcu.org. We look forward to working with you.

[NCUA] [Equal Housing Lender]

APPROVAL OF CHANGES TO CHAPTER 1

- Changes to Chapter 1, Sections 1, 2, and 3 require administrative approval.
- Changes to Chapter 1, Section 4, require approval of the respective governance organizations, according to their procedures.
- Changes to Chapter 1, Section 5, require the approval of the Credit Union, according to its procedures.

CHAPTER 2

DEPARTMENTS AND UNITS

SECTION 1

DEPARTMENTS

DEFINITIONS AND COVERAGE

DEFINITIONS.

Department.

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

Chairperson.

Whenever the term "chairperson" is used in this chapter, and elsewhere in the *University Handbook* to refer to the individual selected to serve as *primus inter pares* for an academic department, it shall also be construed to include personnel with the title of "associate dean/head" [of a department].

COVERAGE.

At the University of Wisconsin-Stevens Point, "department" is used exclusively within Academic Affairs and to designate academic areas as defined above.

Other administrative areas in Academic Affairs and all administrative areas within Business Affairs and Student Affairs and University Relations are referred to as units, defined in section 2 of this chapter.

MEMBERS AND VOTING

MEMBERS.

Appointment.

Unclassified appointments to a department are made by the chancellor, or the provost/vice chancellor for academic affairs or appropriate dean acting as the chancellor's designee. All faculty and academic staff appointed to a department by the chancellor or an appropriate designee are members of that department.

Affirmative Recommendation Required.

Persons to be employed as faculty or as academic staff employed primarily for classroom teaching may be appointed to a department only upon the affirmative recommendation of the department in which the person will hold the appointment.

Additional Recommendations.

Departmental recommendations for appointments are submitted to the chancellor through the dean of the appropriate college and the provost, who also normally make recommendations regarding the appointments. Recommendations submitted to the provost acting as designee are made through the dean, who normally also makes recommendations regarding the appointments.

Joint Appointments.

Faculty.

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

Home Department.

Faculty members with joint appointments will have a home department which will be responsible for the person's salary, tenure, and rank.

Governance Rights.

Faculty with joint appointments will be eligible to participate in both departments/units in departmental/unit meetings, appropriate committees, research, and teaching. Such participation will depend upon prior agreement of the involved departments/units.

Academic Staff.

Joint appointments of academic staff members may be made between departments or between departments and units (e.g., Physics and English, Chemistry and Student Services). These appointments are made only if the academic staff member and the involved departments/units agree upon the desirability of such an arrangement. Joint appointments may be terminated at the end of a contractual period upon the request of any of the involved individuals or departments/units.

Department/Unit Responsibilities.

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

Governance Rights.

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

VOTING.

Each department determines which members may vote. Normally, all members are voting members for all matters other than personnel decisions.

Academic Staff.

Each department may extend voting rights to departmental academic staff to whatever extent the department determines appropriate, except that academic staff may not vote on decisions on the hiring, retention, promotion, or granting of tenure for individual faculty.

Restricted Voting.

Personnel Decisions.

Recommendations and decisions on a majority of personnel matters are restricted to tenured faculty and, where appropriate, indefinite appointment academic staff.

Alternative Assignments.

Persons assigned to or tenured in a particular department but not presently serving in the department are usually excluded from voting while they are serving in the alternative assignment.

Other Considerations.

Departments may wish to consider other situations in which department members might logically be excluded from voting, e.g., persons less than half-time, persons serving less than 50% of their appointment in the department or persons not on campus for at least 50% of their appointment (on leave, sabbatical, Semester Abroad, etc.).

Methods of Voting.

Methods of voting shall be in accordance with the Open Meetings Law. Absentee ballots are not permitted.

STUDENT PARTICIPATION

Students may participate and vote in departmental meetings and departmental committee meetings to the extent determined by the department but students may neither vote on individual personnel decisions nor attend closed meetings on personnel matters unless specifically called by one of the parties involved.

Departments choosing to include student participants often ask departmental majors to select representatives to attend department meetings.

RESPONSIBILITIES AND ORGANIZATION

RESPONSIBILITIES.

Collegial Relationships.

Every department member has an obligation to establish and maintain productive working relationships with departmental colleagues and to help meet the missions and objectives of the department, college, and university.

Meetings.

Departments are expected to hold regular meetings with sufficiently well-planned agendas to ensure that important matters will be taken up and considered carefully.

Policy Determination.

Department members have a continuing responsibility to assist the department chairperson in the effective administration of the department. Department members shall participate actively with the chairperson--through department meetings, departmental committees, and consultation with the chairperson--in determining departmental policies and recommendations in matters including but not limited to

- curricular offerings;
- major and minor requirements;
- courses to be offered each term;
- teaching loads and class schedules;
- departmental budget, including division of travel allowance;
- use of departmental facilities and equipment;
- recruitment, evaluation, and recommendation of prospective staff members to the administration;
- recommendations to the administration on reappointment, promotion, tenure, indefinite appointment, salary, and merit;
- evaluation of the effectiveness of the departmental curriculum;
- evaluation of major students;
- summer session teaching opportunities and assignments;
- textbooks;
- secretarial and student help; and
- library holdings.

Complaints.

Students, other staff members, or members of the community occasionally bring complaints or contemplate bringing complaints against department members. These individuals, particularly students, are often vulnerable to retaliation or believe themselves to be vulnerable to retaliation.

Protecting Rights.

Every department has an obligation to protect the rights of its members; every department also has an obligation to protect the rights of individuals making or considering a complaint. It is essential that department chairpersons and other department members who are approached by individuals for advice about making complaints inform those individuals of the policies and procedures related to complaints (see chapter 4).

Potential Risks.

It is also essential for department personnel to discuss candidly with those individuals the potential risks of filing a complaint. However, members of the department must be equally candid in pointing out that inappropriate behavior cannot be changed unless someone assumes the risk and responsibility for bringing these matters to the attention of the department and allows the department to act on the information.

Personnel Decisions.

Department members have primary responsibility for recommendations regarding recruitment, appointment, retention or reappointment, promotion, tenure, indefinite appointment, merit, and salary for members or prospective members of the department.

Institutional Policies and Procedures.

Personnel decisions shall be made in accordance with institutional policies and procedures found in chapter 4, sections 3 and 4 of this *Handbook*. These policies and procedures derive from local personnel rules (chapter 4, section 2), which in turn derive from system rules (chapter 4, section 1). Wherever a department is required to develop personnel policies or procedures, those policies or procedures must conform to system and institutional rules and procedures.

Approval of Policies.

Wherever UWSP personnel rules, policies, or procedures provide for the development of departmental policies and procedures and the approval of those policies or procedures by the chancellor or provost/vice chancellor for academic affairs, approval has been delegated to designees--

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

Departmental Policies and Procedures.

Faculty Policies.

Institutional policies require each department to develop policies and procedures related to

- recruiting of faculty;
- probationary appointments for faculty;
- procedures and criteria for evaluation of probationary and tenured faculty;
- renewal of probationary faculty appointments;

- procedures and criteria for granting tenure; and
- procedures for reconsideration of decisions not to renew or not to tenure.

Academic Staff Policies.

Departments which hire academic staff are required to develop policies and procedures related to

- recruiting of academic staff;
- procedures and criteria for evaluation of academic staff;
- procedures and criteria for the reappointment of fixed term or probationary academic staff;
- procedures and criteria for granting indefinite appointment; and
- procedures for reconsideration of decisions not to reappoint or not to grant indefinite appointment.

ORGANIZATION.

Departments may organize as their needs dictate and the members consider appropriate. Some use a committee framework, others act as a committee of the whole. The most typical structure is a combination of the two.

Committees.

Departments normally at least establish committees for the consideration of personnel decisions and recommendations. Frequently, a single personnel committee is empowered to act on behalf of the department on all personnel matters, including the initial appointment. In departments with a single personnel committee, subcommittees which meet the appropriate guidelines below are usually established for consideration of promotions.

Attendance at Meetings.

To be absolutely certain that there is no possibility for confusion as to who is eligible to attend meetings under the provisions of the Open Meetings Law (chapter 4, section 5), departments are encouraged to specify in writing the membership of any committee and to specify in writing which department members and others may attend meetings.

Personnel Committee Membership and Empowerment.

A departmental personnel committee must be restricted to tenured faculty and indefinite appointment academic staff and must be empowered to act on behalf of the department for individual personnel actions involving retention, reappointment, tenure, or indefinite appointment. Action on other personnel decisions may also be delegated to the personnel committee.

Limitation.

Under institutional rules approved by the Faculty Senate, academic staff may not vote on decisions on the hiring, retention, promotion, or granting of tenure for individual faculty.

Information.

Regardless of the structure or who may vote on a particular personnel decision, departments are urged to solicit information and input from the widest possible base.

Recruitment.

If a committee is established, membership may but need not necessarily include all members of the department. Certain functions--or all functions--may be delegated to an individual; e.g., either the committee, a subcommittee, the committee chairperson, or the department chairperson might be given responsibility for developing a position description or for conducting the entire initial part of the process through the initial screening.

Hiring and Appointment.

Appointment to either a faculty position or to a classroom teaching academic staff position requires the affirmative recommendation of the department. Typically, all eligible voting members of the department are involved in initial hiring decisions. While decisions on hiring and appointment may be delegated to a committee, it is normally not prudent to delegate this responsibility to one individual.

Retention.

Membership of retention committees for faculty is limited to tenured faculty. Membership of retention committees for academic staff is limited to tenured faculty and indefinite appointment academic staff.

Promotion.

The persons within a department voting on a promotion are normally those at or above the rank to which the person under consideration seeks promotion.

Limited Numbers.

In cases where there are very few individuals at or above the rank, departments may include members of the next lower rank, outside evaluators, or *ad hoc* members of the appropriate rank from other departments.

Subcommittees.

In very large departments where this procedure might be cumbersome, departments may elect to empower subcommittees to take action.

Tenure and Indefinite Appointment.

Membership of tenure committees is limited to tenured faculty. Membership of indefinite appointment committees is limited to tenured faculty and indefinite appointment academic staff.

Salary.

Any committee which makes recommendations on individual salaries normally shall include representatives from all ranks and all types of appointments. Typically, matters pertaining to salary are voted upon by all eligible voting members of the department.

Merit.

Departments are required to establish a merit committee, which normally shall include representatives from all ranks, and a chairperson to direct the process. Decisions on who evaluates data, how voting, rating, or ranking is handled, and reporting results to department members are up to the department.

Role of Chairperson in Personnel Matters.

Records.

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

Committee Actions.

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

Forwarding Results.

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

Separate Recommendation.

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

No Separate Recommendation.

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

ROLE AND RESPONSIBILITIES OF THE CHAIRPERSON

[Refer to the subsection at the end of this section on departments for information pertaining to the selection of a chairperson.]

NOTE. Associate Deans in the College of Professional Studies who are also heads of a school are the chief administrative officers of the school. These associate deans have duties and responsibilities similar to those of a department chairperson, except that these duties and responsibilities may be modified by the dean to meet the needs of the particular school. The term of office for these associate deans and search, appointment, and evaluation procedures shall be the same as those for department chairpersons.

Role.

The chairperson is both administrator and representative of the department, and is responsible to both the administration and to the members of the department for providing leadership in the effective administration of the department.

Members' Responsibilities.

In the administration of the office, the chairperson shall recognize the individual responsibility of other members of the department for the discharge of the duties committed to them by their appointments, and shall allow proper scope to the ability and initiative of all members of the department.

Duties and Responsibilities.

The chairperson shall

- coordinate short and long range planning for the department and in the process identify personnel and other budget support needed to achieve departmental program goals;
- assign staff to the academic advisement of majors and minors;
- make recommendations to the Dean regarding appointments, promotions, tenure, indefinite appointment, merit, and salaries;

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

- accept majors and minors, and certify completion of the required curriculum for such majors and minors;
- assist in the orientation and guidance of new faculty;
- encourage and advise department members in furthering professional growth in such ways as research, graduate work, and the improvement of instruction;
- prepare and administer the departmental budget;

- prepare the class schedule and such other assignments for department members as appropriate;
- forward to the appropriate university officials the department's recommendations on such policy matters as are the proper responsibility of the department;
- in consultation with the department, make an annual report to the dean of the college concerning the organization and operation of the department, with particular reference to items such as those listed earlier regarding determination of policies and recommendations;
- keep records of departmental actions on personnel matters, and maintain a complete file of all information gathered for the review and evaluation of department members;
 - ♦ Upon the request of the appropriate committee chairperson, the department chairperson shall make these personnel files available for the use of committees involved in personnel actions.
 - ♦ Individuals have the right to examine their personnel files and to have placed in them written responses to any material contained in the file.
- perform other duties which may from time to time be assigned by the dean of the college; and
- perform such other duties normally associated with the responsibilities of a departmental chairperson and necessary for the efficient operation of the department.

ROLE AND RESPONSIBILITIES OF A GRADUATE COORDINATOR

The Graduate Coordinator plays a critical role in the success of a graduate program. The Coordinator serves as an active advocate within a school or department for the graduate component of the curriculum. The Coordinator is a key spokesperson for graduate students within the program. The Coordinator serves as the liaison between faculty in the department or school and the Graduate School, and in this liaison role is responsible for:

- assisting with the recruitment and retention of graduate students in the program;
- coordinating and managing the admission of graduate students into the program after students have successfully applied for graduate study;
- advising graduate students in general, and where appropriate, assisting with the assignment of graduate students to graduate committees;
- in consultation with school/departmental faculty, preparing the request for graduate assistantships from the college, recommending the assignment of graduate assistantships to individuals, and providing overall coordination and assessment of students on assistantships assignments;
- in consultation with school/departmental faculty, preparing the requests for Graduate Instructional Support positions from the college;
- approval, for the department or school, each students' Program of Study prior to final approval by the college;
- approval, for the department or school, completion of final degree requirements (courses, thesis, final exams, etc.) for each student prior to final approval by the college;

- other duties as may be assigned by the faculty within the school or department.

MEETINGS

Departments are expected to hold regular meetings with sufficiently well-planned agendas to ensure that important matters will be taken up and considered carefully.

PUBLIC NOTICE.

Public notice of all department and departmental committee meetings shall be provided in accordance with the provisions of the Open Meetings Law and institutional procedures.

OPEN MEETINGS REQUIRED.

Department meetings and meetings of departmental committees shall be open, except that when appropriate, meetings may be closed under one of the exemptions in 19.85 Wis. Stats.

NOTE. Departments of the university are "formally constituted subunits" of a governmental agency and therefore subject to the provisions of the Wisconsin Open meetings Law (19.81-19.98, Wis. Stats., 1991-1992).

Attendance and Speaking.

An open meeting means anyone may attend. However, the right to speak is restricted to members of the body unless the chairperson or body extends an invitation to speak.

Presence at Meetings.

No Exclusions.

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

Local Application.

No unclassified staff member of a department may be excluded from a department meeting even if the meeting is moved into closed session. No unclassified staff member of a department may be excluded from any departmental committee meeting unless departmental rules specifically state to the contrary.

Attendance at Meetings.

To be absolutely certain that there is no possibility for confusion as to who is eligible to attend meetings under the provisions of the Open Meetings Law (chapter 4, section 5), departments are encouraged to specify in writing the membership of any

committee and to specify in writing which department members and others may attend meetings.

Right to Open Meeting for Personnel Matters.

UWSP 3.06.

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

UWSP 10.03.

Under the provisions of UWSP 10.03 (2)(a) 5, a probationary academic staff member has the right to request and receive an open meeting for any meeting of a unit or subunit involving consideration of indefinite appointment for that individual.

19.85 Wis. Stats.

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

Departmental Policies.

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

CLOSED MEETINGS.

Attendance.

Meetings which are closed may be attended by members of the department, any representative of any member of the department, and persons specifically invited by the body, except as may otherwise be specifically provided for in departmental policies.

Speaking Rights.

The right to speak is restricted to members of the body unless the chairperson or body extends an invitation to speak.

MINUTES

Written minutes shall be taken of every department and every departmental committee meeting at least to the extent required by the Open Meetings Law.

19.88 (3)

The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection to the extent prescribed in subch. II of ch. 19. . . .

19.35 Access to records; fees.

(1) Right to inspection.

(a) Except as otherwise provided by law, any requester has a right to inspect any record. . . .

(b) Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record which appears in written form. . . .

APPOINTMENT AND EVALUATION OF CHAIRPERSON

APPOINTMENT AND TERM.

Acceptability.

A chairperson must be acceptable to both the department and the dean of the appropriate college at the time of appointment and throughout the chairperson's term of office. An acceptable chair candidate is normally required to be tenured or recommended for tenure. In extremely rare circumstances, non-tenured faculty may serve as department chair with the approval of the dean and provost/vice chancellor.

If a non-tenured faculty member is appointed as department chair, all future departmental retention/tenure/promotion decisions for this person until after the tenure decision, must be made by a committee composed equally of department members and non-department members to be appointed by the appropriate college dean.

Appointment.

An individual is appointed to a limited appointment as chairperson by the dean of the college upon the nomination and recommendation of the department.

Limited Appointment.

A limited appointment is an appointment to a designated position in which the individual serves at the pleasure of the appointing official.

Term.

The term of office for a chairperson is normally three years but a chairperson may be nominated and reappointed for an indefinite number of terms.

POLICIES AND PROCEDURES.

Each department shall develop policies and procedures for the selection, appointment, and evaluation of a department chairperson. When approved by the dean of the college and

forwarded to the provost/vice chancellor for information, these policies and procedures shall govern the selection, appointment, and evaluation of the department's chairperson.

NOTE. Departmental policies and procedures shall include all minimal requirements given in this subsection but need not adhere to the sequence as presented here. Likewise, some departments may choose to begin parts of the process during the fall semester rather than the spring.

Extent of Search.

Members of each department shall vote to determine whether the department

- ♦ wishes to recommend consideration of nominees from within the department;
- ♦ wishes to recommend consideration of nominees from outside the department;
- ♦ wishes to recommend consideration of nominees both from within and outside the department; or
- ♦ does not wish to make a nomination but request the dean to appoint a chairperson after consultation with the eligible voters.

Dean's Action.

Notification of the departmental recommendation shall be sent to the dean of the college who shall promptly inform the department whether the recommendation is accepted or not accepted.

Recommendation Accepted.

If the dean accepts the recommendation, the department shall proceed under the appropriate procedures.

NOTE. If nominees are to come exclusively from within the department, the procedures below shall apply as minimal requirements; if exclusively from outside the department, search and screen procedures shall apply (refer to chapter 3, recruitment); and if both from within and outside the department, a combination of these procedures and search procedures shall be used.

Recommendation Not Accepted.

If the dean does not accept the recommendation, the dean shall promptly notify the department and shall consult with the department to attempt to resolve differences.

Resolution.

If a resolution acceptable to the department and the dean is reached, the department shall proceed appropriately.

Impasse.

If no resolution acceptable to the department and the dean is found, the dean shall determine whether the department wishes to reconsider its previous

action and provide an alternative recommendation. If not, the dean shall appoint a temporary chairperson (under those procedures).

Minimal Criteria for Candidates for Nomination.

At a minimum, departmental policies and procedures for the evaluation and screening of candidates for nominees for department chairperson shall include

- the needs of the department and of areas, fields, or disciplines within the department;
- the display of a strong, general interest in all areas, fields, or disciplines within the department;
- the ability to cooperate and elicit cooperation in both intra- and inter-departmental affairs; and

Evaluation of Incumbent.

At a minimum, departmental policies and procedures shall provide for

- a timely determination by the dean as to whether an incumbent wishes to seek reappointment;
- evaluation of an incumbent who seeks reappointment, conducted by the dean, following consultation with the department to determine
 - ♦ the evaluation form(s) to be used; and
 - ♦ the procedures to be followed, which at a minimum shall provide that
 - ✦ all members of the department are provided an opportunity to evaluate the chairperson;
 - ✦ other appropriate administrative personnel in the institution are provided an opportunity to evaluate the chairperson;
 - ✦ the chairperson shall be asked if there are specific university personnel, members of the community, students, or other individuals to whom the chairperson wants evaluation forms sent, and any such requests shall be honored; and
 - ✦ the members of the department shall be asked if there are specific university personnel, members of the community, students, or other individuals to whom they want evaluation forms sent, and any such requests shall be honored.
- distribution of the form by the dean in adequate time to respond and enable the dean to meet with the department chairperson not later than March 1 to review the evaluations;
- a meeting between the dean and incumbent chairperson to review the evaluations of the department chairperson;
- following the review, timely written notification to the dean and the department if the incumbent chairperson still wishes to be a candidate for nomination for reappointment;
- if the incumbent department chairperson wishes to be a nominee
 - ♦ a meeting between the dean and the departmental personnel committee chairperson (or some other similar departmental representative) to prepare a summary report of the results of the evaluation of the chairperson;

- ♦ a department meeting to review the performance of the incumbent department chairperson, which shall include
 - ✦ a summary report, which may be an oral report, of the evaluation session with the dean; and
 - ✦ an opportunity for the incumbent chairperson to present information on the chairperson's own behalf;

NOTE. Departments may prefer to have this evaluative review after nominations of candidates for chairperson.

- ♦ written notice of the departmental review meeting, which shall inform the chairperson
 - ✦ of the date, time, and place of the review;
 - ✦ of the opportunity to present information on the chairperson's own behalf;
 - ✦ of the right to be represented by an individual of the chairperson's choice; and
 - ✦ that the meeting will be a closed meeting unless the department chairperson sends a timely written request for an open meeting, in which case the meeting will be open.

Nomination Procedures.

At a minimum, departmental nomination procedures shall provide for

- nomination, evaluation, and election of a nominee or nominees, or selection of an external candidate;
- notification of the results to the dean if someone is nominated or selected;
- appointment of a chairperson by the dean if a recommendation is accepted;

If the dean accepts the recommendation, (one of) the nominee(s) shall be appointed as chairperson;

- procedures for dealing with situation where there is no nominee or the dean does not accept any nominee.

Procedures if No Nominee or Nominee Not Accepted.

Departmental procedures for handling situations where there is no nominee or where no nominee is accepted by the dean shall provide for

- repeating the process; or
- requesting the appointment of a chairperson by the dean, after consultation with the eligible voters of the department; or
- requesting the appointment of a nominee from within the department as temporary chairperson; or
- requesting the appointment of a temporary chairperson by the dean, after consultation with the eligible voters of the department; or
- requesting authorization for an external search.

Procedures if Outside Nominees Preferred.

Departmental procedures shall provide for

- consultation with the dean to determine whether a position exists and whether the dean will authorize an external search;
- a search under existing department policies, if the dean authorizes an external search, or.
- means of handling situations when an external search is not authorized, including
 - ♦ repeating the nomination process; or
 - ♦ requesting the appointment of a chairperson by the dean, after consultation with the eligible voters of the department; or
 - ♦ requesting the appointment of a nominee from within the department as temporary chairperson; or
 - ♦ requesting the appointment of a temporary chairperson by the dean, after consultation with the eligible voters of the department

TEMPORARY CHAIRPERSON.

A temporary chairperson, whether nominated by the department or appointed by the dean at the request of the department but without nomination, normally shall be appointed for a period of one year.

Under extraordinary circumstances, a dean may reappoint a temporary chairperson for a second year but only after consultation with the affected department and with the authorization of the provost/vice chancellor.

SECTION 2

UNITS

DEFINITION AND COVERAGE

DEFINITION.

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

COVERAGE.

At the University of Wisconsin-Stevens Point, administrative areas within Business Affairs and Student Affairs/University Relations are referred to as units

Administrative areas within Academic Affairs primarily involved in classroom instruction are referred to as departments, defined in section 1 of this chapter; other administrative areas are referred to as units.

WORKING ENVIRONMENT

INTERRELATIONSHIPS.

Every unit member has an obligation to establish and maintain productive working relationships with colleagues and to help meet the mission and objectives of the unit, division, and university.

PARTICIPATION IN UNIT GOVERNANCE

PERSONNEL POLICIES.

The university is committed to active unit level participation by academic staff in the development of personnel policies and procedures for academic staff. Academic staff shall be afforded the opportunity for participation in the development of the unit's personnel policies and procedures.

BROAD PARTICIPATION.

The university encourages academic staff participation in the development and implementation of unit policies, procedures, and operations.

MEMBERS AND VOTING

MEMBERS.

Appointment.

Unclassified appointments to a unit are made by the chancellor, or the provost or an appropriate vice chancellor acting as the chancellor's designee. All academic staff (or faculty) appointed to a unit by the chancellor or an appropriate designee are members of that unit.

Additional Recommendations.

When recommendations for appointments are submitted to the chancellor by the provost/vice chancellor for academic affairs or other vice chancellor, the provost or vice chancellor normally also makes recommendations regarding the appointments.

Recommendations submitted to the provost acting as designee are made through the dean of the appropriate college, while recommendations submitted to the vice chancellor for business affairs or student affairs acting as designee are made through the appropriate executive director; each also normally makes recommendations regarding the appointments. In areas having no executive director, recommendations are submitted directly to the appropriate vice chancellor.

Joint Appointments.

Academic Staff.

Joint appointments of academic staff members may be made between units or between units and departments (e.g., Financial Aid and Conference and Reservations, Admissions and Physics). These appointments are made only if the academic staff member and the involved units/departments agree upon the desirability of such an arrangement. Joint appointments may be terminated at the end of a contractual period upon the request of any of the involved individuals or units/departments.

Unit/Departmental Responsibilities.

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

Operational Areas. An academic staff appointment is limited to an operational area specified at the time of the appointment and does not carry rights beyond that limitation. An academic staff appointment might be to an operational area as broad as Safety and Loss Control or as narrow as Risk Management, one of the subunits within Safety and Loss Control.

Governance Rights.

Academic staff with joint appointments will be eligible to participate in both units/departments in meetings, appropriate committees, and other activities

under each area's policies and procedures. Such participation will depend upon prior agreement of the involved areas.

Faculty.

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

Home Department.

Faculty members with joint appointments will have a home department which will be responsible for the person's salary, tenure, and rank.

Governance Rights.

Faculty with joint appointments will be eligible to participate in units/departments in meetings, appropriate committees, research, and teaching. Such participation will depend upon prior agreement of the involved units/departments.

VOTING.

Where units have provided for academic staff participation through voting by the academic staff, the academic staff of each unit determine which academic staff members may vote. Normally, all academic staff members are voting members for all matters other than personnel decisions.

Restricted Voting.

Alternative Assignments.

Persons assigned to or holding an indefinite appointment in a particular unit but not presently serving in the unit are usually excluded from voting while they are serving in the alternative assignment.

Other Considerations.

Units may wish to consider other situations in which academic staff members of the unit might logically be excluded from voting, e.g., persons less than half-time, persons serving less than 50% of their appointment in the unit, or persons not on campus for at least 50% of their appointment (on leave, Semester Abroad, etc.).

Methods of Voting.

Methods of voting shall be in accordance with the Open Meetings Law. Absentee ballots are not permitted.

STUDENT REPRESENTATION

Some units may find student participation appropriate. Students may participate and vote in unit meetings and unit committee meetings to the extent determined by the unit but students may neither vote on any personnel decisions nor attend closed meetings on personnel matters unless specifically called by one of the parties involved.

COMPLAINTS

Students, other staff members, or members of the community occasionally bring complaints or contemplate bringing complaints against academic staff members. These individuals, particularly students, are often vulnerable to retaliation or believe themselves to be vulnerable to retaliation.

Protecting Rights.

Every unit has an obligation to protect the rights of its members; every unit also has an obligation to protect the rights of individuals making or considering a complaint. It is essential that unit supervisors and other unit members who are approached by individuals for advice about making complaints inform those individuals of the policies and procedures related to complaints (see chapter 4).

Potential Risks.

It is also essential for unit personnel to discuss candidly with those individuals the potential risks of filing a complaint. However, members of the unit must be equally candid in pointing out that inappropriate behavior cannot be changed unless someone assumes the risk and responsibility for bringing these matters to the attention of the unit and allows the unit to act on the information.

PERSONNEL POLICY DEVELOPMENT

RESPONSIBILITIES.

Academic Staff Members.

Each unit's academic staff members have primary responsibility for the development of policies and procedures. In addition, they participate in the evaluation of academic staff for personnel recommendations to the degree specified in those policies and procedures.

Director or Other Supervisor.

The director (or other equivalent supervisor) of each unit with personnel having academic staff appointments has the primary role in evaluation, particularly for

- developing performance objectives;
- assessing effectiveness in meeting performance objectives; and
- recommendations for
 - ♦ appointment;
 - ♦ promotion;
 - ♦ merit; and
 - ♦ indefinite appointment.

In addition, the director shall provide for

- the opportunity for participation in the development of the unit's personnel policies and procedures by the unit's academic staff members; and
- the approval of personnel policies and procedures by the academic staff of the unit.

ACADEMIC STAFF ORGANIZATION.

For the purpose of participation in the development of personnel policies and procedures, academic staff within units may organize as their needs dictate and the academic staff members consider appropriate.

REQUIRED POLICIES.

Institutional Policies and Procedures.

Personnel decisions shall be made in accordance with institutional policies and procedures found in chapter 4, sections 3 and 4, of this *Handbook*. These policies and procedures derive from local personnel rules (chapter 4, section 2), which in turn derive from system rules (chapter 4, section 1). Wherever a unit is required to develop personnel policies or procedures, those policies or procedures must conform to system and institutional rules and procedures.

NOTE. In the consideration of providing for policies and procedures at the unit level, academic staff who so desire may be able to defer to and use the institutional policies without modification or further explication.

Unit Policies and Procedures.

Units with academic staff members are required to develop policies and procedures related to

- recruiting of academic staff;
- expectations in fulfilling performance objectives;
- procedures and criteria for granting indefinite appointment;
- promotion and changes of title; and
- merit assessment.

Additional Policies.

Unit policies and procedures must also provide for the

- implementation of institutional rules and policies on fixed term and probationary appointments for academic staff;
- implementation of institutional procedures and criteria for the reappointment of fixed term or probationary academic staff;
- implementation of institutional policies and procedures on nonrenewal or failure to reappoint; and
- implementation of institutional procedures for reconsideration of decisions not to reappoint or not to grant indefinite appointment.

Division Policies or Policies Developed by a Group of Units Acceptable.

Academic staff may choose to develop personnel policies and procedures at the division level rather than at the unit level, adapting sections as necessary for individual units, or as a collaboration among a group of units.

Unit Approval Required.

Policies may be developed by a group of units or at the division level provided that the academic staff members of each unit

- approve such a process of policy development; and
- approve the completed policies and procedures.

Initial Decision.

Wherever UWSP personnel rules, policies, or procedures provide for the development of unit personnel policies and procedures, the academic staff of each unit shall

- give careful consideration to whether they wish to develop unit-level personnel policies beyond those at the institutional level;
- discuss the issues in a unit meeting;
- vote on the whether they wish to develop unit-level policies; and
- if so, vote on the appropriate method for the development of personnel policies and procedures.

Alternatives.

If the academic staff within the unit decide not to defer exclusively to institutional policies and procedures, they shall determine whether

- policies and procedures shall be developed at the unit or division level or in collaboration with a group of units; and
 - ♦ if at the unit level, whether
 - ♥ all eligible academic staff members of the unit shall have the opportunity to participate, either in some committee structure or as a committee of the whole; or
 - ♥ policies and procedures are to be developed by the unit's supervisor; or
 - ♥ the unit's supervisor and a committee of or from among the academic staff shall develop policies and procedures; or
 - ♥ some other process shall be used for the development of personnel policies and procedures; or
 - ♦ if at the division level, whether
 - ♥ all eligible academic staff members of the division shall have the opportunity to participate, either in some committee structure or as a committee of the whole; or
 - ♥ policies and procedures are to be developed by the vice chancellor; or
 - ♥ the vice chancellor and a committee of or from among the academic staff shall develop policies and procedures; or

- ♥ some other process shall be used for the development of personnel policies and procedures; or
- ♦ if among a group of units, whether
 - ♥ all eligible academic staff members from among the units shall have the opportunity to participate, either in some committee structure or as a committee of the whole; or
 - ♥ policies and procedures are to be developed by the supervisor(s) of the units; or
 - ♥ the unit supervisors and a committee of or from among the academic staff of the units shall develop policies and procedures; or
 - ♥ some other process shall be used for the development of personnel policies and procedures.

Unit Adaptations.

Any policies and procedures developed at the division level or among a group of units shall specifically provide which parts may be adapted at the unit level to meet specific unit needs.

Individual Adaptations.

Policies and procedures developed at all levels shall specifically provide which parts may be adapted to meet specific unit needs for individual members of the unit. Such individualization shall occur in consultation between the unit supervisor and the individuals concerned.

APPROVAL.

Unit.

Regardless of the method chosen for the development of personnel policies and procedures, the completed policies and procedures shall require a majority vote of the unit's eligible academic staff members for adoption and implementation.

Administrative.

Wherever UWSP personnel rules, policies, or procedures provide for the development of unit policies and procedures and the approval of those policies or procedures by the chancellor or provost, approval has been delegated to designees--

- for units reporting to a dean, the designee is the dean;
- for units reporting to the vice chancellor of business affairs or student affairs, the designee is the vice chancellor; and
- for units reporting directly to the provost, the designee is the provost.

EVALUATION.

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

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

Requirements.

Procedures for evaluation of academic staff are delineated in chapter 4, section 4, of this *Handbook*. These procedures require

- annual evaluation of all fixed term, probationary, and indefinite term academic staff;
- an interim evaluation meeting between each academic staff member and the member's supervisor; and
- a supplemental, broader-than-unit evaluation in the 2nd and 5th years of service, and every 5 years thereafter.

Roles.

Unit policies and procedures shall specifically define the role of the unit's academic staff in evaluations and determinations of recommendations for individual personnel action in all areas.

NOTE. It is important to remember that under institutional rules approved by the Faculty Senate, academic staff may not vote on decisions on the hiring, retention, promotion, or granting of tenure for individual faculty.

MEETINGS

MEETINGS.

Units are expected to hold regular meetings with sufficiently well-planned agendas to ensure that important matters will be taken up and considered carefully.

PUBLIC NOTICE.

Public notice of all unit meetings and any unit committee meetings shall be provided in accordance with the provisions of the Open Meetings Law and institutional procedures.

OPEN MEETINGS REQUIRED.

Unit meetings and meetings of unit committees shall be open, except that when appropriate, meetings may be closed under one of the exemptions in 19.85 Wis. Stats.

NOTE. Units of the university are "formally constituted subunits" of a governmental agency and therefore subject to the provisions of the Wisconsin Open Meetings Law (19.81-19.98, Wis. Stats., 1991-1992).

Attendance and Speaking.

An open meeting means anyone may attend. However, the right to speak is restricted to members of the body unless the chairperson or body extends an invitation to speak.

Presence at Meetings.

No Exclusions.

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

Local Application.

No unclassified staff member of a unit may be excluded from a unit meeting even if the meeting is moved into closed session. No unclassified staff member of a unit may be excluded from any unit committee meeting unless unit rules specifically state to the contrary.

Attendance at Meetings.

To be absolutely certain that there is no possibility for confusion as to who is eligible to attend meetings under the provisions of the Open Meetings Law (chapter 4, section 5), units are encouraged to specify in writing the membership of any committee and to specify in writing which unit members and others may attend meetings.

Right to Open Meeting.

UWSP 10.03.

Under the provisions of UWSP 10.03 (2)(a) 5, a probationary academic staff member has the right to request and receive an open meeting for any meeting of a unit or subunit involving consideration of indefinite appointment for that individual.

Unit Policies.

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

CLOSED MEETINGS.

Attendance.

Meetings which are closed may be attended by members of the unit, any representative of any member of the unit, and persons specifically invited by the body, except as may otherwise be specifically provided for in unit policies.

Speaking Rights.

The right to speak is restricted to members of the body unless the chairperson or body extends an invitation to speak.

MINUTES

Written minutes shall be taken of every unit meeting and every unit committee meeting at least to the extent required by the Open Meetings Law.

19.88 (3)

The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection to the extent prescribed in subch. II of ch. 19....

19.35 Access to records; fees.

(1) Right to inspection.

- (a) Except as otherwise provided by law, any requester has a right to inspect any record....
- (b) Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record which appears in written form.

CHAPTER 3

RECRUITMENT, APPOINTMENT, REASSIGNMENT, AND RESIGNATION

SECTION 1

RECRUITMENT, SELECTION, AND APPOINTMENT: FACULTY

OUTLINE OF THE UWSP FACULTY HIRING PROCESS

The outline specified below provides a checklist of steps necessary to complete the faculty hiring process. More detailed procedures are available from the Office of Equity and Affirmative Action (EAA). The EAA Office should be consulted early in the search process to ensure compliance with all federal, state, and local policies.

PHASE ONE: APPROVAL TO FILL A VACANCY - PREPARING TO SEARCH

The Department Chair shall:

1. Seek permission to hire.
2. Upon approval of the request to fill the vacancy, appoint or review an established Search and Screen Committee and verify that women/minorities are appropriately represented. (Pursuant to University Handbook, women and minority faculty or instructional academic staff members may be added to the search and screen committee.)
3. Fill out Composition of Search and Screen Committee Form and submit for approval.
4. Schedule the first meeting of the committee with the Equity & Affirmative Action (EAA) Director to discuss the following: job description; hiring process; diversity and strategies to encourage women and persons of color to apply; personnel policies and procedures; use of terms; development of selection and evaluation criteria and methodology; other questions the committee may have.

The Search and Screen Committee or Chair shall:

5. After meeting with the EAA Director, select Search and Screen Committee Chair (if necessary) and Affirmative Action representative.
6. In consultation with the Equity and Affirmative Action Director, develop a full job description or review the current job description. It is important to include language required by the Americans with Disabilities Act (ADA) in current and new job

descriptions. The ADA Position Self-Evaluation Form is available to help you with appropriate wording.

7. Prepare Position Announcement Form according to guidelines and submit to Equity and Affirmative Action Director for approval and signature. (It is a good idea to Email a draft to the EAA Director prior to getting signatures in case changes need to be made.)
8. Receive position number from Equity and Affirmative Action Office.
9. Finalize the recruitment plan. Complete and submit Recruitment Plan Form being sure to attach all requested documents.

PHASE TWO: RECRUITING

The Search and Screen Committee or Chair shall:

1. Upon approval of recruitment plan, send out all recruitment material. (Watch carefully for closing dates and deadlines to get information to journals, etc. for advertising.)
2. As soon as possible after receipt of application materials, send each applicant a letter acknowledging the application and containing the following enclosures:
 - a. Full position description;
 - b. Equal Employment Opportunity Information Request Form (also called EEO or Self-Identification Form).
3. Two days after the close of the search, send an alphabetical listing of all candidates (including name, address and current position) to the EAA Office on the Open Records Requirement Form.

PHASE THREE: SCREENING AND EVALUATION OF APPLICANTS

The Search and Screen Committee or Chair shall:

1. Draft the proposed interview questions and methodology to be used in assessing candidates' qualifications. Complete and submit Interview and Evaluation Methodology Form for approval.
2. At the close of the recruitment period, review the applications and group applicants into tiers for consideration (do not otherwise rank applicants).
3. Complete and submit the Applicant Log for approval before interviews are scheduled.
4. Receive Applicant Flow Analysis Form from EAA Office.

5. After the Applicant Flow Analysis Form has been received, select the finalists to be interviewed, using the pre-established criteria identified in the Interview and Evaluation Methodology Form. Complete and submit the Interview Request Form. (Note: This form is also used to authorize and request reimbursement for interview expenses if there are any.)
6. Receive approval to interview finalists.
7. Contact recommended finalists and arrange interviews and campus visits.
8. The administrator responsible for the hire is expected to contact UWSP News Service prior to releasing the list of finalists **and** prior to announcing the hire. This is to ensure the coordination of the announcement to the campus and community and to arrange for appropriate media coverage (if warranted).
9. Conduct campus visits and interviews in accord with plan identified on Interview and Evaluation Methodology Form.
10. Assess candidates based on essential job functions identified in position description.

PHASE FOUR: RECOMMENDATION TO HIRE, EXTENDING THE OFFER

Per UWSP University Handbook (Chapter 3, Section 6): Procedures for search and screen for department chairperson, associate dean/head of a department, and classroom teaching personnel are developed by the appropriate colleges and departments.

The Search and Screen Committee Chair shall:

1. After finalists have been assessed, submit the Finalist Appraisal Form for approval.

The Department Chair shall:

2. After consulting with the hiring authority and receiving approval, make a verbal offer to first choice candidate.
3. If candidate verbally accepts offer, complete and submit the Recommendation to Appoint Form and Personnel Appointment Form (available in Personnel Office).

The appropriate Line Officer shall:

4. Send final contract to candidate.

The Search and Screen Committee Chair shall:

5. Complete and submit Information on UW System Recruitment Report Form to EAA Office.

6. Notify all candidates that this position has been filled and thank them for their interest in UWSP.
7. The search is now closed. Collect all search and screen materials from all committee members and keep on file (in unit/department) for four years.

SECTION 2

RECRUITMENT, SELECTION, AND APPOINTMENT: ACADEMIC STAFF

OUTLINE OF THE UWSP ACADEMIC STAFF HIRING PROCESS

The outline specified below provides a checklist of steps necessary to complete the academic staff hiring process. More detailed procedures are available from the Office of Equity and Affirmative Action (EAA). The EAA Office should be consulted early in the search process to ensure compliance with all federal, state, and local policies.

PHASE ONE: APPROVAL TO FILL A VACANCY - PREPARING TO SEARCH

The Supervisor shall:

1. Seek permission to hire.
2. Seek approval from Academic Staff Council if the position is GPR-funded, but will be identified as a Fixed Term Appointment.
3. In consultation with the Equity and Affirmative Action (EAA) Director, develop a full job description or review the current job description. It is important to include language required by the Americans with Disabilities Act (ADA) in current and new job descriptions. The ADA Position Self-Evaluation Form is available to help you with appropriate wording.
 - For non-teaching positions, contact Personnel Services to request a copy of an employee's current job description or the appropriate form.
 - For non-teaching positions, if there have been significant changes in the duties and responsibilities of a position (30% or more new ones) or this is a new position, revise or develop the description and submit it to the Hayes-Hill Titling Advisory Committee (HHTAC) for assignment/reassignment of the appropriate title.
 - If the current job description remains accurate, initial and date it to indicate that and send a copy to HHTAC.
4. Prepare Position Announcement Form according to guidelines and submit to Equity and Affirmative Action Director for approval. (It is a good idea to Email a draft to the EAA Director prior to getting signatures in case changes need to be made.)
5. Receive position number from Equity and Affirmative Action (EAA) Office.

6. Upon approval of the request to fill the vacancy, appoint Search and Screen Committee and verify that women/minorities are appropriately represented.
7. Fill out Composition of Search and Screen Committee Form and submit for approval
8. Schedule the first meeting of the committee with the EAA Director to discuss the following: the hiring process; diversity and strategies to encourage women and persons of color to apply; personnel policies and procedures; use of terms; development of selection and evaluation criteria and methodology; other questions the committee may have.

The Search and Screen Committee shall:

9. After receiving the charge from the supervisor and meeting with the EAA Director, select Search and Screen Committee Chair and Affirmative Action representative.
10. Finalize the recruitment plan. Complete and submit Recruitment Plan Form being sure to attach all requested documents.

PHASE TWO: RECRUITING

The Search and Screen Committee or Chair shall:

1. Upon approval, send out all recruitment material. (Watch carefully for closing dates and deadlines to get information to journals, etc. for advertising.)
2. As soon as possible after receipt of application materials, send each applicant a letter acknowledging the application and containing the following enclosures:
 - a. Full position description;
 - b. Equal Employment Opportunity Information Request Form (also called EEO or Self-Identification Form).
3. Two days after the close of the search, send an alphabetical listing of all candidates (including name, address and current position) to the (EAA) Office on the Open Records Requirement Form.

PHASE THREE: SCREENING AND EVALUATION OF APPLICANTS

The Search and Screen Committee or Chair shall:

1. Draft the proposed interview questions and methodology to be used in assessing candidates' qualifications. Complete and submit Interview and Evaluation Methodology Form for approval.

2. At the close of the recruitment period, review the applications and group applicants into tiers for consideration (do not otherwise rank applicants).
3. Complete and submit the Applicant Log for approval before interviews are scheduled.
4. Receive Applicant Flow Analysis Form from EAA Office.
5. After the Applicant Flow Analysis Form has been received, select the finalists to be interviewed, using the pre-established criteria identified in the Interview and Evaluation Methodology Form. Complete and submit the Interview Request Form. (Note: This form is also used to authorize and request reimbursement for interview expenses if there are any.)
6. Receive approval to interview finalists.
7. Contact recommended finalists and arrange interviews and campus visits.
8. The administrator responsible for the hire is expected to contact UWSP News Service prior to releasing the list of finalists **and** prior to announcing the hire. This is to ensure the coordination of the announcement to the campus and community and to arrange for appropriate media coverage (if warranted).
9. Conduct campus visits and interviews in accord with plan identified on Interview and Evaluation Methodology Form.
10. Assess candidates based on essential job functions identified in position description.

PHASE FOUR: RECOMMENDATION TO HIRE, EXTENDING THE OFFER

Per UWSP University Handbook (Chapter 3, Section 6):

Interviews --

- The committee shall determine the procedures by which it will screen the candidates and select the list of candidates to be invited for interviews.
- After the closing date for applications, the committee shall select the candidates to be invited for interviews.
- Normally, interviews shall continue until the committee agrees upon not less than three nor more than five finalists it is willing to recommend to the supervisor.

Selection --

- Normally, the supervisor offers the position to one individual from among the finalists recommended.

- The supervisor may reject all finalists and ask the committee to continue or reopen the search.

The Committee Chair shall:

1. Submit the Finalist Appraisal Form for approval after finalists have been assessed.

The supervisor shall:

2. After consulting with the hiring authority and receiving approval, make a verbal offer to the first choice candidate.
3. If candidate verbally accepts offer, complete and submit the Recommendation to Appoint Form and Personnel Appointment Form (available in Personnel Office).

The appropriate Line Officer shall:

4. Send final contract to candidate.

The Search and Screen Committee Chair shall:

5. Complete and submit Information on UW System Recruitment Report Form to EAA Office.
6. Notify all candidates that this position has been filled and thank them for their interest in UWSP.
7. The search is now closed. Collect all search and screen materials from all committee members and keep on file (in unit/department) for four years.

SECTION 3

ACPS-4 AND DERIVATIVE POLICIES

ACADEMIC PLANNING STATEMENT NO. 4 (ACPS-4): UNIVERSITY OF WISCONSIN SYSTEM POLICY ON ACADEMIC YEAR DEFINITION AND ASSORTED DERIVATIVES

[Revised: February 11, 2000]

PREAMBLE.

This System policy applies to ranked faculty and instructional academic staff members and replaces all former Chapter 36 and Chapter 37 Board of Regents' policies relating to the topics covered.

The policy recognizes special requirements in establishing the appointment period for University faculty members.

The activities of a faculty member are not organized in terms of a specified number of hours and days in specified locations. Rather, as with professionals practicing law or medicine, recent surveys indicate that university faculty members on the average devote from 50 to 60 hours per week to university activity. The time devoted to such activity may vary from week to week or month to month during the course of an academic year. Frequently, the faculty member engages in activity related to his/her university responsibilities outside the academic year. The university activity of any faculty member is subject to institutional policy on teaching loads, advising hours, or schedules; the primary responsibility for monitoring and assuring equity is placed at the departmental level where peer group judgment on promotion, tenure, and salary levels is initiated.

This pattern of individual activity best sustains the special character and vitality of an academic community. The policies enunciated herein have been designed to preserve the essential character of the academic community while setting minimum service expectations of faculty members for the academic year, establishing reasonable methods of calculating pay periods and entitlements to various fringe benefits, and regulating reasonably the use of overload payments to faculty members holding full-time appointments.

THE ACADEMIC YEAR AND CALENDAR.

The regular academic year covers a full nine-month period which is the basis for academic year appointments. The following guidelines permit the institutions to vary the academic calendar within the nine-month period of the academic year.

The Chancellor of each institution, in consulting with the faculty, should determine the primary divisions of the academic year calendar. The calendar may be organized in two semesters, three quarters, or modules of semesters or quarters and shorter terms (mini-sessions, inter-sessions, etc.) within the academic year period. The contractual academic year shall consist of a full nine months (39 weeks) and shall include not fewer than 34 weeks of organized services for students including classroom instruction, registration, advising, and examining.

After the institution has determined its calendar and designated periods for instruction, registration, advising, examination, and official state holidays, the time remaining which is not on the organized calendar shall be used by faculty members for scholarly pursuits and instructional development as individual, self-directed professionals.

THE AWARDING OF CREDIT.

The institutions shall award credit to students successfully completing approved instructional programs, or demonstrating competence or learning equivalent to that provided by such programs as either semester credits, or quarter credits. It is assumed that study leading to one semester credit represents an investment of time by the average student of not fewer than 48 hours for class contact in lectures, for laboratories, examinations, tutorials and recitations, and for preparation and study; or a demonstration by the student of learning equivalent to that established as the expected product of such a period of study. Study leading to one quarter of credit represents two-thirds of that set as the standard for one semester credit.

{**Note:** At UWSP, contact hours also include remote communications, electronically mediated discussion, field trips, job shadowing, interviewing, and internships.}

THE PERIOD OF APPOINTMENT FOR FACULTY.

An annual appointment extends for a period of twelve months and normally begins on July 1. Faculty members on annual appointment shall accrue vacation at the rate of 22 working days per year.

An academic year appointment extends for the nine-month academic year specified in the calendar of the institution as approved by the Board of Regents and should ordinarily begin no earlier than one week before the first day of scheduled campus registration for the fall term and should end no later than one week after the date of spring commencement when commencement follows the last day of scheduled instruction, or when there is no commencement (as for the UW Centers), or when commencement precedes the final day of instruction, no later than one week after the last day of scheduled classes. The institution may contract with the faculty member for distribution of the equivalent of his/her academic year of service over the twelve-month calendar year; but, in any event, the contractual academic year shall consist of not fewer than thirty-nine (39) contiguous weeks.

COMPENSATION ADJUSTMENTS FOR INTERRUPTED SERVICE OR UNANTICIPATED TERMINATION OF APPOINTMENTS.

In the event of unanticipated termination of service during the term of an appointment, as for example by death or resignation, or interrupted service due to termination or suspension without pay, payment for services shall be terminated or suspended following cessation of services. The final check shall be calculated so that the faculty member receives full compensation for that portion of the academic year or annual appointment completed. For annual appointments, accrued vacation time will be paid in addition.

For faculty on academic year appointments, the final check shall be calculated as the product of the salary for the payroll period ($\frac{1}{9}$ of the academic year salary) times the fraction of the payroll period completed. That fraction is the ratio of the number of calendar days in the payroll period completed as a proportion of the total calendar days in the payroll period in which service was interrupted.

For faculty members on academic year appointments, but on a ten-pay or twelve-pay period assignment schedule, the final check, in case of interrupted service or unanticipated termination, shall also include that portion of the earned salary that was due in the tenth, or tenth through twelfth, payment(s). The earned additional amount to be paid in the final check is determined by multiplying the following factors: (1) the salary fraction escrowed per pay period; (2) the pay period salary; and (3) the number of pay periods completed (or fractions thereof computed as above) up to a total of nine. For the ten-pay plan, the salary fraction escrowed per pay period is $\frac{1}{9}$ of each pay period salary; for the twelve-pay plan, the salary fraction escrowed per period is $\frac{1}{3}$ of each pay period salary.

For faculty on annual appointment, the final check shall be calculated as the product of the salary for the payroll period ($\frac{1}{12}$ of the annual salary) times the fraction of the payroll period completed. That fraction is the ratio of the number of calendar days in the payroll period completed as a proportion of the total calendar days in the payroll period in which service was interrupted.

ELIGIBILITY -- SICK LEAVE, RETIREMENT, UNEMPLOYMENT COMPENSATION, AND SOCIAL SECURITY.

Sick leave: Faculty members who are absent and eligible for paid sick leave shall be charged at the rate of five days per week excluding weekends and legal state holidays and in conformity with the University of Wisconsin faculty sick leave policy. In establishing the System sick leave policy, accumulation and usage of sick leave by other state employees was considered.

Retirement: Retirement credits are reported in days per month. Days reported will be for the academic year as defined by each institution excluding weekends.

Unemployment compensation and social security: The end of a semester or academic year as defined by the institution unless there is interrupted service or unanticipated termination will be reported as the last day worked.

UNANTICIPATED ASSIGNMENTS FOR FACULTY MEMBERS AND INSTRUCTIONAL ACADEMIC STAFF MEMBERS FROM UNIVERSITY SOURCES DURING THE PERIOD OF APPOINTMENT.

a. General policy.

The salary received by full time faculty members is considered to be full compensation for university activity during their appointment period. Thus, such faculty members may not receive compensation for an overload activity from any funds administered within the University System, regardless of source, except through procedures and within standards provided in this policy.

Recurring needs for a faculty member to assume special institutional responsibilities should be handled through some method other than overload payments. The following alternatives are suggested:

1. An adjustment in the faculty member's existing responsibilities to release time for a new assignment.
2. Reevaluate the individual's existing and added duties to determine whether a temporary revision of base salary is appropriate.
3. Compensate, if possible, for the added load by converting an academic year appointment to an annual appointment.

Exceptions are subject to specific advance approval of the Chancellor(s) or designee whose unit(s) is (are) involved and must be of an unusual, short term, or non-recurring nature. When exceptions are granted, two methods for dealing with an ad hoc or temporary need for special institutional services are suggested:

1. Overload payment made directly to the faculty member.

2. Purchase of load wherein there is a transfer of money into the faculty member's department or employing unit as a purchase of institutional time from that unit. This may permit the release of the unit's resources to support other scholarly activities of the individual or unit.

Compensation for such exceptions cannot exceed the statutory limitations as defined in the Wisconsin Statutes [Section 16.417(2)].* This limitation (i.e. \$12,000/year) is to be applied to all full-time employees (academic or annual).

* Wisconsin Statutes Section 16.417(2)(a): "No individual other than an elective state official who is employed or retained with an agency or authority may hold any other position or be retained in any other capacity with an agency or authority from which the individual receives, directly or indirectly, more than \$12,000 from the agency as compensation for the individual's services during the same year."

Calculation of overload payments shall be made in conformance to methodology developed in FPPP #29 (Financial Policy Procedures Papers #29).

b. Mini-sessions during the academic year.

Faculty may receive additional payment for mini-sessions scheduled during the academic year when the addition of a mini-session or inter-session results in a teaching load that exceeds the institution's regular expected teaching load for fall and spring semesters.

c. Summer session and post-commencement (-term) mini-sessions.

Budgets for mini-sessions conducted outside of the period of the nine-month academic year shall be included in this part of the annualized budget allocated to summer session activities of the institution. Compensation received from the University in the summer period should not in aggregate exceed two-ninths of the academic year salary of the person appointed unless an explicit exception is granted by the Chancellor (or designee).

d. Inter-institutional instructional consulting or technical service on an overload basis.

One of the assumptions of merger is that the University of Wisconsin System should be able to arrange for the sharing of expertise among the various units. Where the need for this inter-institutional service is short-term in nature, it is often necessary to arrange for appropriate compensation on an overload basis.

Overload payment for such services may be authorized only by the concerned Chancellors (or their designees) when the service falls outside the regularly assigned

responsibilities of the person sought and is provided without affecting adversely performance of such regularly assigned responsibilities. The activity should meet the standard of being unusual, short-term, and non-recurring.

e. Off-campus credit instruction.

Off-campus credit courses should, when taught by full-time faculty members during their appointment period, be taught insofar as possible as part of their assigned full-time responsibilities. It should be recognized that past practice of the institutions has varied on the use of overload payment for such purposes, as well as on the use of ad hoc instruction. Moreover, institutions may find it desirable to maintain flexibility in the use of instructional funds and in adapting off-campus offerings to rapidly changing needs by continuing to staff some part of their off-campus credit offerings through use of overload payment and ad hoc employment. The UW System sets as a standard that no more than one-third of the staffing of off-campus credit instruction by any System institution be provided through overload or ad hoc arrangements and that such staffing be recommended by the relevant academic department or its functional equivalent and approved by the Chancellor (or designee).

The level of use of overload payment and ad hoc arrangements for off-campus credit instruction shall be monitored by each Chancellor (or designee).

With reference to statewide outreach planning, UW-Extension has responsibility for the coordination of off-campus credit offerings as set forth in ACIS-3. When institutions are unable to budget for off-campus credit courses as a part-of-load, such courses will continue to be budgeted through UW-Extension. Where that is the case, the provisions of ACIS-3, Section IV. C. apply.

For purposes of this section, ad hoc appointments are temporary appointments of persons employed to meet a particular teaching assignment, the need for which has not been anticipated in the planning of the teaching responsibilities and budget of a particular academic unit. Such appointments are made to persons who are not members of the institutional faculty, its academic staff (such as clinical professors), or its graduate assistants. Also for purposes of this section, any campus credit offerings scheduled and taught on campus through a campus extension division shall be considered within the same policy applying to off-campus offerings.

f. Non-credit continuing education and public service programs.

The University of Wisconsin System commits itself to respond to the continuing education and public service needs of Wisconsin residents. To the extent that these needs can be anticipated for any regular budget period, budget arrangements should be developed to structure such assignments as part of the regular load of full-time faculty members.

If these assignments have not been anticipated, or cannot be accommodated in the regular load, overload payments may be authorized according to the policy and limits established in accord with this policy document.

With reference to statewide outreach planning, UW-Extension has responsibility for the coordination and budgeting of non-credit offerings as outlined in the April 1982 Regent's Policy and as set forth in ACIS-5.

g. Monitoring of overload payments.

The Chancellor of each institution shall be responsible for monitoring overload payments and shall provide the UWS Office of Academic Affairs, upon request, a list of persons receiving overload payments having a cumulative annual total per individual of \$5,000.00 or more.

ADMINISTRATIVE APPENDIX TO ACPS-4

PART-OF-LOAD.

Services, on-campus or off-campus, during the academic year or summer, provided by faculty as part of their regular appointment and their salaries paid out of the institution's regular instructional budget. Such faculty or staff may be part-time employees of the University as adjunct faculty or Lecturers. The regular appointments may include a sharing of the individual's services by two or more institutions. This part-of-load instruction should be reported by the University or Center in the CDR.

Purchase of load appointments are treated like part-of-load appointments in dealing with the provisions under 6.e. that not more one-third of the off-campus courses be provided through overload or ad hoc arrangements. These types of appointments are those in which off-campus credit instruction is provided through UW-Extension funds administered by a University or Center. This purchase-of-load instruction should not be reported by the University or Centers but through the UW-Extension CDR.

Faculty appointments funded by UW-Extension are treated like part-of-load appointments in dealing with the provisions in 6.e. that not more than one-third of the off-campus courses be provided through overload or ad hoc arrangements. These types of appointments are campus-based faculty members who have appointments supported by UW-Extension funds and who are teaching off-campus credit courses. These appointments include appointments of University or Center faculty members who are not, at the time of appointment, holding appointments at the University or Center (e.g., during the summer

period). Faculty instruction funded by UW-Extension should not be reported by a University or Center in the CDR.

OVERLOAD.

Services provided by faculty on full-time UW System appointments who are being paid additional sums by an institution of the UW-System for services in addition to regular assignments during their period of appointment. This overload instruction should be reported in the CDR by the institution that provides the funding for the overload payment. Credits generated through UW-Extension/institution inter-institutional agreements should be reported in the UW-Extension CDR. Approval and reporting procedures noted in other sections of ACPS-4 are applicable.

AD HOC.

Temporary appointments to persons employed to assignment who are not members of the institutional faculty, its teaching academic staff (such as Lecturers), or its graduate assistants, and are paid for by UW-Extension funds. This ad hoc instruction would not be reported by the University or Centers in the CDR. [Individuals may also be appointed by institutions as part-time faculty or teaching academic staff, (e.g., lecturer or adjunct professor) for on-campus teaching and paid out of the regular instructional budget as described under Part-of-Load above. Such individuals should not be considered as ad hoc personnel for the purposes of this definition. This instruction should be reported by the University or Center in the CDR.

PROVISIONS FOR PART-TIME TEACHING STAFF (PART-OF-LOAD OR AD HOC APPOINTMENTS).

The System's policy is that the quality of an institution's instructional program is more effectively assured if offered by regular full-time faculty. However, in certain instances, unusually well qualified persons may be obtained on a part-time basis who would not be available full-time. Institutions are, therefore, encouraged to take appropriate steps to insure that the part-time teaching staff are involved in regular departmental activities related to program development and evaluation through special provisions for participation in departmental activities and appropriate professional relationships with other members of the department. When appropriately provided for, part-time teaching staff can become an integral part of a department's instructional program.

It is generally undesirable for an institution to employ as part-time teaching staff individuals who are in any way administratively responsible for the students they are teaching (e.g., school administrative staff teaching teachers in their own school district).

SECTION 4

REASSIGNMENT AND RETRAINING

ACTING OFFICERS

1. When considering an acting appointment, the administrator involved must discuss the appropriateness of an acting appointment with the Affirmative Action Officer prior to discussing the position with any prospective candidate and prior to seeking nominations for the acting position.
2. Appointments to an acting position related to reassignment of duties shall be limited to one year. Exceptions to this policy can be made under extenuating circumstances by the Chancellor with the consent of the Executive Committee of Faculty Senate and with an approved affirmative action waiver.

RETRAINING AND REASSIGNMENT OF FACULTY

POLICY

It is the policy of the University of Wisconsin-Stevens Point to encourage faculty retraining and reassignment in every instance in which retraining and reassignment benefit the faculty member and the University. Normally, priority shall be given to proposals for reassignment of tenured faculty from areas of relatively low student demand to areas where student demand is relatively high.

PROCEDURES

A written agreement stating explicitly the responsibilities and commitments of the individual, the department(s), college(s), and the university shall precede any reassignment.

1. The agreement shall address pertinent issues relating to the conditions of reassignment and procedures for handling personnel decisions.
2. The agreement shall contain:
 - A clear statement on the retraining to be accomplished.
 - The commitment of the department(s), college(s), and university to support the retraining.
 - A commitment from the individual to continue employment with the university beyond the period of retraining.

In recognition of the wide variety of faculty interests and unique departmental needs, individual agreements consistent with UWSP Personnel Rules shall be negotiated by the

parties involved. The following should be used as guidelines for constructing such agreements:

1. Reassignment may be temporary for a period of 2 to 5 years, or may be permanent.
2. Following consultation with the dean(s) of the college(s), the agreement may be terminated upon mutual consent of the faculty member and the department(s) involved.
3. If reassignment occurs before the completion of all planned retraining, a reduced teaching load for the first two semesters of the new assignment shall be considered. After the first year, a full teaching load is expected.
4. For a period of at least two years, the faculty member may be offered a summer session appointment of at least one-half of the amount of the academic year reassignment for the purpose of additional retraining. (e.g., if the reassignment is 0.50 FTE for the academic year, the summer session appointment may be 0.25 FTE.)
5. If the reassignment is a permanent, full-time appointment, all personnel decisions shall be made by the receiving department. If the reassignment is temporary or is a permanent appointment of less than full-time, the agreement shall state whether personnel decisions remain with the home department or are divided between the two departments.
6. According to UWSP personnel rules, seniority is with the institution. Upon permanent full-time reassignment, seniority within the receiving unit shall be negotiated by the faculty member and the receiving unit.

REASSIGNMENT OF ADMINISTRATORS

LOCAL POLICY

- A tenured administrator or other faculty member not teaching but holding rank in an academic department may return to the department for any of the following reasons, providing no alternative employment is available which is mutually acceptable to both the individual and the Chancellor:
 1. The individual reaches the age of 65.
 2. The individual resigns the position and such resignation is accepted by the Chancellor.
 3. The immediate supervisor desires the transfer and the Chancellor concurs.
- Upon being informed that such a transfer will occur, the department in which the individual holds rank and tenure will decide upon one of the following options:
 1. Assign the individual full time teaching responsibilities immediately.
 2. Temporarily (not to exceed one year) assign the individual to non-teaching responsibilities or a combination of teaching and non-teaching responsibilities

which are acceptable to the individual. The non-teaching portion of the assignment will not be charged to the department.

3. Request of the individual a proposal to renew teaching skills. Such a proposal must be accepted by the department, Dean, and Chancellor and should not exceed 0.50 FTE for one academic year. The non-teaching portion of the assignment will not be charged to the department. Such proposals will normally be funded in addition to regular development proposals if funds are available. It should be noted that commitment of funds for retraining may mean a reduction in the number of teaching positions available to the department.

SYSTEM POLICY

- When a ranked faculty member leaves an administrative limited appointment to return to his/her faculty position, the salary upon return to the faculty position shall be negotiated within a range bounded by the average salary of all faculty of the same rank within the tenure home department (or functional equivalent) and 82% of the administrative salary. Negotiated salaries outside of this range require the advance approval of the System President. {UWS Unclassified Personnel Guideline 4.04(5)}

SECTION 5

RESIGNATION

AUTHORIZATION

All resignations of unclassified personnel shall be addressed to the Chancellor and shall follow the normal authority structure and receive a recommendation regarding acceptance at each level. For example, the department member should forward his/her resignation through the chairperson, the dean, and the provost. However, this procedure does not negate the possibility that for compelling personal reasons an individual might wish to submit his/her resignation directly to the Chancellor.

Faculty are urged to keep their departments informed of a possible resignation. Professional ethics and common courtesy require that resigning faculty give their departments adequate time to consider a replacement. While certain emergencies might occur which require special consideration, the department or dean normally will not recommend for acceptance a resignation intended for the following academic year tendered after May 1.

CHECK-OUT PROCEDURE

The University has established a check-out procedure for faculty and academic staff who will not be returning the following year. A check list originating from the Provost's Office is used, indicating various items that need to be accounted for prior to separation (e.g., grade reports, library materials, insurance, keys, etc.). The completed form is then presented to the Bursar's Office, where it will be checked for outstanding bills. If an unpaid bill exists, all payroll checks will be held until the balance is paid. Self-addressed envelopes should be left at the Bursar's Office for possible forwarding of checks.

SECTION 6

SEARCH AND SCREEN COMMITTEES AND SELECTION PROCESSES

PROVOST/VICE CHANCELLOR FOR ACADEMIC AFFAIRS

REGENTS COMMITTEE.

The board typically appoints a screening committee which becomes involved in the search process for provost/vice chancellor after the conclusion of local procedures.

SEARCH AND SCREEN COMMITTEE.

Notification.

Faculty Senate.

It is the responsibility of the chancellor to inform the chairperson of the Faculty Senate to initiate the search and screen process when a vacancy occurs or will occur for the position of provost.

Nominations and Elections Subcommittee.

The chairperson of the Faculty Senate shall notify the chairperson of the nominations and elections subcommittee, which shall then proceed with the establishment of a search and screen committee.

Membership. Faculty Defined.

For purposes of this process, the term faculty shall be construed as it is defined in the *Constitution of the Faculty of the University of Wisconsin Stevens Point*.

Exclusion.

No member of the search and screen committee may be an applicant for the position.

Elected Faculty.

Faculty Distribution.

Of the elected faculty members of the committee, there shall be

- two from COLS, with one from the natural and physical sciences and one from the social sciences and humanities;
- one from CPS;
- one from COFAC;
- one from CNR; and
- one unassigned to a college.

Nominations.

Faculty shall be nominated for this search and screen committee according to procedures established by the nominations and elections subcommittee.

Elections.

Faculty members to be elected to the search and screen committee shall be elected by the faculty of the colleges and by the faculty of the University Library and those not assigned to a college or the library, through a mail ballot conducted by the nominations and elections subcommittee.

Minority Representation.

If minorities or women are not represented among the elected faculty, the executive committee of the Faculty Senate may appoint one woman and one minority individual to the committee.

Appointed Members and Appointing Authority.

Five additional members of the committee, appointed as indicated, shall be

- one member of the classified staff, appointed by the director of personnel in consultation with the chairperson of the Classified Staff Advisory Committee;
- one undergraduate student, appointed by the Student Government Association according to its procedures;
- one graduate student, appointed by the Student Government Association according to its procedures;
- one dean, appointed by the council of deans; and
- one individual appointed by the chancellor.

Affirmative Action.

At least one member of the committee must have a demonstrated knowledge of and an expressed willingness to accept responsibility for affirmative action policies and procedures.

The chancellor and the chairperson of the affirmative action committee shall ensure that this requirement is met either through the regular election/appointment process or through the addition of an affirmative action representative.

Chairperson.

The committee shall elect its own chairperson.

SELECTION PROCESS.

Position Description and Conditions of Employment.

The chancellor shall provide to the search and screen committee a position description, which the committee shall review and to which the committee may recommend changes. The chancellor shall also provide a statement which specifies

- salary;
- that appointment as provost/vice chancellor is a limited appointment;
- the type of concurrent appointment (faculty or academic staff); and
- the number of years of the concurrent appointment.

Candidate Qualities.

The committee shall provide to the chancellor a list of qualities desired in candidates for provost. The chancellor shall consult with the committee concerning any modifications and shall approve the list prior to the beginning of the search process.

Advertising the Position.

Preparation of Copy.

The chancellor shall provide to the search and screen committee advertising copy for the position announcement, which the committee shall review and to which the committee may recommend changes. The completed advertisement shall be submitted to the affirmative action officer with a list of proposed publications. The affirmative action officer may, in consultation with the chancellor and the committee, add publications to the list to assure that minorities and women are adequately informed of the vacant position.

Clearance Required.

The advertisement may be published only after clearance from the affirmative action officer.

Formal Announcement.

The chancellor shall issue a formal announcement of the search for a provost simultaneously to the campus and to external agencies (unless the search is to be exclusively internal) by means agreed to by the chancellor and the committee.

The formal announcement (not necessarily identical to advertising copy) shall invite applications and nominations for provost and shall include relevant excerpts from the position description, conditions of employment, and the list of desired qualities, and shall also include a timetable for selection.

Committee Procedures.

Receipt of Nominations.

As the committee chairperson receives nominations, the chairperson shall send to each nominee

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities.

Receipt of Applications.

As the committee chairperson receives applications, the chairperson shall ensure that each applicant receives or has received

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities; and
- shall request submittal of three to five references.

Candidates for Interviews.

Procedures.

The committee shall determine the procedures by which it will screen the candidates and select the list of candidates to be invited for interviews.

Selection.

After the closing date for applications, the committee shall select the candidates to be invited for interviews.

Interviews.

Normally, interviews shall continue until the committee agrees upon not less than three nor more than seven finalists it is willing to recommend to the chancellor.

Chancellor's Action.

Normally, the chancellor selects one individual from among the recommended finalists to invite for interview by the regents' committee. If the individual is acceptable to the regents' committee, the individual is recommended to the president and the board.

The chancellor may reject all finalists and ask the committee to continue or reopen the search.

VICE CHANCELLOR FOR BUSINESS AFFAIRS OR STUDENT AFFAIRS

SEARCH AND SCREEN COMMITTEE.

Notification.

Faculty Senate.

It is the responsibility of the chancellor to inform the chairperson of the Faculty Senate to initiate the search and screen process when a vacancy occurs or will occur for the position of vice chancellor for business or student affairs.

Nominations.

The chairperson of the Faculty Senate shall then proceed with the establishment of a search and screen committee.

Membership.

Faculty Defined.

For purposes of this process, the term faculty shall be construed as it is defined in the *Constitution of the Faculty of the University of Wisconsin Stevens Point*.

Exclusion.

No member of the search and screen committee may be an applicant for the position.

Members and Appointing Authority.

Eleven members of the committee, appointed as indicated, shall be

- three faculty, appointed by the chairperson of the Faculty Senate from among nominees of the executive committee of the Faculty Senate;
- one undergraduate student, appointed by the Student Government Association according to its procedures;
- one graduate student, appointed by the Student Government Association according to its procedures;
- one dean, appointed by the council of deans;
- one classified staff member, appointed by the director of personnel services in consultation with the chairperson of the Classified Staff Advisory Committee; and
- four individuals appointed by the chancellor, at least three of whom shall be from among the personnel of the affected division.

Minority Representation.

If minorities and women are not represented among the eleven appointees, the executive committee of the Faculty Senate may appoint one woman and one minority individual as additional members of the committee.

Affirmative Action.

At least one member of the committee must have a demonstrated knowledge of and an expressed willingness to accept responsibility for affirmative action policies and procedures.

The provost and the chairperson of the affirmative action committee shall ensure that this requirement is met either through the regular election/appointment process or through the addition of an affirmative action representative.

Chairperson.

The committee shall elect its own chairperson.

SELECTION PROCESS.

Position Description and Conditions of Employment.

The chancellor shall provide to the search and screen committee a position description, which the committee shall review and to which the committee may recommend changes. The chancellor shall also provide a statement which specifies

- salary;
- that appointment as vice chancellor is a limited appointment;
- the type of concurrent appointment (faculty or academic staff); and
- the number of years of the concurrent appointment.

Candidate Qualities.

The committee shall provide to the chancellor a list of qualities desired in candidates for vice chancellor. The chancellor shall consult with the committee concerning any modifications and shall approve the list prior to the beginning of the search process.

Advertising the Position.

Preparation of Copy.

The chancellor shall provide to the search and screen committee advertising copy for the position announcement, which the committee shall review and to which the committee may recommend changes. The completed advertisement shall be submitted to the affirmative action officer with a list of proposed publications. The affirmative action officer may, in consultation with the chancellor and the committee, add publications to the list to assure that minorities and women are adequately informed of the vacant position.

Clearance Required.

The advertisement may be published only after clearance from the affirmative action officer.

Formal Announcement.

The chancellor shall issue a formal announcement of the search for vice chancellor simultaneously to the campus and to external agencies (unless the search is to be exclusively internal) by means agreed to by the chancellor and the committee.

The formal announcement (not necessarily identical to advertising copy) shall invite applications and nominations for vice chancellor and shall include relevant excerpts from the position description, conditions of employment, and the list of desired qualities, and shall also include a timetable for selection.

Committee Procedures.

Receipt of Nominations.

As the committee chairperson receives nominations, the chairperson shall send to each nominee

- a cover letter of explanation;
- a copy of the original announcement; and

- copies of the position description, conditions of employment, and the list of desired qualities.

Receipt of Applications.

As the committee chairperson receives applications, the chairperson shall ensure that each applicant receives or has received

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities; and
- shall request submittal of three to five references.

Candidates for Interviews.

Procedures.

The committee shall determine the procedures by which it will screen the candidates and select the list of candidates to be invited for interviews.

Selection.

After the closing date for applications, the committee shall select the candidates to be invited for interviews.

Interviews.

Normally, interviews shall continue until the committee agrees upon not less than three nor more than five finalists it is willing to recommend to the chancellor.

Chancellor's Action.

Normally, the chancellor offers the position to one individual from among the finalists recommended.

The chancellor may reject all finalists and ask the committee to continue or reopen the search.

VICE CHANCELLOR FOR UNIVERSITY ADVANCEMENT

SEARCH AND SCREEN COMMITTEE.

Notification.

Faculty Senate.

It is the responsibility of the chancellor to inform the chairperson of the Faculty Senate to initiate the search and screen process when a vacancy occurs or will occur for the position of vice chancellor for university advancement.

Nominations.

The chairperson of the Faculty Senate shall then proceed with the establishment of a search and screen committee.

Membership.

Faculty Defined.

For purposes of this process, the term faculty shall be construed as it is defined in the *Constitution of the Faculty of the University of Wisconsin Stevens Point*.

Exclusion.

No member of the search and screen committee may be an applicant for the position.

Members and Appointing Authority.

Thirteen members of the committee, appointed as indicated, shall be

- one vice chancellor, appointed by the chancellor
- one dean, appointed by the council of deans
- president of UWSP Alumni Association (or designee in consultation with the chancellor)
- president of UWSP Foundation, Inc. (or designee in consultation with the chancellor)
- member of UWSP Foundation Board (selected by foundation board president in consultation with chancellor)
- two faculty, appointed by the chairperson of the Faculty Senate from among nominees of the executive committee of the Faculty Senate;
- one student, appointed by the Student Government Association according to its procedures;
- one classified staff member, from personnel of the Office for University Advancement, appointed by the Classified Staff Advisory Committee according to its procedures
- one academic staff member, from personnel of the Office for University Advancement, appointed by the Academic Staff Council according to its procedures
- director of the Office of Equity and Affirmative Action
- one member of the community, appointed by the chancellor
- one at-large member, appointed by the chancellor

Minority Representation.

If minorities and women are not represented among the eleven appointees, the executive committee of the Faculty Senate may appoint one woman and one minority individual as additional members of the committee.

Chairperson.

The committee shall elect its own chairperson.

SELECTION PROCESS.

Position Description and Conditions of Employment.

The chancellor shall provide to the search and screen committee a position description, which the committee shall review and to which the committee may recommend changes. The chancellor shall also provide a statement which specifies

- salary;
- that appointment as vice chancellor is a limited appointment;
- the type of concurrent appointment (faculty or academic staff); and
- the number of years of the concurrent appointment.

Candidate Qualities.

The committee shall provide to the chancellor a list of qualities desired in candidates for vice chancellor. The chancellor shall consult with the committee concerning any modifications and shall approve the list prior to the beginning of the search process.

Advertising the Position.

Preparation of Copy.

The chancellor shall provide to the search and screen committee advertising copy for the position announcement, which the committee shall review and to which the committee may recommend changes. The completed advertisement shall be submitted to the affirmative action officer with a list of proposed publications. The affirmative action officer may, in consultation with the chancellor and the committee, add publications to the list to assure that minorities and women are adequately informed of the vacant position.

Clearance Required.

The advertisement may be published only after clearance from the affirmative action officer.

Formal Announcement.

The chancellor shall issue a formal announcement of the search for vice chancellor simultaneously to the campus and to external agencies (unless the search is to be exclusively internal) by means agreed to by the chancellor and the committee.

The formal announcement (not necessarily identical to advertising copy) shall invite applications and nominations for vice chancellor and shall include relevant excerpts from the position description, conditions of employment, and the list of desired qualities, and shall also include a timetable for selection.

Committee Procedures.

Receipt of Nominations.

As the committee chairperson receives nominations, the chairperson shall send to each nominee

- a cover letter of explanation;

- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities.

Receipt of Applications.

As the committee chairperson receives applications, the chairperson shall ensure that each applicant receives or has received

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities; and
- shall request submittal of three to five references.

Candidates for Interviews.

Procedures.

The committee shall determine the procedures by which it will screen the candidates and select the list of candidates to be invited for interviews.

Selection.

After the closing date for applications, the committee shall select the candidates to be invited for interviews.

Interviews.

Normally, interviews shall continue until the committee agrees upon not less than three nor more than five finalists it is willing to recommend to the chancellor.

Chancellor's Action.

Normally, the chancellor offers the position to one individual from among the finalists recommended.

The chancellor may reject all finalists and ask the committee to continue or reopen the search.

ASSOCIATE VICE CHANCELLOR AND ASSISTANT VICE CHANCELLOR

SEARCH AND SCREEN COMMITTEE.

Notification.

Faculty Senate.

It is the responsibility of the provost to inform the chairperson of the Faculty Senate to initiate the search and screen process when a vacancy occurs or will occur for the positions of associate vice chancellor or assistant vice chancellor.

Nominations and Elections Subcommittee.

The chairperson of the Faculty Senate shall notify the chairperson of the nominations and elections subcommittee, which shall then proceed with the establishment of a search and screen committee.

Membership.

Faculty Defined.

For purposes of this process, the term faculty shall be construed as it is defined in the *Constitution of the Faculty of the University of Wisconsin Stevens Point*.

Exclusion.

No member of the search and screen committee may be an applicant for the position.

Elected Faculty.

Faculty Distribution.

Of the elected faculty members of the committee, there shall be

- two from COLS, with one from the natural and physical sciences and one from the social sciences and humanities;
- one from CPS;
- one from COFAC;
- one from CNR; and
- one unassigned to a college.

Nominations.

Faculty shall be nominated for this search and screen committee according to procedures established by the nominations and elections subcommittee.

Elections.

Faculty members to be elected to the search and screen committee shall be elected by the faculty of the colleges and by the faculty of the University Library and those not assigned to a college or the library, through a mail ballot conducted by the nominations and elections subcommittee.

Minority Representation.

If minorities or women are not represented among the elected faculty, the executive committee of the Faculty Senate may appoint one woman and one minority individual to the committee.

Appointed Members and Appointing Authority.

Five additional members of the committee, appointed as indicated, shall be

- one undergraduate student, appointed by the Student Government Association according to its procedures;

- one graduate student, appointed by the Student Government Association according to its procedures;
- one dean, appointed by the council of deans;
- one classified staff member, appointed by the director of personnel services in consultation with the chairperson of the Classified Staff Advisory Committee; and
- one individual appointed by the chancellor.

Affirmative Action.

At least one member of the committee must have a demonstrated knowledge of and an expressed willingness to accept responsibility for affirmative action policies and procedures.

The provost and the chairperson of the affirmative action committee shall ensure that this requirement is met either through the regular election/appointment process or through the addition of an affirmative action representative.

Chairperson.

The committee shall elect its own chairperson.

SELECTION PROCESS.

Position Description and Conditions of Employment.

The provost shall provide to the search and screen committee a position description, which the committee shall review and to which the committee may recommend changes. The provost shall also provide a statement which specifies

- salary;
- that appointment as associate vice chancellor or assistant vice chancellor is a limited appointment;
- the type of concurrent appointment (faculty or academic staff); and
- the number of years of the concurrent appointment.

Candidate Qualities.

The committee shall provide to the provost a list of qualities desired in candidates for associate vice chancellor or assistant vice chancellor. The provost shall consult with the committee concerning any modifications and shall approve the list prior to the beginning of the search process.

Advertising the Position.

Preparation of Copy.

The provost shall provide to the search and screen committee advertising copy for the position announcement, which the committee shall review and to which the committee may recommend changes. The completed advertisement shall be submitted to the affirmative action officer with a list of proposed publications. The affirmative action officer may, in consultation with the provost and the committee,

add publications to the list to assure that minorities and women are adequately informed of the vacant position.

Clearance Required.

The advertisement may be published only after clearance from the affirmative action officer.

Formal Announcement.

The provost shall issue a formal announcement of the search for associate vice chancellor or assistant vice chancellor simultaneously to the campus and to external agencies (unless the search is to be exclusively internal) by means agreed to by the provost and the committee.

The formal announcement (not necessarily identical to advertising copy) shall invite applications and nominations for associate vice chancellor or assistant vice chancellor and shall include relevant excerpts from the position description, conditions of employment, and the list of desired qualities, and shall also include a timetable for selection.

Committee Procedures.

Receipt of Nominations.

As the committee chairperson receives nominations, the chairperson shall send to each nominee

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities.

Receipt of Applications.

As the committee chairperson receives applications, the chairperson shall ensure that each applicant receives or has received

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities; and
- shall request submittal of three to five references.

Candidates for Interviews.

Procedures.

The committee shall determine the procedures by which it will screen the candidates and select the list of candidates to be invited for interviews.

Selection.

After the closing date for applications, the committee shall select the candidates to be invited for interviews.

Interviews.

Normally, interviews shall continue until the committee agrees upon not less than two nor more than five finalists it is willing to recommend to the provost.

Provost's Action.

Normally, provost offers the position to one individual from among the finalists recommended.

The provost may reject all finalists and ask the committee to continue or reopen the search.

DEAN, ASSOCIATE DEAN, AND ASSISTANT DEAN

NOTE. In this subsection, the titles **associate dean** and **assistant dean** refer specifically to line or staff personnel working directly with and in the office of a dean, not to those in positions which are functional equivalents of department chairpersons.

SEARCH AND SCREEN COMMITTEE.

Notification.

Faculty Senate.

Dean.

It is the responsibility of the provost to inform the chairperson of the Faculty Senate to initiate the search and screen process when a vacancy occurs or will occur for the position of dean.

Associate and Assistant Dean.

It is the responsibility of the dean to inform the chairperson of the Faculty Senate to initiate the search and screen process when a vacancy occurs or will occur for the position of associate dean or assistant dean.

Nominations and Elections Subcommittee.

The chairperson of the Faculty Senate shall notify the chairperson of the nominations and elections subcommittee, which shall then proceed with the establishment of the appropriate search and screen committee.

Membership.

Faculty Defined.

For purposes of this process, the term faculty shall be construed as it is defined in the *Constitution of the Faculty of the University of Wisconsin Stevens Point*.

Exclusion.

No member of the search and screen committee may be an applicant for the position.

Elected Faculty.

Faculty Distribution.

- In colleges or areas having no more than six departments/units, each department/unit shall **elect** one member.
- In colleges or areas having more than six departments, each department may **nominate** one individual.
 - ♦ In the College of Letters and Science, the committee shall consist of
 - ✦ four members from among
 - ⇒ English;
 - ⇒ History;
 - ⇒ Philosophy and Anthropology;
 - ⇒ Political Science;
 - ⇒ Sociology and Social Work; and
 - ⇒ World Languages and Literatures.
 - ✦ three members from among
 - ⇒ Biology;
 - ⇒ Chemistry;
 - ⇒ Computing and New Media Technologies;
 - ⇒ Geography and Geology;
 - ⇒ Mathematical Sciences;
 - ⇒ Physics and Astronomy; and
 - ⇒ Psychology.
- In areas not formally divided into departments/units, committee selection procedures shall be agreed to by the area and the nominations and elections subcommittee.

Elections.

Faculty members to be elected to these search and screen committees shall be elected by the faculty of the affected college or unit, through a mail ballot conducted by the nominations and elections subcommittee.

Appointed Members and Appointing Authority.

Chairperson, Faculty Senate.

- For colleges or areas with fewer than six departments or not formally divided into departments/units, the chairperson of the Faculty Senate, in consultation with the executive committee of the Faculty Senate, shall appoint one faculty member from outside the college or area.
- For colleges or areas with more than six departments/units, the chairperson of the Faculty Senate, in consultation with the executive committee of the Faculty Senate, shall appoint two faculty members from outside the college or area.

Other Appointments.

Additional members of the committee, appointed as indicated, shall be

- one undergraduate student, appointed by the Student Government Association according to its procedures;
- one graduate student, appointed by the Student Government Association according to its procedures;
- one classified staff member, appointed by the director of personnel services in consultation with the chairperson of the Classified Staff Advisory Committee; and
- for a search and screen committee for a dean, one individual appointed by the provost; or
- for a search and screen committee for an associate or assistant dean, one individual appointed by the dean.

Minority Representation.

If minorities and women are not represented among the elected and appointed members, the executive committee of the Faculty Senate may appoint one woman and one minority individual as additional members of the committee.

Affirmative Action.

At least one member of the committee must have a demonstrated knowledge of and an expressed willingness to accept responsibility for affirmative action policies and procedures.

Dean.

For a search and screen committee for a dean, the provost and the chairperson of the affirmative action committee shall ensure that this requirement is met either through the regular election/appointment process or through the addition of an affirmative action representative.

Associate or Assistant Dean.

For a search and screen committee for an associate or assistant dean, the dean and the chairperson of the affirmative action committee shall ensure that this requirement is met either through the regular election/appointment process or through the addition of an affirmative action representative.

Chairperson.

Each committee shall elect its own chairperson.

SELECTION PROCESS.

Position Description and Conditions of Employment.

Dean.

The provost shall provide to the search and screen committee a position description, which the committee shall review and to which the committee may recommend changes. The provost shall also provide a statement which specifies

- salary;
- that appointment as dean is a limited appointment;
- the type of concurrent appointment (faculty or academic staff); and
- the number of years of the concurrent appointment.

Candidate Qualities.

The committee shall provide to the provost a list of qualities desired in candidates for dean. The provost shall consult with the committee concerning any modifications and shall approve the list prior to the beginning of the search process.

Associate or Assistant Dean.

For search and screen committees for associate or assistant deans, the position description and conditions of employment shall be provided by the appropriate dean. The list of qualities desired in candidates for associate or assistant dean shall be presented to the appropriate dean, who shall also consult and approve the list per the preceding paragraph.

Advertising the Position.

Preparation of Copy.

Dean.

The provost shall provide to the search and screen committee advertising copy for the position announcement, which the committee shall review and to which the committee may recommend changes. The completed advertisement shall be submitted to the affirmative action officer with a list of proposed publications. The affirmative action officer may, in consultation with the provost and the committee, add publications to the list to assure that minorities and women are adequately informed of the vacant position.

Associate Dean and Assistant Dean.

The dean shall provide to the search and screen committee advertising copy for the position announcement, which the committee shall review and to which the committee may recommend changes. The completed advertisement shall be submitted to the affirmative action officer with a list of proposed publications. The affirmative action officer may, in consultation with the dean and the committee, add publications to the list to assure that minorities and women are adequately informed of the vacant position.

Clearance Required.

The advertisement may be published only after clearance from the affirmative action officer.

Formal Announcement.

The provost shall issue a formal announcement of the search for dean simultaneously to the campus and to external agencies (unless the search is to be exclusively internal) by means agreed to by the provost and the committee. The appropriate dean shall take similar action for an associate or assistant dean.

The formal announcement (not necessarily identical to advertising copy) shall invite applications and nominations for dean, associate dean, or assistant dean, as appropriate, and shall include relevant excerpts from the position description, conditions of employment, and the list of desired qualities, and shall include a timetable for selection.

Committee Procedures.

Receipt of Nominations.

As the committee chairperson receives nominations, the chairperson shall send to each nominee

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities.

Receipt of Applications.

As the committee chairperson receives applications, the chairperson shall ensure that each applicant receives or has received

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities; and
- shall request submittal of three to five references.

Candidates for Interviews.

Procedures.

Each committee shall determine the procedures by which it will screen the candidates and select the list of candidates to be invited for interviews.

Selection.

After the closing date for applications, the committee shall select the candidates to be invited for interviews.

Interviews.

Normally, interviews shall continue until the committee agrees upon not less than three nor more than five finalists it is willing to recommend to the provost or dean, as appropriate.

Selection of a Dean.

Normally, the provost and the chancellor offer the position to one individual from among the finalists recommended.

Dean appointments in which the salary level will not exceed 75% of the UW System President's salary may be made by the Chancellor and do not require Board of Regent approval.

The provost may reject all finalists and ask the committee to continue or reopen the search.

Selection of an Associate or Assistant Dean.

Normally, the dean offers the position to one individual from among the finalists recommended.

The dean may reject all finalists and ask the committee to continue or reopen the search.

DEPARTMENT CHAIRPERSON, ASSOCIATE DEAN/DEPARTMENT HEAD, DIRECTOR OF UNIVERSITY LIBRARY, RANKED FACULTY LIBRARIANS, AND CLASSROOM TEACHING PERSONNEL

NOTE. In this subsection, the title **associate dean/head** refers specifically to positions which are the functional equivalents of department chairpersons, not to line or staff personnel working directly with and in the office of a dean.

Procedures for search and screen for department chairperson, associate dean/head of a department, and classroom teaching personnel are developed by the appropriate colleges and departments.

Guidelines and minimal required procedures for department chairperson or associate dean/department head may be found in chapter 2, section 1, of this *Handbook*.

UNCLASSIFIED POSITIONS AT THE DIRECTOR LEVEL OR ABOVE

SEARCH AND SCREEN COMMITTEE.

Establishment.

It is the responsibility of the immediate supervisor for the vacant or to be vacated position to establish the search and screen committee.

Membership.

Exclusions.

No member of the search and screen committee may be an applicant for the position nor may the immediate supervisor of the position be a member of the committee.

Composition.

Composition of a search and screen committee shall be determined by the immediate supervisor of the position for which the committee is to be established in consultation with the affected unit members but any committee shall include

- at least seven members;
- members representative of the affected unit(s);
- at least one peer from within the affected unit appointed by the immediate supervisor;
- at least one peer from outside the affected unit appointed by the immediate supervisor;
- one student appointed by the Student Government Association according to its procedures;
- women and minority representation; and
- one classified staff member appointed by the director of personnel services in consultation with the chairperson of the Classified Staff Advisory Committee.

Affirmative Action.

At least one member of the committee must have a demonstrated knowledge of and an expressed willingness to accept responsibility for affirmative action policies and procedures.

The supervisor initiating the search and screen and the chairperson of the affirmative action committee shall ensure that this requirement is met either through the regular appointment process or through the addition of an affirmative action representative.

Chairperson.

Each committee shall elect its own chairperson.

SELECTION PROCESS.

Position Description and Conditions of Employment.

The immediate supervisor of the vacant position shall provide to the search and screen committee a position description, which the committee shall review and to which the committee may recommend changes. The supervisor shall also provide a statement which specifies

- position title;
- salary;
- whether the appointment is a limited appointment, and if so, whether there is a concurrent appointment; and

- if there is a concurrent appointment, the type of concurrent appointment (faculty or academic staff) and the number of years of the concurrent appointment.

Candidate Qualities.

The committee shall provide to the supervisor a list of qualities desired in candidates for the position. The supervisor shall consult with the committee concerning any modifications and shall approve the list prior to the beginning of the search process.

Advertising the Position.

Preparation of Copy.

The immediate supervisor of the vacant position shall provide to the search and screen committee advertising copy for the position announcement, which the committee shall review and to which the committee may recommend changes. The completed advertisement shall be submitted to the affirmative action officer with a list of proposed publications. The affirmative action officer may, in consultation with the supervisor and the committee, add publications to the list to assure that minorities and women are adequately informed of the vacant position.

Clearance Required.

The advertisement may be published only after clearance from the affirmative action officer.

Formal Announcement.

The immediate supervisor for the position shall issue a formal announcement of the search simultaneously to the campus and to external agencies (unless the search is to be exclusively internal) by means agreed to by the supervisor and the committee.

The formal announcement (not necessarily identical to advertising copy) shall invite applications and nominations for the position and shall include relevant excerpts from the position description, conditions of employment, and the list of desired qualities, and shall include a timetable for selection.

Committee Procedures.

Receipt of Nominations.

As the committee chairperson receives nominations, the chairperson shall send to each nominee

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities.

Receipt of Applications.

As the committee chairperson receives applications, the chairperson shall ensure that each applicant receives or has received

- a cover letter of explanation;
- a copy of the original announcement; and
- copies of the position description, conditions of employment, and the list of desired qualities; and
- shall request submittal of three to five references.

Candidates for Interviews.

Procedures.

The committee shall determine the procedures by which it will screen the candidates and select the list of candidates to be invited for interviews.

Selection.

After the closing date for applications, the committee shall select the candidates to be invited for interviews.

Interviews.

Normally, interviews shall continue until the committee agrees upon not less than three nor more than five finalists it is willing to recommend to the supervisor.

Selection of a Candidate.

Normally, the supervisor offers the position to one individual from among the finalists recommended.

The supervisor may reject all finalists and ask the committee to continue or reopen the search.

ALL OTHER UNCLASSIFIED POSITIONS SUPPORTED BY GENERAL PURPOSE REVENUE FUNDS

SEARCH AND SCREEN COMMITTEE.

Establishment.

It is the responsibility of the immediate supervisor for the vacant or to be vacated position to establish the search and screen committee.

Membership.

Exclusions.

No member of the search and screen committee may be an applicant for the position nor may the immediate supervisor of the position be a member of the committee.

Composition.

Composition of a search and screen committee shall be determined by the immediate supervisor of the position for which the committee is to be established in consultation with the affected unit members but any committee shall include

- at least five members;
- members representative of the affected unit(s);
- at least one peer from within the affected unit appointed by the immediate supervisor;
- at least one peer from outside the affected unit appointed by the immediate supervisor; and
- one student appointed by the Student Government Association according to its procedures.

Affirmative Action.

At least one member of the committee must have a demonstrated knowledge of and an expressed willingness to accept responsibility for affirmative action policies and procedures.

The supervisor initiating the search and screen and the chairperson of the affirmative action committee shall ensure that this requirement is met either through the regular appointment process or through the addition of an affirmative action representative.

Chairperson.

The chairperson of the search and screen committee shall be appointed by the supervisor of the vacant position.

SELECTION PROCESS.

Position Description and Conditions of Employment.

The immediate supervisor of the vacant position shall provide to the search and screen committee a position description, which the committee shall review and to which the committee may recommend changes. The supervisor shall also provide a statement which specifies

- position title;
- salary;
- whether the appointment is a limited appointment, and if so, whether there is a concurrent appointment; and
- if there is a concurrent appointment, the type of concurrent appointment (faculty or academic staff) and the number of years of the concurrent appointment.

Candidate Qualities.

The committee shall provide to the supervisor a list of qualities desired in candidates for the position. The supervisor shall consult with the committee

concerning any modifications and shall approve the list prior to the beginning of the search process.

Advertising the Position.

Preparation of Copy.

The immediate supervisor of the vacant position shall provide to the search and screen committee advertising copy for the position announcement, which the committee shall review and to which the committee may recommend changes. The completed advertisement shall be submitted to the affirmative action officer with a list of proposed publications. The affirmative action officer may, in consultation with the supervisor and the committee, add publications to the list to assure that minorities and women are adequately informed of the vacant position.

Clearance Required.

The advertisement may be published only after clearance from the affirmative action officer.

Formal Announcement.

The immediate supervisor for the position shall issue a formal announcement of the search simultaneously to the campus and to external agencies (unless the search is to be exclusively internal) by means agreed to by the supervisor and the committee.

The formal announcement (not necessarily identical to advertising copy) shall invite applications and nominations for the position and shall include relevant excerpts from the position description, conditions of employment, and the list of desired qualities, and shall include a timetable for selection.

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- shall request submittal of three to five references.

Candidates for Interviews.

Procedures.

The committee shall determine the procedures by which it will screen the candidates and select the list of candidates to be invited for interviews.

Selection.

After the closing date for applications, the committee shall select the candidates to be invited for interviews.

Interviews.

Normally, interviews shall continue until the committee agrees upon not less than three nor more than five finalists it is willing to recommend to the supervisor.

Selection of a Candidate.

Normally, the supervisor offers the position to one individual from among the finalists recommended.

The supervisor may reject all finalists and ask the committee to continue or reopen the search.

ALL OTHER UNCLASSIFIED POSITIONS SUPPORTED EXCLUSIVELY BY PROGRAM REVENUE FUNDS

SEARCH AND SCREEN COMMITTEE.

Establishment.

It is the responsibility of the immediate supervisor for the vacant or to be vacated position to establish the search and screen committee.

Membership.

Exclusions.

No member of the search and screen committee may be an applicant for the position.

Composition.

Composition of a search and screen committee shall be determined by the immediate supervisor of the position for which the committee is to be established in consultation with the affected unit members but any committee shall include

- at least four members, one of whom may be the supervisor (students are not precluded from service on the committee);
- members representative of the affected unit(s);
- at least one peer from within the affected unit appointed by the immediate supervisor; and

- at least one peer from outside the affected unit appointed by the immediate supervisor.

Affirmative Action.

At least one member of the committee must have a demonstrated knowledge of and an expressed willingness to accept responsibility for affirmative action policies and procedures.

The supervisor initiating the search and screen and the chairperson of the affirmative action committee shall ensure that this requirement is met either through the regular appointment process or through the addition of an affirmative action representative.

Chairperson.

The supervisor of the vacant position may serve as the chairperson of the search and screen committee or may appoint another individual to serve in the role of chairperson.

SELECTION PROCESS.

Position Description and Conditions of Employment.

The immediate supervisor of the vacant position shall provide to the search and screen committee a position description, which the committee shall review and to which the committee may recommend changes. The supervisor shall also provide a statement which specifies

- position title;
- salary;
- whether the appointment is a limited appointment, and if so, whether there is a concurrent appointment; and
- if there is a concurrent appointment, the type of concurrent appointment (faculty or academic staff) and the number of years of the concurrent appointment.

Candidate Qualities.

The committee shall provide to the supervisor a list of qualities desired in candidates for the position. The supervisor shall consult with the committee concerning any modifications and shall approve the list prior to the beginning of the search process.

Advertising the Position.

Preparation of Copy.

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Procedures.

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Selection.

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Interviews.

Normally, interviews shall continue until the committee agrees upon not less than three nor more than five finalists it is willing to recommend to the supervisor.

Selection of a Candidate.

Normally, the supervisor offers the position to one individual from among the finalists recommended.

The supervisor may reject all finalists and ask the committee to continue or reopen the search.

APPROVAL OF CHANGES TO CHAPTERS 2 AND 3

- Changes to Chapter 2 require the approval of Common Council and the Chancellor.
- Changes to Chapter 3, Sections 1, 2, 4, 5, and 6, require the approval of Common Council and the Chancellor.
- Chapter 3, Section 3, may only be amended by the Board of Regents.

CHAPTER 4A

SECTION 1

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

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

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

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

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

WISCONSIN ADMINISTRATIVE CODE

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

**BOARD OF REGENTS
UNIVERSITY OF WISCONSIN SYSTEM**

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

CHAPTER UWS 1

DEFINITIONS OF TERMS USED IN UWS 1 TO 6

UWS 1.01 Academic staff

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

UWS 1.02 Board of regents or board

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

UWS 1.03 Department

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

UWS 1.04 Faculty

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

UWS 1.05 Faculty status

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

UWS 1.06 Institution

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

UWS 1.07 University

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

UWS 1.08 Notice periods

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

UWS 1.01 Academic staff.

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

UWS 1.02 Board of regents or board.

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

UWS 1.03 Department.

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

UWS 1.04 Faculty.

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

UWS 1.05 Faculty status.

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

UWS 1.06 Institution.

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

UWS 1.07 University.

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

UWS 1.08 Notice periods.

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

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

CHAPTER UWS 2 FACULTY RULES; COVERAGE AND DELEGATION

UWS 2.01 Rules

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

UWS 2.02 Delegation

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

UWS 2.01 Rules.

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

UWS 2.02 Delegation.

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

CHAPTER UWS 3 FACULTY APPOINTMENTS

UWS 3.01 Types of appointments

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

UWS 3.02 Recruiting

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

UWS 3.03 Appointments-general

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

UWS 3.04 Probationary appointments

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

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

UWS 3.05 Periodic review

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

UWS 3.06 Renewal of appointments and granting of tenure

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

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

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

UWS 3.07 Nonrenewal of probationary appointments

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

UWS 3.08 Appeal of a nonrenewal decision

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

UWS 3.09 Notice periods

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

UWS 3.10 Absence of proper notification

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

UWS 3.11 Limitation

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

UWS 3.01 Types of appointments.

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

- (a) "Tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the board upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor of an institution via the president of the system.
- (b) "Probationary appointment" means an appointment by the board upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor of an institution and held by a faculty member during the period which may precede a decision on a tenure appointment.
- (c) In accordance with s. 36.05 (8), Stats., academic staff appointments may be converted to faculty appointments by the action of the board upon the recommendation of the appropriate faculty body and the chancellor of an institution. Such faculty appointees shall enjoy all the rights and privileges of faculty.
- (d) In accordance with s. UWS 1.05 members of the academic staff may be given faculty status. Members of the academic staff who have been given faculty status have employment rights under the rules and policies concerning academic staff.

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

UWS 3.02 Recruiting.

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

UWS 3.03 Appointments-general.

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

UWS 3.04 Probationary appointments.

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

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

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

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

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

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

UWS 3.05 Periodic review.

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

UWS 3.06 Renewal of appointments and granting of tenure.

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

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

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

UWS 3.07 Nonrenewal of probationary appointments.

- (1)(a) Rules and procedures. The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for dealing with instances in which probationary faculty appointments are not renewed. These rules and procedures shall provide that, upon the timely written request of the faculty member concerned, the department or administrative officer making the decision shall, within a reasonable time, give him or her written reasons for nonrenewal. Such reasons shall become a part of the personnel file of the individual. Further, the rules and procedures shall provide for reconsideration of the initial nonrenewal decision upon timely written request.
- (b) Reconsideration. The purpose of reconsideration of a nonrenewal decision shall be to provide an opportunity to a fair and full reconsideration of the nonrenewal decision, and to insure that all relevant material is considered.
1. Such reconsideration shall be undertaken by the individual or body making the nonrenewal decision and shall include, but not be limited to, adequate notice of the time of reconsideration of the decision, an opportunity to respond to the written reasons and to present any written or oral evidence or arguments relevant to the decision, and written notification of the decision resulting from the reconsideration.
 2. Reconsideration is not a hearing or an appeal, and shall be non-adversary in nature.
 3. In the event that a reconsideration affirms the nonrenewal decision, the procedures specified in s. UWS 3.08 shall be followed.

UWS 3.08 Appeal of a nonrenewal decision.

- (1) The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for the appeal of a nonrenewal decision. Such rules and procedures shall provide for the review of a nonrenewal decision by an appropriate standing faculty committee upon written appeal by the faculty member concerned within 20 days of notice that the reconsideration has affirmed the nonrenewal decision (25 days if notice is by first class mail and publication). Such review shall be held not later than 20 days after the request, except that this time limit may be enlarged by mutual consent of the parties, or by order of the review committee. The faculty member shall be given at least 10 days' notice of such review. The burden of proof in such an appeal shall be on the faculty member, and the

scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

- (a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, or
- (b) Factors proscribed by applicable state or federal law regarding fair employment practices, or
- (c) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a faculty member in question if material prejudice resulted because of any of the following:

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

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

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

UWS 3.09 Notice periods.

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

- (a) When the appointment expires at the end of an academic year, not later than March 1 of the first academic year and not later than December 15 of the second consecutive academic year of service;
- (b) If the initial appointment expires during an academic year, at least 3 months prior to its expiration; if a second consecutive appointment terminates during the academic year, at least 6 months prior to its expiration;

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

UWS 3.10 Absence of proper notification.

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

UWS 3.11 Limitation.

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

CHAPTER UWS 4 PROCEDURES FOR DISMISSAL

UWS 4.01 Dismissal for cause

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

UWS 4.02 Responsibility for charges

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

UWS 4.03 Standing faculty committee

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

UWS 4.04 Hearing

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

UWS 4.05 Adequate due process

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

UWS 4.06 Procedural guarantees

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

UWS 4.07 Recommendations: to the chancellor: to the regents

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

UWS 4.08 Board review

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

UWS 4.09 Suspension from duties

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

UWS 4.10 Date of dismissal

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

UWS 4.01 Dismissal for cause.

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

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

UWS 4.02 Responsibility for charges.

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

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

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

UWS 4.03 Standing faculty committee.

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

UWS 4.04 Hearing.

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

UWS 4.05 Adequate due process.

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

- (a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;
- (b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (c) A right to be heard in his/her defense;
- (d) A right to counsel and/or other representatives, and to offer witnesses;
- (e) A right to confront and cross-examine adverse witnesses;
- (f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (g) Written findings of fact and decision based on the hearing record;
- (h) Admissibility of evidence governed by s. 227.10, Stats.

UWS 4.06 Procedural guarantees.

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

- (a) The burden of proof of the existence of just cause is on the administration or its representatives;
- (b) No faculty member who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;
- (c) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open (see s. 66.77 Stats., Open Meeting Law);
- (d) The faculty hearing committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. UWS 4.03;
- (e) The faculty hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
- (f) If the faculty hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within

the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under s. UWS 4.03;

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

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

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

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

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

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

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

UWS 4.08 Board review.

(1) If the chancellor recommends dismissal, the board shall review the record before the faculty hearing committee and provide an opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, unless the board decides to drop the charges against the faculty member without a hearing or the faculty

member elects to waive a hearing. This hearing shall be closed unless the faculty member requests an open hearing (see s. 66.77, Stats., Open Meeting Law).

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

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

UWS 4.09 Suspension from duties.

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

UWS 4.10 Date of dismissal.

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

CHAPTER UWS 5 LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY

UWS 5.01 General

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

UWS 5.02 Financial emergency

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

UWS 5.03 Layoff and termination

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

UWS 5.04 Faculty consultative committee

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

UWS 5.05 Consultation

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

UWS 5.06 Recommendation to the system president and the board

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

UWS 5.07 Individual designations

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

UWS 5.08 Seniority

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

UWS 5.09 Notification

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

UWS 5.10 Notification period

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

UWS 5.11 Faculty hearing committee

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

UWS 5.12 Review hearing

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

UWS 5.13 Hearing procedure

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

UWS 5.14 Recommendations and review by the board

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

UWS 5.15 Board review

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

UWS 5.16 Layoff status

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

UWS 5.17 Alternative employment

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

UWS 5.18 Reappointment rights

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

UWS 5.19 Retention of rank and salary

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

UWS 5.20 Rights of faculty members on layoff

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

UWS 5.21 Systemwide tenure

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

UWS 5.22 Lack of faculty action

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

UWS 5.01 General.

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

UWS 5.02 Financial emergency.

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

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

UWS 5.03 Layoff and termination.

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

UWS 5.04 Faculty consultative committee.

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

UWS 5.05 Consultation.

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

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

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

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

UWS 5.06 Recommendation to the system president and the board.

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

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

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

UWS 5.07 Individual designations.

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

UWS 5.08 Seniority.

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

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

UWS 5.09 Notification.

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

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

UWS 5.10 Notification period.

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

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

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

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

UWS 5.11 Faculty hearing committee.

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

UWS 5.12 Review hearing.

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

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

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

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

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

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

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

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

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

UWS 5.13 Hearing procedure.

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

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

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

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

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

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

UWS 5.14 Recommendations and review by the board.

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

- (1) If the faculty member has not requested a hearing before the faculty hearing committee, the recommendation shall be deemed proper and shall be reported for information to the system president and the board.
- (2) If the faculty member has requested a hearing and the faculty hearing committee has found the decision to be proper, the report of the faculty hearing committee shall be forwarded to the system president and board by the chancellor with a recommendation. The faculty member may request a review by the board, and the board review panel may at its option grant a review. Unless the board review panel grants the request for review, the recommended findings of fact and decision of the standing faculty committee shall be the final decision of the board of regents.
- (3) If after a hearing, the faculty hearing committee's recommended findings of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the committee's finding. If the chancellor accepts the committee's findings the chancellor's decision shall be final. If the chancellor contests the recommended findings that the decision was improper, the verbatim record, a summary of the evidence and the recommended findings of law and decision shall be forwarded to the board review panel (see s. UWS 5.15). The chancellor and the faculty member shall be furnished with copies of this material and shall have a reasonable opportunity to file written exceptions to such summary and proposed findings and decision and to argue with respect to them orally and in writing before the board review panel. The board review panel shall hear and decide the case in accordance with s. 227.12, Stats. The decision of the board review panel shall be final.

UWS 5.15 Board review.

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

UWS 5.16 Layoff status.

- (1) A faculty member whose position has been eliminated or reduced in accordance with the provisions of this chapter shall, at the end of the appropriate notice period, be placed on layoff status, unless the layoff notice has been rescinded prior to that time.
- (2) The faculty member whose notice period has expired, and who is placed on layoff status shall remain on layoff status until:
 - (a) For probationary faculty, the probationary appointment would have expired under its own terms;

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

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

UWS 5.17 Alternative employment.

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

UWS 5.18 Reappointment rights.

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

UWS 5.19 Retention of rank and salary.

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

UWS 5.20 Rights of faculty members on layoff.

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

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

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

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

UWS 5.21 Systemwide tenure.

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

UWS 5.22 Lack of faculty action.

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

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

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

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

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

CHAPTER UWS 6 COMPLAINTS AND GRIEVANCES

UWS 6.01 Complaints

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

UWS 6.02 Grievances

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

UWS 6.01 Complaints.

The faculty of each institution, with the approval of the chancellor, shall establish rules and procedures to deal with allegations by the administration, students, academic staff members, other faculty members, classified staff members, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are

not serious enough to warrant dismissal proceedings under ch. UWS 4. Such rules and procedures shall include, but not necessarily be limited to, the following:

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

UWS 6.02 Grievances.

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

CHAPTER UWS 7 DISMISSAL OF FACULTY IN SPECIAL CASES

UWS 7.01 Declaration of policy.

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

UWS 7.02 Serious criminal misconduct.

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

UWS 7.025 Definition.

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

UWS 7.03 Dismissal for cause.

UWS 7.04 Reporting responsibility.

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

UWS 7.05 Expedited process.

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

UWS 7.06 Temporary suspension without pay.

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

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

UWS 7.02 Serious criminal misconduct.

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

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

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

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

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

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

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

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

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

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

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

UWS 7.03 Dismissal for cause.

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

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

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

UWS 7.05 Expedited process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UWS 7.06 Temporary suspension without pay.

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

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

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

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

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

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

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

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

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

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

CHAPTER UWS 8 UNCLASSIFIED STAFF CODE OF ETHICS

UWS 8.01 Declaration of policy

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

UWS 8.02 Definitions

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

UWS 8.025 Outside activities and interests; reports

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

UWS 8.03 Standards of conduct

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

UWS 8.035 Institutional ethics committee

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

UWS 8.04 Action to avoid possible conflict

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

UWS 8.05 Sanctions

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

UWS 8.06 Reports

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

UWS 8.01 Declaration of policy.

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

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

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

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

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

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

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

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

UWS 8.02 Definitions.

In this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) "Immediate family" means:

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

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

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

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

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

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

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

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

ch. 19, Stats.

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

UWS 8.025 Outside activities and interests; reports.

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

(2) Reportable outside activities.

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

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

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

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

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

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

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

- (c) Guidelines identifying types or categories of outside activities which may result in a material conflict of interest; and
- (d) For such reports of anticipated outside activities as are necessary to insure compliance with s. UWS 8.04.

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

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

1. *The section addresses matters heretofore handled under UWS 7 and 14, which are accordingly repealed. This change in the scope of UWS 8 was made in response to legislative suggestion.*
2. *The rule recognizes the right of unclassified staff members to engage in outside activities, whether or not the activities are remunerative or related to staff members' fields of academic interest. However, in order to assure that such activities do not conflict with staff members' responsibilities to the university of Wisconsin system, or the institution at which the staff member serves, the rule provides that certain types of activities must be reported to staff members' deans, directors or other appropriate administrators. These reportable outside activities include associations with organizations related to staff members' fields of academic interest or specialization, certain private remunerative relationships between staff members and non-governmental research sponsors, and remunerative outside activities in staff members' fields of academic interest or specialization and whether the staff member earns \$5,000 or more in a year from a single source. The language retains the requirements currently in UWS 7 and 14 that institutions develop policies to regulate the use of university facilities in connection with outside activities, and adds a similar requirement pertaining to use of personnel. It provides a more explicit requirement for institutional development of standards on absence from university duties, and for reports on outside activities which staff members anticipate they will perform during the academic year.*
3. *Guidelines and suggestions will be provided to institutions for implementation of the Regent rule. These guidelines would include examples of standards concerning use of university facilities and absence from university duties that might be adopted under UWS 8.025 (3)(a) and (b); categories or types of activities which might present a material conflict of interest under UWS 8.025 (3) (c); reporting procedures under UWS 8.025 (4); and other relevant information.*
4. *The rule incorporates and codifies the result of litigation between the Madison Capital Times and the UW-Madison. That case, decided in Dane County Circuit Court in the spring of 1983, held that UW-Madison reports of outside activities required under UWS 7 and 14 were records open to public inspection. This section continues the existence of the reporting requirements (UWS 8.025 (2)) and declares the public nature of the reports (UWS 8.025 (4)), except in those instances where other legal principles establish a privilege for the information contained therein.*
5. *UWS 8.025 (1) indicates that the Regents' purpose is not to dictate the financial or topical terms of outside activity but to ensure that it does not present conflicts of interest or time with university duties. (See also Note to UWS 8.01 (3)).*

6. *Forms required under this section for the reporting of outside activities may be obtained from the Office of the Secretary to the Board of Regents, Room 1860 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706, at no charge.*

UWS 8.03 Standards of conduct.

(1) Personal gain from university position.

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

(2) Contracting and leasing.

- (a) No member of the unclassified staff, member of his or her immediate family, nor any organization with which an unclassified staff member is associated, may enter into any contract or lease involving payments of \$3,000 or more within a 12-month period, derived in whole or in part from university funds, if the staff member is in a position to approve or influence, in his or her official capacity, the university's decision to enter into the contract or lease.
- (b) If the staff member is not in a position to approve or influence the university's decision, the staff member may enter into a contract or lease described in par. (a) if the staff member first makes written disclosure of the nature and extent of any relationship described in par. (a) to the dean, director, or other appropriate administrator and he or she approves. The dean, director or other appropriate administrator shall approve a staff member's interest in a lease or contract unless he or she determines that the staff member's personal interest in the agreement will conflict substantially and materially with the staff member's discharge of his or her university responsibilities.
- (c) This subsection does not affect the application of s. 946.13, Stats.

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

(3) Nepotism.

- (a) No member of the unclassified staff may participate, formally or informally, in the decision to hire, retain, grant tenure to, promote or determine the salary of a member of his or her immediate family.
- (b) No member of the unclassified staff may, in the supervision or management of another unclassified staff member who is a member of his or her immediate family, give preferential or favored treatment.
- (4) Student research protection. A member of the unclassified staff shall inform students engaged in research under his or her supervision of any financial interest which the unclassified staff member has in the research activity, including, but not limited to, financial arrangements involved in the direct support of the activity, agreements made by the unclassified staff member to obtain data for the research, or agreements concerning copyright or patent rights arising from the research.
- (5) Waiver. The board may, upon written request and by action within a reasonable time of receipt thereof, waive any provision of this section whenever its literal application would be adverse to the best interests of the university of Wisconsin system or would work an unreasonable hardship on a member of the unclassified staff.

UWS 8.035 Institutional ethics committee.

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

UWS 8.04 Action to avoid possible conflict.

- (1) When it appears that a material conflict may arise between the personal interests of a staff member and his or her public responsibilities to the university, the staff member shall notify his or her dean, director, or other appropriate administrator by submitting a written statement describing the nature of the possible conflict.
- (2) Within 15 days after receipt of the statement, the dean, director or other appropriate administrator shall advise the staff member in writing that:
 - (a) There is no conflict prohibited by this chapter and the staff member may proceed; or
 - (b) There may be a conflict and further consultation is necessary prior to reaching a determination; or
 - (c) There is a conflict which must be resolved in one of the following ways:

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

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

UWS 8.05 Sanctions.

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

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

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

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

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

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

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

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

UWS 8.06 Reports.

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

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

CHAPTER UWS 9 ACADEMIC STAFF RULES: COVERAGE AND DELEGATION

UWS 9.01 Coverage

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

UWS 9.02 Delegation

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

UWS 9.01 Coverage.

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

UWS 9.02 Delegation.

Each chancellor shall provide for the establishment of a committee to advise the administration on policies and procedures for academic staff adopted by the institution pursuant to chs. UWS 8-13. At least a majority of the members of this committee shall be members of the academic staff elected by members of the academic staff. Members of the committee shall select the chairperson thereof. Institutions which now have persons with faculty rank holding positions which will become academic staff positions under the definitions of faculty and academic staff provided in ch. 36, Stats., may designate such persons as academic staff for purposes of eligibility to participate in the election of members of the committee chosen in this way, and eligibility for election to the committee. Wherever each institution is charged in chs. UWS 8-13 with adopting policies and/or procedures, the chancellor shall develop these policies and procedures in consultation with the committee and, as appropriate, members of the faculty and student body. Policies and procedures developed by each institution for administering the elements of the academic staff personnel policies addressed by these rules shall be in full force and effect when finally approved by the chancellor and forwarded to the board. The board may undertake a review of any or all portions of such policies and procedures but shall complete such review within 90 days of the receipt of the policies and procedures. Should the board within 90 days return to the institution any portion or portions of its policies and procedures as disapproved, that portion or portions shall be suspended until reconsideration and resubmission has taken place.

CHAPTER UWS 10 ACADEMIC STAFF APPOINTMENTS

UWS 10.01 Types of appointments

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

UWS 10.02 Recruitment and letter of appointment

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

UWS 10.03 Appointments policies

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

UWS 10.04 Nonrenewal of probationary academic staff appointments

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

UWS 10.05 Notice

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

UWS 10.01 Types of appointments.

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

UWS 10.02 Recruitment and letter of appointment.

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

(2) The terms and conditions of the appointment shall be specified in a written letter of appointment. The appointment letter shall be signed by an authorized official of the institution and should contain details as to the terms and conditions of the appointment, including but not limited to type of appointment (fixed term, probationary or indefinite), duration of the appointment (starting date, ending date), salary, general position responsibilities, definition of operational area, the length of the probationary period (if appropriate) and recognition of prior service as part of the probationary period (if appropriate). Accompanying this letter shall be an attachment detailing institutional and system regulations, rules, and procedures relating to academic staff appointments. If the appointment is subject to the approval of the board, a statement to this effect must be included in the letter. An amended letter of appointment should be sent in situations where a significant change in position responsibility occurs.

UWS 10.03 Appointments policies.

(1) Fixed term appointments. Each institution of the system may employ academic staff members on fixed term appointments. Such appointments shall be for a fixed term to be specified in the letter of appointment, are renewable solely at the option of the employing institution, and carry no expectation of reemployment beyond their stated term, regardless of how many times renewed. The initial fixed term appointment may include a specified period of time during which the appointee may be dismissed at the discretion of the authorized official. Such a dismissal is not subject to the provisions of ch. UWS 11. Unless otherwise specified, fixed term appointments shall be for a period of one year. Each institution shall develop policies and procedures for the use of such appointments. The policies and procedures of

each institution shall specifically treat the issue of job security including appropriate due process protections in the case of non-reappointment for those fixed term academic staff members who have served the institution for a substantial period of time. Such policies and procedures shall be formulated so as to meet the continuing needs of the institution while at the same time recognizing the employment commitment and contribution to the institution provided by such fixed term academic staff members.

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

(a) Probationary academic staff appointments.

1. Each institution of the system may appoint selected members of the academic staff to probationary academic staff appointments leading to review and a decision on an indefinite appointment. Each institution shall adopt procedures to govern such appointments. These procedures shall provide for appropriate counting of prior service, for a maximum probationary period not to exceed 7 years for a full-time position, for annual appraisal of performance, and for an affirmative review process prior to the end of the probationary period resulting in promotion to an indefinite appointment or termination of the appointment. A longer maximum probationary period may be provided for part-time appointees. Unless otherwise specified, probationary appointments shall be for a period of one year. An indefinite appointment is not acquired solely because of years of service.
2. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period under sub. (1).
3. Circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before an indefinite status review commences under subd. 1. A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the academic staff member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request following consultation with the academic staff member's supervisor and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth and adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted

because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic staff member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

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

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

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

UWS 10.04 Nonrenewal of probationary academic staff appointments.

(1) Each institution shall establish procedures for dealing with instances where probationary academic staff are not renewed. Nonrenewal is not a dismissal under ch. UWS 11. A non-renewed member of the academic staff shall be provided with an opportunity to request and to receive, in writing, the reasons for nonrenewal and to receive a review of the decision upon written appeal by the academic staff member concerned within 20 days of notice of nonrenewal (25 days if notice is by first class mail and publication). The hearing body may be either an appropriate committee or a hearing examiner as designated in the institutional procedures. Such review shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The burden of persuasion in such a review shall be on the non-renewed appointee and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

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

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

UWS 10.05 Notice.

- (1) Written notice that a fixed term or probationary academic staff appointment will not be renewed shall be given to the appointee in advance of the expiration of the appointment as follows:
 - (a) Fixed term appointments: At least 3 months before the end of the appointment in the first 2 years and 6 months thereafter. When the letter of offer for a fixed term appointment states that renewal is not intended, no further notice of nonrenewal is required.
 - (b) Probationary appointments: At least 3 months before the end of the appointment in the first year; 6 months before the end of the appointment in the second year; and 12 months thereafter.
- (2) If proper notice of nonrenewal is not given in accordance with sub. (1), the appointment shall be extended so that at least the required notice is provided.
- (3) The policies and procedures of each institution may provide for longer notice periods for teaching members of the academic staff. Unless specifically enumerated in the institutional policies and procedures, the above provisions shall govern.

CHAPTER UWS 11

DISMISSAL OF ACADEMIC STAFF FOR CAUSE

UWS 11.01 Dismissal for cause – indefinite academic staff appointments.

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

UWS 11.015 Definition.

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

UWS 11.02 Responsibility for charges.

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

UWS 11.03 Hearing body.

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

UWS 11.04 Hearing.

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

UWS 11.05 Adequate due process.

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

UWS 11.06 Procedural guarantees.

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

UWS 11.07 Recommendations: to the chancellor.

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

UWS 11.08 Suspension from duties.

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

UWS 11.09 Date of dismissal.

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

UWS 11.10 Board review.

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

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

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

UWS 11.102 Serious criminal misconduct.

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

UWS 11.103 Reporting responsibility.

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

UWS 11.104 Expedited process.

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

UWS 11.105 Temporary suspension from duties without pay.

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

UWS 11.106 Board review.

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

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

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

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

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

UWS 11.01 Dismissal for cause – indefinite academic staff appointments.

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

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

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

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

UWS 11.02 Responsibility for charges.

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

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

UWS 11.03 Hearing body.

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

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

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

UWS 11.05 Adequate due process.

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

- (a) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (b) A right to be heard in his or her defense;
- (c) A right to counsel and/or other representative, and to offer witnesses;
- (d) A right to confront and cross-examine adverse witnesses;
- (e) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (f) Written findings of fact and decision based on the hearing record;
- (g) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.

UWS 11.06 Procedural guarantees.

(1) The following requirements shall also be observed:

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

- (b) The hearing shall be closed unless the staff member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);
- (c) The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
- (d) The burden of proof of the existence of just cause is on the administration or its representatives;
- (e) If a staff member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;
- (f) Nothing in par. (e) shall prevent the settlement of cases by mutual agreement between the administration and the staff member, with the chancellor's approval, at any time prior to a final decision by the chancellor; or when appropriate, with the board's approval prior to a final decision by the board;
- (g) Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

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

- (a) The committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of replacements equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the policies and procedures adopted by the institution;
- (b) If the hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the policies and procedures adopted by the institution.

UWS 11.07 Recommendations: to the chancellor. The hearing body shall send to the chancellor and to the academic staff member concerned, as soon as practicable after conclusion of a hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. After reviewing the matter on record and considering arguments if submitted by the parties, the chancellor shall issue a decision. In that decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants review based on the record.

UWS 11.08 Suspension from duties. Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except

where, after consulting with the appropriate administrative officer, the chancellor finds that substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the chancellor makes a decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 11.105 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.105 shall apply.

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

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

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

UWS 11.102 Serious criminal misconduct.

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

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

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

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

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

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

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

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

(3) Except as otherwise expressly provided, an academic staff member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 11.103 to 11.106.

(4) Any act required or permitted by ss. UWS 11.103 to 11.106 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the board of regents under s. UWS 9.02.

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

UWS 11.104 Expedited process.

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

(a) Within 3 working days of receipt of the report or information, inform the academic staff member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and advise the chancellor as to whether to proceed under this section or ss. UWS 11.02 to 11.10.

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

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

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

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

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

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

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

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

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

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

UWS 11.105 Temporary suspension from duties without pay.

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

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

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

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

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

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

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

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

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

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

UWS 11.11 Dismissal for cause – fixed term or probationary academic staff appointments. A member of the academic staff holding a probationary appointment, or a member of the academic staff holding a fixed term appointment and having completed an initial specified period of time, may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program under ch. UWS 12. A nonrenewal of such an appointment is not a dismissal under this section. A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a hearing before the appropriate dean or director or his/her designee. If such hearing is requested, a determination of just cause and notification of dismissal shall be made by the dean or director or designee. If no hearing is requested the dismissal is effected by the specifications in the original notification of charges. The hearing before the dean, director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be

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

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

CHAPTER UWS 12

LAYOFF OF ACADEMIC STAFF FOR REASONS OF BUDGET OR PROGRAM

UWS 12.01 General

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

UWS 12.02 Layoff

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

UWS 12.03 Individual layoff decision

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

UWS 12.04 Hearing body

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

UWS 12.05 Review and hearing for indefinite appointments

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

UWS 12.06 Review for fixed term and probationary academic staff members

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

UWS 12.07 Layoff status

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

UWS 12.08 Alternative employment

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

UWS 12.09 Reappointment rights

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

UWS 12.10 Retention of salary

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

UWS 12.11 Rights of academic staff members on layoff

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

UWS 12.01 General.

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

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

UWS 12.02 Layoff.

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

UWS 12.03 Individual layoff decision.

When a reduction in program of a particular operational area is required, layoffs of academic staff members with indefinite, fixed term, or probationary appointments should normally follow seniority. This presumption in favor of seniority may be overcome where program needs dictate other considerations (e.g., the need to maintain specific expertise within the program or operational area). The standard notice periods specified in s. UWS 10.05 should be used, unless there are compelling reasons to the contrary (e.g., almost immediate cutoff of funds), for layoff of probationary and fixed term appointments under this chapter. Indefinite appointees shall have 12 months' notice of layoff for reasons of budget or program, unless there are compelling reasons to the contrary.

UWS 12.04 Hearing body.

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

UWS 12.05 Review and hearing for indefinite appointments.

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

- (a) The request for hearing shall specify the grounds to be used in establishing the impropriety of the decision.
 - (b) The staff member shall be given at least 10 days' notice of such hearing. Such hearing shall be held not later than 20 days after the request except that this time limit may be extended by order of the hearing body. Anyone who participated in the decision to layoff or who is a material witness shall not serve on the hearing body.
- (2) The academic staff member shall have access to the evidence on which the administration intends to rely to support the decision to layoff and shall be guaranteed the following minimal procedural safeguards at the hearing:
- (a) A right to be heard in his or her defense;
 - (b) A right to counsel and/or other representatives, and to offer witnesses;
 - (c) A right to confront and cross-examine adverse witnesses;
 - (d) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
 - (e) Written findings of fact and decision based on the hearing record;
 - (f) Admissibility of evidence governed by s. 227.10, Stats.;
 - (g) The hearing shall be closed unless the staff member whose position is to be eliminated requests an open hearing, in which case it shall be open (see s. 66.77, Stats., Open Meeting Law);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UWS 12.07 Layoff status.

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

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

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

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

1. The staff member is re-appointed to the position from which laid off. Failure to accept such reappointment would terminate the academic staff member's association with the institution;

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

UWS 12.08 Alternative employment.

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

UWS 12.09 Reappointment rights.

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

UWS 12.10 Retention of salary.

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

UWS 12.11 Rights of academic staff members on layoff.

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

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

CHAPTER UWS 13 COMPLAINTS AND GRIEVANCES

UWS 13.01 Complaints

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

UWS 13.02 Grievances

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

UWS 13.01 Complaints.

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

UWS 13.02 Grievances.

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

CHAPTER UWS 15 LIMITED APPOINTMENTS

UWS 15.01 Limited appointments

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

UWS 15.01 Limited appointments.

(1) A limited appointment under s. 36.17, Stats., is a special appointment to a designated administrative position. A person in this type of appointment serves at the pleasure of the authorized official who made the appointment. A member of the academic staff granted a limited appointment shall not lose existing rights to an academic staff appointment by

accepting the limited appointment, and a member of the faculty granted a limited appointment shall not lose existing rights to a faculty appointment by accepting the limited appointment. Termination of a limited appointment is not a dismissal under ch. UWS 4 or 11 and is not otherwise appealable. Wherever possible 3 months' notice of termination should be given if the appointee does not hold simultaneously another university appointment.

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

SECTION 2

UNIVERSITY OF WISCONSIN-STEVENSON POINT

PERSONNEL RULES FOR FACULTY AND ACADEMIC STAFF

CHAPTER UWSP 1

DEFINITIONS OF TERMS USED IN UWSP 1 TO UWSP 13

UWSP 1.01 ACADEMIC STAFF.

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

UWSP 1.02 BOARD OF REGENTS, OR BOARD.

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

UWSP 1.03 DEPARTMENT.

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

UWSP 1.03a UNIT.

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

UWSP 1.04 FACULTY.

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

UWSP 1.05 FACULTY STATUS.

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

UWSP 1.06 INSTITUTION.

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

UWSP 1.07 UNIVERSITY.

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

UWSP 1.08 NOTICE PERIODS.

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

UWSP 1.09 HEARING COMMITTEES.

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

CHAPTER UWSP 2 FACULTY RULES: COVERAGE AND DELEGATION

UWSP 2.01 RULES.

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

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

UWSP 2.02

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

(2) **AMENDMENTS.**

(a) Amendments to these rules may be adopted at a regular meeting of the Faculty Senate by a majority vote of the entire Senate.

(b) Proposed amendments shall have been published and distributed to the faculty at least 2 weeks prior to the Senate meeting at which such amendments are to be considered for adoption.

(c) Amendments shall not be proposed or voted upon at any meeting of the Senate held during the summer session.

(d) Amendments shall be forwarded by the chancellor to the president and by the president to the Board of Regents for its approval prior to their taking effect.

CHAPTER UWSP 3 FACULTY APPOINTMENTS

UWSP 3.01 TYPES OF APPOINTMENTS.

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

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

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

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

(d) In accordance with Chapter UWSP 1.05 academic staff shall have faculty status as defined in the Faculty Constitution. Members of the academic staff who have been given faculty status have employment rights under the rules and policies concerning academic staff.

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

UWSP 3.02 RECRUITING.

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

UWSP 3.03 APPOINTMENTS-GENERAL.

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

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

UWSP 3.04 PROBATIONARY APPOINTMENT.

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

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

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

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

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

UWSP 3.05 PERIODIC STUDENT EVALUATION OF TEACHING

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

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

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

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

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

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

UWSP 3.06 RENEWAL OF APPOINTMENTS AND GRANTING OF TENURE.

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

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

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

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

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

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

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

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

UWSP 3.07 NONRENEWAL OF PROBATIONARY APPOINTMENTS.

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

(b) *Reconsideration.* Each department or functional equivalent, or the chancellor (or designee), shall provide for the reconsideration of all decisions that recommend nonrenewal of a probationary appointment. The purpose shall be to provide an opportunity for a fair and full reconsideration of the nonrenewal decision and to insure that all relevant material is considered. A faculty member who has been denied renewal of a probationary

appointment shall be granted a reconsideration upon timely written request. Such reconsideration shall be conducted by the same body or administrative officer which made the original decision.

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

UWSP 3.08 APPEAL OF A NONRENEWAL DECISION.

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

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

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

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

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

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

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

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

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

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

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

UWSP 3.08m APPEAL OF A DENIAL OF TENURE.

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

(2) APPOINTMENTS....

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

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

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

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

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

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

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

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

1. The procedures required by the rules of the Faculty or Board were not followed, or
2. Available data bearing materially on the quality of performance were not considered, or

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

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

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

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

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

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

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

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

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

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

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

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

2. Committee membership may include or be restricted to faculty who are not or have not been at UWSP.
3. The committee shall begin its deliberations as expeditiously as possible but not later than 45 days after receipt of the committee's recommendation by the chancellor.
4. The recommendation of the special committee shall be sent to the department making the decision not to recommend tenure, to the appellant, to the appropriate dean or administrative officer, to the vice chancellor, and to the chancellor.

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

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

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

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

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

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

(c) the chancellor recommends tenure.

UWSP 3.09 NOTICE PERIODS.

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

(a) When the appointment expires at the end of the academic year, not later than March 1 of the 1st academic year and not later than December 15 of the 2nd consecutive academic year of service;

(b) If the initial appointment expires during an academic year, at least 3 months prior to its expiration; if a 2nd consecutive appointment terminates during the academic year, at least 6 months prior to its expiration;

- (c) After 2 or more years of continuous service at the university, such notice shall be given at least 12 months before the expiration of the appointment.

UWSP 3.10 ABSENCE OF PROPER NOTIFICATION.

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

UWSP 3.11 LIMITATION.

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

CHAPTER UWSP 4 PROCEDURES FOR DISMISSAL

UWSP 4.01 DISMISSAL FOR CAUSE.

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

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

UWSP 4.02 RESPONSIBILITY FOR CHARGES.

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

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

(3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by 1st class mail and by publication, as if the statement of charges were a summons and the

provisions of Sec. 801.11 (1) (c), Wis. Stats., were applicable. Such service by mail and publication shall be effective as of the 1st insertion of the notice of statement of charges in the newspaper.

UWSP 4.03 STANDING FACULTY COMMITTEE: FACULTY MEDIATION SUBCOMMITTEE.

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

UWSP 4.04 HEARING.

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

UWSP 4.05 ADEQUATE DUE PROCESS.

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

- (a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;
- (b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (c) A right to be heard in one's defense;
- (d) A right to counsel and/or other representatives, and to offer witnesses;
- (e) A right to confront and cross-examine adverse witnesses;
- (f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (g) Written findings of fact and decision based on the hearing record;
- (h) Admissibility of evidence governed by Sec. 227.45, Wis. Stats.

UWSP 4.06 PROCEDURAL GUARANTEES.

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

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

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

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

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

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

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

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

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

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

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

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

(1) The hearing committee shall send to the chancellor and to the faculty member concerned, as soon as practicable after the conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. The hearing committee may determine that while adequate cause for discipline exists, some sanction less severe than

dismissal is more appropriate. Within 20 days after receipt of this material, the chancellor shall review it and afford the faculty member an opportunity to discuss it. The chancellor shall prepare a written recommendation within 20 days following the meeting with the faculty member, unless the proposed recommendation differs substantially from that of the hearing committee. If the chancellor's proposed recommendations differ substantially from those of the hearing committee, the chancellor shall promptly consult the hearing committee and provide it with a reasonable opportunity for a written response prior to forwarding the recommendation.

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

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

UWSP 4.08 BOARD REVIEW.

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

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

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

UWSP 4.09 SUSPENSION FROM DUTIES.

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

UWSP 4.10 DATE OF DISMISSAL.

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

CHAPTER UWSP 5

LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY

UWSP 5.01 GENERAL.

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

UWSP 5.02 FINANCIAL EMERGENCY.

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

(a) The total General Program Operations (GPR/fee) budget of the institution, excluding adjustments for salary/wage increases and for inflationary impact on non-salary budgets, has been reduced;

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

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

UWSP 5.03 LAYOFF AND TERMINATION.

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

UWSP 5.04 FACULTY CONSULTATIVE COMMITTEE.

The University Planning Committee shall serve as the Faculty Advisory Committee on Financial Emergency. The Committee shall consult with the chancellor if at any time a declaration of financial emergency is to be considered. It is the right and responsibility of this Committee to represent the faculty before the Board if a declaration of a state of financial emergency for the institution is being considered, and to assure that the procedures of 5.05 and 5.06 are followed.

UWSP 5.05 CONSULTATION.

(1) In the event that a declaration of financial emergency is contemplated, the chancellor shall consult with and seek advice from the Faculty Advisory Committee on Financial Emergency at

least 3 months before the matter is taken to the Board. The chancellor and the Committee shall:

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

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

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

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

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

- (a) A statement of the procedures followed in arriving at the recommendation, showing compliance with 5.05;
- (b) Data clearly demonstrating the need for a reduction of faculty positions in accord with the provisions of this Chapter;
- (c) An identification of the colleges, schools, departments or program areas in which reductions will be made, with data indicating the appropriateness of such choices;
- (d) The report of the Faculty Advisory Committee on Financial Emergency expressing its views on these matters;
- (e) A report of any action of the Faculty Senate and student government.

(2) The chancellor and the chairperson of the Faculty Advisory Committee on Financial Emergency, or their designees, and representatives of affected colleges, schools,

departments, and programs, may appear before the Board at the time the recommendation is considered. Other interested parties may submit in writing alternative recommendations or challenges to any part of the report.

UWSP 5.07 INDIVIDUAL DESIGNATIONS.

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

UWSP CHAPTER 5.08 SENIORITY.

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

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

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

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

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

(a) Persons of lower rank shall be reassigned or laid off before persons of higher rank;

(b) Among persons of identical seniority and rank, those not holding the earned doctorate or terminal degree normal for the discipline shall be reassigned or laid off first;

(c) Among persons of identical seniority, rank, and educational preparation, those with fewer years in rank shall be reassigned or laid off first;

(d) Among persons of identical seniority, rank, educational preparation, and time in rank, other academic credentials shall be considered: teaching effectiveness, disciplinary contributions, scholarly development, professional affiliation and activity, and contributions to the department or university.

UWSP 5.09 NOTIFICATION.

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

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

UWSP 5.10 NOTIFICATION PERIOD.

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

UWSP 5.11 FACULTY HEARING COMMITTEE.

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

UWSP 5.12. REVIEW HEARING.

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

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

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

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

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

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

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

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

(a) The hearing committee shall first consider whether one or more of the above specified improper factors entered significantly into the decision to lay off. Unless the hearing -

committee is convinced that such factors did significantly enter into that decision, the hearing committee shall find the decision to have been proper;

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

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

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

UWSP 5.13 HEARING PROCEDURE.

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

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

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

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

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

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

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

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

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

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

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

UWSP 5.14 RECOMMENDATIONS AND REVIEW BY THE BOARD.

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

- (1) If the faculty member has not requested a hearing before a hearing committee, the recommendation shall be deemed proper and shall be reported for information to the System president and the Board.
- (2) If the faculty member has requested a hearing and the hearing committee has found the decision to be proper, the hearing committee's report shall be forwarded to the System president and to the Board by the chancellor with a recommendation. The faculty member may request a review by the Board, and the Board review panel may at its option grant a review. Unless the Board review panel grants the request for review, the recommended findings of fact and decision of the hearing committee shall be the final decision of the Board of Regents.
- (3) If after a hearing, the hearing committee's recommended findings of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the hearing committee's findings. If the chancellor accepts the hearing - committee's findings, the chancellor's decision shall be final. If the chancellor contests the recommended findings that the decision was improper, the verbatim record, a summary of the evidence, and the recommended findings of law and decision shall be forwarded to the Board review panel (see 5.15). The chancellor and the faculty member shall be furnished with copies of this material and shall have a reasonable opportunity to file written exceptions to such summary and proposed findings and decision and to argue with respect to them orally and in writing before the Board review panel. The Board review panel shall hear and decide the case in accordance with Sec. 227.46, Wis. Stats. The decision of the Board review panel shall be final.

UWSP 5.15 BOARD REVIEW.

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

UWSP 5.16 LAYOFF STATUS.

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

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

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

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

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

UWSP 5.17 ALTERNATIVE EMPLOYMENT.

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

UWSP 5.18 REAPPOINTMENT RIGHTS.

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

UWSP 5.19 RETENTION OF RANK AND SALARY.

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

UWSP 5.20 RIGHTS OF FACULTY MEMBERS ON LAYOFF.

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

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

UWSP 5.21 SYSTEM-WIDE TENURE.

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

UWSP 5.22 LACK OF FACULTY ACTION.

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

CHAPTER UWSP 6 COMPLAINTS AND GRIEVANCES

UWSP 6.01 COMPLAINTS.

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

- (1) Disciplinary action means any sanction imposed by the administration, including: an official reprimand; a reduction in salary or in a recommended increase in salary, for other than budgetary reasons; a change in assigned duties; a temporary suspension from duties without pay; or any other action against a faculty member for misconduct.
- (2) Faculty members shall be subject to discipline only for adequate cause, a finding of which must be based upon a determination that the faculty member's conduct violates university rules or policies or directly and substantially affects adversely the faculty member's ability to carry out responsibilities to the university. Exercise of rights guaranteed by the United States Constitution, by the Constitution of the State of Wisconsin, by Regent action, by UW System

rules, or by the principles of academic freedom as generally understood in higher education shall not constitute adequate cause for discipline.

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

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

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

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

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

UWSP 6.02 GRIEVANCES.

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

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

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

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

1. If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the grievant.
2. The chancellor shall send written notification of decision to the grievant, the chairperson of the hearing committee, and to other appropriate parties within 30 days of the receipt of the committee's report.
3. The decision of the chancellor shall be final on such matters except that the Board may, at its option, grant a review on the record, at the request of the grievant or the hearing committee.

CHAPTER UWSP 7

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

CHAPTER UWSP 8 UNCLASSIFIED STAFF CODE OF ETHICS

UWSP 8.01 Declaration of policy.

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

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

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

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

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

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

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

UWSP 8.02 DEFINITIONS.

In this chapter:

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

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

(a) Any salary, expenses, or other compensation received by a member of the faculty or academic staff from the university for that individual's services;

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

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

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

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

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

(5) "Chancellor" means the chief executive officer of the university.

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

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

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

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

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

(9) "Immediate family" means:

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

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

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

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

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

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

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

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

UWSP 8.025 Outside activities and interests; reports.

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

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

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

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

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

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

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

(d) *Reporting lines.*

1. Faculty and classroom teaching academic staff shall report reportable outside activities to the provost/vice chancellor for academic affairs, through the dean of their college.

2. Academic staff who are not primarily classroom teachers shall report reportable outside activities to the provost, through the appropriate vice chancellor.

3. Limited appointees shall report reportable outside activities to the vice chancellor, through the appropriate appointing authority.

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

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

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

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

(b) *Absence from regular duties.*

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

2. Faculty and classroom teaching academic staff. [a] Members of the faculty (including department chairpersons) and classroom teaching academic staff shall

provide for collegial coverage, an appropriate alternative educational experience, or a substitute instructor if they must miss a teaching commitment due to outside activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- personal gain through contracting on the university's behalf with companies in which the individual or a member of the individual's immediate family holds a substantial financial interest;
- personal gain at the expense of university responsibilities;
- personal gain of a continuing or substantial nature while continuing to receive compensation from the university, where such outside activity occurs at the same time as one's university responsibilities;

- serving in a decision-making or major advisory capacity for personal gain for any organization doing business with the university or the university of Wisconsin system;
- university research in which the staff member has a financial interest and which is funded completely or partially through grants, gifts, or contracts by non-governmental sponsors, or other university research for which the staff member has a private remunerative relationship with a sponsor other than the university;
- situations which may result in research that would normally be carried out at the university being diverted to a private establishment to the detriment of the university; and
- activities referred to under UWSP 8.03.

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

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

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

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

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

UWSP 8.03 Standards of conduct.

(1) PERSONAL GAIN FROM UNIVERSITY POSITION.

(a) No member of the unclassified staff may, in a manner contrary to the interests of the university, use or attempt to use a position with the university, or state property--including property leased by the state--to gain or attempt to gain anything of substantial value for the private benefit of the staff member, the staff member's immediate family, or any organization with which the staff member is associated.

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

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

(2) CONTRACTING AND LEASING.

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

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

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

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

(3) NEPOTISM.

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

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

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

- financial arrangements involved in the direct support of the activity;
- agreements made by the staff member to obtain data for the research; or
- agreements concerning copyright or patent rights arising from the research.

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

(a) Any unclassified staff member seeking board waiver of the provisions of this chapter shall forward the request for waiver to the board through the chancellor.

(b) A request for waiver shall not require the approval or authorization of any university administrator, and shall be forwarded by the chancellor to the board without comment. If the individual requesting the waiver also requests comments from university administrators, any such comments shall be forwarded to the board by the chancellor with the request.

(c) If the board specifically requests comment from the chancellor or any other administrator of the university, a copy of the comments shall be sent to the individual requesting the waiver.

UWSP 8.035 Institutional ethics committee.

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

(a) The Ethics Committee shall provide consultation and advice on the application of this chapter to any member of the unclassified staff seeking its assistance.

(b) Committee deliberations and actions upon requests for consultation or advice shall be in closed meetings, as required by Chapter UWS 8.035 and permitted under the provisions of Sec. 19.85 (1) (c), (f), and (h), Wis. Stats..

(c) Records obtained in connection with requests for consultation or advice shall be considered confidential university information.

(d) Summaries of advice provided by the Ethics Committee, which do not disclose the identities of persons requesting such advice, shall be reported annually to the Secretary of the Senate.

(e) The Secretary of the Senate shall publish these annual reports for placement in the University Library.

UWSP 8.04 Action to avoid possible conflict.

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

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

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

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

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

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

(3) If the staff member is advised that either (2) (c) 1 or 2 above is applicable, the staff member may appeal the decision under UWSP 6 or UWSP 13, as appropriate, within 15 days after notice of the administrative decision.

UWSP 8.05 SANCTIONS.

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

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

(3) A complaint involving any other member of the faculty or the academic staff at the university shall be submitted to the chancellor.

(a) Where the complaint is against a faculty member, the chancellor shall proceed under the policies and procedures of UWSP 4 or UWSP 6.01, as appropriate.

(b) Where the complaint is against a member of the academic staff, the chancellor shall proceed under the policies and procedures of UWSP 11 or UWSP 13.01, as appropriate.

(4) Complaints involving limited appointees shall be submitted to the official who made the appointment and that official shall take appropriate action under the provisions of UWSP 4 or UWSP 6.01, or UWSP 11 or UWSP 13.01, as appropriate.

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

(6) Possible criminal penalties for intentional violations of this chapter may be found in Sec.19.58, Wis. Stats.

UWSP 8.06 REPORTS.

The chancellor and all contracting personnel shall annually, on or before April 30, file a statement of economic interest with the secretary of the board. The statements shall be filed

on a form provided by the secretary, and shall be considered matters of public record. The statements shall contain the information required by Sec. 19.44, Wis. Stats.

CHAPTER UWSP 9

ACADEMIC STAFF RULES: COVERAGE AND DELEGATION

UWSP 9.01 COVERAGE.

(1) The definitions of Chapter UWSP 1 and the policies and procedures of UWSP 8 to 13 apply to all academic staff appointments.

(2) **EFFECTIVE DATE.** These policies and procedures shall become effective when approved by the chancellor and forwarded to the Board.

(3) **BOARD REVIEW.** The Board may undertake a review of any or all of these policies and procedures and any subsequent amendments thereto but shall complete such review within 90 days of the receipt of them. Should the Board within 90 days return to the university any of these policies and procedures as disapproved, that portion shall be suspended until reconsideration and resubmission has taken place.

UWSP 9.02 ACADEMIC STAFF GOVERNANCE.

(1) **THE ACADEMIC STAFF COUNCIL.**

(a) The Academic Staff Council, hereafter referred to as "the Council," shall be a standing committee of the Senate.

(b) The Council shall have the authority to recommend to the Senate policies and procedures pertaining to the members of the academic staff, and pursuant to Chapter UWS 9 shall consult with and advise the chancellor on all policies and procedures adopted by the university pursuant to Chapters UWS 8-13 and UWSP 8-13.

(c) Composition of the Council, eligibility for membership, term of office, and nomination and election shall be as stated in the Faculty Constitution (see Article XIV).

(2) **FACULTY STATUS.** By action of the Faculty Senate and the chancellor, members of the academic staff have been designated as having faculty status, which means a right to participate in faculty governance in accordance with the Constitution of the Faculty of the University. Faculty status does not confer rank or tenure, or convert an academic staff appointment into a faculty appointment. Academic staff members who have been given faculty status for governance purposes have employment rights under the policies and procedures concerning academic staff.

UWSP 9.03 AMENDMENTS.

Amendments to these policies and procedures may be recommended for adoption to the Senate and to the chancellor at a regular meeting of the Council by a majority vote.

(1) Any proposed amendment shall have been published and distributed to all members of the Council and to all members of the academic staff at least 2 weeks prior to the Council meeting at which such amendment is to be considered.

(2) Amendments shall be in force and effect when approved by the Council, the Senate and the chancellor and forwarded to the Board, as described in 9.01 (3).

UWSP 9.04 ACADEMIC STAFF HEARING BODY.

The hearing body referred to throughout Chapters UWS 9-13 and UWSP 9-13, and in UWS 8 and UWSP 8 where the reference is to academic staff, shall be a hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee, a permanent subcommittee of the Academic Staff Council.

(1) Any such hearing committee shall have the authority to conduct hearings on any of the following: nonrenewal of probationary appointment; failure to reappoint to a fixed term appointment after the 7th year an academic staff member who has served 7 years or more on .5 FTE or more fixed term appointment; dismissal; layoff and termination for reasons of budget or program; and complaints or grievances.

(2) Hearings conducted for an academic staff member shall provide for adequate due process.

CHAPTER UWSP 10 ACADEMIC STAFF APPOINTMENTS

UWSP 10.01 TYPES OF APPOINTMENTS.

(1) Academic staff appointments may be fixed term, probationary, or indefinite. An appointment shall be limited to an operational area (e.g., an academic department) specified at the time of the appointment and shall not carry rights beyond that limitation.

(2) In accordance with 36.05 (8), Wis. Stats., academic staff appointments may be converted to faculty appointments by the action of the Board upon the recommendation of the department in which the faculty member will hold rank, and of the chancellor. Before making the recommendation to the Board, the chancellor shall secure the advice of the appropriate administrative officers. Such faculty appointees shall enjoy all rights and privileges of faculty.

UWSP 10.02 Recruitment and Letter of Appointment.

(1) Each department/unit, with the approval of the chancellor, shall develop procedures relating to the recruitment of members of the academic staff for that operational area. Procedures shall be consistent with all departmental/unit, university, and System personnel rules and procedures.

(2) Each person to whom an appointment is offered must receive an appointment letter in which the chancellor or a designee details the terms and conditions of the appointment, including but not limited to: type of appointment (fixed term, probationary, or indefinite); name and title of immediate supervisor; duration of the appointment; salary and source of funding (GPR or other); starting and ending dates; general position responsibilities; definition of operational area; probationary or indefinite appointment status or potential; and crediting of

prior service, if any. Accompanying the initial letter of appointment shall be an attachment detailing institutional and System rules and procedures relating to academic staff appointments. If the appointment is subject to the advance approval of the Board, a statement to this effect must be included in the letter. The proportion of time provided for in the appointment letter may not be diminished or increased during the term of the appointment without the mutual consent of the parties, unless the academic staff member is dismissed for just cause, pursuant to 36.13 (5), Wis. Stats., or is terminated or laid off pursuant to 36.21, Wis. Stats. (see Chapters UWSP 11 and 12). An amended letter of appointment shall be sent in situations where a significant change in position responsibility occurs; however, no such change may be made during a contractual period without the mutual consent of the parties, except as may be necessary under 36.21, Wis. Stats., and Chapter UWSP 12.

UWSP 10.03 Appointment Policies.

(1) FIXED TERM APPOINTMENTS.

(a) Fixed term appointments shall be for a definite period of time specified in the letter of appointment, are renewable solely at the option of the university, and carry no expectation of reemployment beyond their stated term, regardless of how many times renewed.

(b) An academic staff member who has served 7 or more years on .5 FTE or more fixed term appointment and whose appointment is not renewed shall have the right to a written statement of reasons and a reconsideration by the decision-maker. If reconsideration affirms the original decision, the fixed term appointee shall have the right to grieve that decision except when it is based on reasons of budget or program need as determined by the department/unit head and agreed to by the dean or other appropriate administrator. To grieve such a decision, the academic staff member shall file a grievance under the provisions of Chapter UWSP 13.

1. The academic staff member shall have 20 days from the date of receipt of notification that reconsideration has affirmed the original decision not to renew the staff member's appointment to file a written statement of grievance with the appropriate mediation subcommittee.

a. Academic staff hired primarily for classroom teaching may elect to file their grievance with either the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee but shall have access to only 1 subcommittee for each case.

b. Academic staff wishing to file a grievance under this subsection shall send written notification to the chairperson of the Academic Staff Mediation Subcommittee or, where appropriate, to the chairperson of the Faculty Mediation Subcommittee.

2. Regardless of the subcommittee with which the grievance is filed, the academic staff member's grievance shall be dealt with under the provisions of Chapter UWSP 13.

(c) Fixed term appointments are appropriate only under 1 or more of the conditions listed below, and shall be given in every instance in which 1 or more of the conditions obtain:

1. the appointment is primarily for classroom teaching duties;

2. the appointment is less than one-half time;
3. the appointment is for a term of 1 year or less, to replace someone on leave;
4. the appointment is funded by non-GPR money, except that certain appointments specified by the chancellor shall normally be limited appointments with a concurrent probationary academic staff appointment; or
5. the appointment is to a position designated as appropriate for fixed term employment by the Academic Staff Council and the chancellor, at the request of the hiring unit prior to the initial appointment.

- a. Such request shall be made in writing prior to the advertising of the position, or
- b. in the case of personnel on academic staff appointment at the time such a request is approved by the Academic Staff Council and by the chancellor, the change will be effective at the proffer of the next new contract or appointment.

(d) Academic staff personnel employed primarily for classroom teaching duties may be hired only upon the affirmative recommendation of the department in which the person will hold the appointment. Such academic staff shall be evaluated for all personnel actions by the department in which the person holds the appointment, according to procedures developed by the department.

(e) Any person who has served for 10 years or longer on fixed term appointments may request and shall receive review for indefinite appointment. If the review leads to an indefinite appointment, the academic staff member shall enjoy all rights, privileges, and protections accorded indefinite appointment academic staff. If the review does not lead to indefinite appointment, the person may continue to be employed on fixed term contracts. The Academic Staff Council, in consultation with the chancellor, shall develop appropriate policies and procedures for such review of fixed term academic staff.

(f) Appointments of .5 FTE or more shall normally be for 1-year periods or more during the first 7 years of service, for 2-year terms or more during the 8th through 10th years and for 3-year terms or more thereafter. If appointments are for less than these periods, the academic staff member may request and shall receive a written statement of reasons.

(g) If a department wishes, search-and-screen will not be necessary to hire fixed-term teaching academic staff who have taught during 1 of the 2 semesters immediately preceding the one under consideration, nor will it be necessary to search and screen to hire fixed-term, non-teaching academic staff who have been employed for at least 5 months at a 0.33 FTE appointment or more during the preceding 12 months.

(2) INDEFINITE AND PROBATIONARY ACADEMIC STAFF APPOINTMENTS. Academic staff appointments of one-half time or more, other than fixed term, shall be probationary or indefinite appointments.

(a) *Probationary academic staff appointments.*

1. Probationary appointments are appointments of .5 FTE or more which lead to a review and a decision on an indefinite appointment. The probationary period shall not exceed 7 consecutive academic years in a full-time appointment and shall not exceed 10 consecutive academic years in a part-time appointment. Although a person may be hired on an indefinite appointment, normally a person may be recommended for indefinite appointment only after 3 years of full-time probationary service (or equivalent part-time probationary service) at UWSP.

2. A leave of absence or an approved professional improvement leave shall not constitute a break in continuous service nor shall it be included in the probationary period.

3. For a probationary academic staff member who wants to continue working but needs to reduce professional responsibilities, there are additional circumstances which do not constitute a break in continuous service and that shall not be included in the probationary period. These include, but are not limited to, significant responsibilities with respect to childbirth/adoption, significant responsibilities with respect to elder/dependent care obligations, disability/chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. Within a reasonable time before or after the fact, a request must be made before the semester in which an indefinite status review commences under 10.03 (2). A request for a specified amount of additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary academic staff member and shall be submitted to the individual's cabinet officer who shall be authorized to grant a request following consultation with the academic staff member's supervisor. The cabinet officer shall specify the length of time for which the request is granted. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth/adoption shall be approved. More than one request may be granted because of responsibilities with respect to childbirth or adoption. Requests made because of circumstances under this section other than responsibilities with respect to childbirth/adoption shall be initiated in writing by the probationary academic staff member and shall be submitted to the individual's cabinet officer. The request must be supported by credible justification. The cabinet officer is authorized to grant a request following consultation with the academic staff member's supervisor. A denial of a request or a modification of the requested time shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all granted requests, excluding requests granted because of responsibilities with respect to childbirth or adoption, ordinarily shall be no more than one year.

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

5. Each department/unit, in consultation with the chancellor, shall develop procedures for the annual review and evaluation of probationary academic staff. Such procedures shall provide for the use of the standard evaluation instrument(s) for evaluation of academic staff, and the appropriate method for handling annual evaluations of academic staff personnel. Additional evaluation instruments or questions added to the standard form, the procedures for evaluation, and the reporting of information from the evaluations shall be consistent with the provisions of this subsection and the appropriate sections of the University Handbook. This may be accomplished through the establishment of a committee, or in units too small for committees, by the appropriate administrative officer, after consultation with the personnel of the unit. All academic staff in a department/unit shall be notified in writing of the criteria for, and the method of, annual evaluation; copies of such statements shall be filed with the Academic Staff Council. These procedures shall also provide for written notice of departmental/unit review to the academic staff member at least 20 days prior to the date of the review, and an opportunity to present information on the person's behalf. The probationary academic staff member shall be notified in writing within 20 days after each decision at each reviewing level. In the event that a decision is made which results in a non-renewal, the procedures specified in 10.04 shall be followed. All decisions relating to renewal of probationary appointments or the granting of indefinite appointments shall be made in conformity with the provisions of the Wisconsin Open Meetings Law, except that any person being considered for purposes of a recommendation or decision on granting of an indefinite appointment may request an open meeting, and such request shall be granted.

6. Except as extended under 2 and 3 above, recommendations for indefinite appointment shall be made no later than in the 6th year of continuous full-time probationary service and no later than in the 9th year of probationary service for an academic staff member holding a probationary appointment of at least half-time. Service prior to an initial academic staff appointment at the university, except as specified in the initial letter of appointment, shall not count as part of the probationary period. The appointment letter must clearly state the amount of prior service to be counted. All or a portion of full-time equivalent fixed term service may be counted as part of probationary service; all or a portion of prior service at another institution may be counted in the probationary period.

(b) *Indefinite Appointment.*

1. An indefinite appointment is an appointment with permanent status for an unlimited term granted by the chancellor to an academic staff member. Such an appointment is terminable only for cause under Chapter UWSP 11 or for reasons of program or budget under Chapter UWSP 12. Indefinite appointments may be granted to any academic staff member who holds or will hold a half-time appointment or more.

2. Indefinite appointment may be granted only to those who have met criteria clearly specified in departmental/unit procedures, and only after annual review and evaluation, following the procedures described under (2) (a) 1. above.

3. An indefinite appointment is not acquired solely because of years of service.

UWSP 10.04 Nonrenewal of Probationary Academic Staff Appointments.

(1) **REQUEST FOR REASONS.** Any academic staff member denied renewal of a probationary appointment may request of the decision-maker a written statement of reasons for nonrenewal. Such request shall be made within 10 days of receiving the notice of nonrenewal; the written statement shall be provided within 10 days of the request.

(2) **RECONSIDERATION.** An academic staff member who has been denied renewal of a probationary appointment and who has requested a written statement of the reasons for the nonrenewal shall be granted a reconsideration by the decision-maker if the academic staff member has new and relevant material which was not considered in the original decision. Otherwise, the person who has been denied renewal may respond to the written statement of reasons and request reconsideration by the decision-maker; the reconsideration may be granted at the discretion of the decision-maker.

(a) Reconsideration shall be requested within 10 days of the receipt of the written statement of reasons. Any reconsideration shall be held within 20 days of the request, except that this time may be extended by mutual consent of the parties.

(b) The person granted a reconsideration shall be entitled to adequate notice of the time and place of the reconsideration, an opportunity to respond to the written reasons and to present new written or oral evidence or arguments relevant to the decision, and written notification of the decision resulting from the reconsideration. Reconsideration is not a review or a hearing, and shall be non-adversarial.

(3) **APPEAL OF A NONRENEWAL DECISION.** In the event that a reconsideration affirms the nonrenewal decision, or a request for reconsideration is denied, the following procedures shall be used:

(a) The person who has been denied renewal of a probationary appointment may request review of that decision by written appeal to the Academic Staff Mediation Subcommittee within 20 days of notice of nonrenewal (or 25 days if notice is by 1st-class mail and publication); such a request must be preceded by a request for a written statement of reasons for the nonrenewal under subsection (1) above. If a reconsideration has been granted under (2) above, the written appeal for a review shall be requested within 10 days of notification that the reconsideration has affirmed the decision not to grant renewal.

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

1. Conduct, expression, or beliefs which are constitutionally protected, or actions which are consistent with an appropriate professional code of ethics;

2. Employment practices proscribed by applicable state or federal law;
 3. Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of the staff member in question if material prejudice resulted because of any of the following:
 - a. Procedures required by the chancellor or Board were not followed;
 - b. Available data bearing materially on the quality of performance were not considered;
 - c. Unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.
- (c) The hearing committee shall report on the validity of the appeal to the academic staff member, the decision-maker, the appropriate vice chancellor or dean, the provost, the chancellor, and other appropriate individuals.
- (d) If the committee finds for the appellant, the report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision-maker, a reconsideration by the decision-maker under instructions from the hearing committee, or a recommendation to the next higher administrative level.
1. Cases shall be remanded for reconsideration by the decision-maker in all instances unless the hearing committee specifically finds that such a remand would serve no useful purpose.
 2. The hearing committee shall retain jurisdiction during the pendency of any reconsideration.
 3. The recommendation of the hearing committee becomes the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendation.
 - a. If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the appellant.
 - b. The chancellor shall send written notification of decision to the appellant, the chairperson of the hearing committee, and other appropriate individuals within 30 days of the receipt of the committee's report.
 4. The decision of the chancellor shall be final on such matters.

UWSP 10.05 Notice Periods.

(1) **FIXED TERM APPOINTMENTS.** Written notice that a fixed term appointment will not be renewed shall be given to those holding less than .5 FTE appointments in advance of the expiration of the appointment as follows:

(a) at least 3 months before the end of the appointment in the first 2 years, and 6 months thereafter;

(b) in addition, academic staff members holding a .5 FTE or more appointment or those who have accumulated 7 academic years of service at .5 FTE or more per semester shall be notified at least 6 months before the end of the appointment in the 3rd through 7th years, at least 9 months before the end of the appointment in the 8th through 10th years, and, thereafter, at least 12 months before the end of the appointment;

(c) when the letter of appointment states that renewal is not intended, no further notice of nonrenewal is required.

(2) **PROBATIONARY APPOINTMENTS.** An academic staff member who is employed on probationary appointment shall be notified in writing by the chancellor or a designee of reappointment or nonrenewal for another term in advance of the expiration of the current appointment as follows:

(a) at least 3 months before the end of the appointment in the 1st year;

(b) at least 6 months before the end of the appointment in the 2nd year;

(c) after 2 or more years of continuous service at the university, such notice shall be given at least 12 months before the expiration of the appointment.

(3) **ABSENCE OF PROPER NOTIFICATION.** If proper notice is not given in accordance with 10.05 above, the aggrieved person shall be entitled to a 1-year terminal appointment (academic year appointment if appropriate) without penalty. Such appointment, however, shall not result in the attainment of indefinite status.

CHAPTER UWSP 11 DISMISSAL OF ACADEMIC STAFF FOR CAUSE

UWSP 11.01 Indefinite Appointments.

(1) An academic staff member having an indefinite appointment may be dismissed only for just cause and only after due notice and hearing and only in accordance with the provisions of this Chapter.

(2) An academic staff member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges inherent in the appropriate professional code of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

(3) Layoff or termination of academic staff in accordance with the provisions of Chapter UWSP 12 shall not constitute dismissal under the provisions of this chapter.

UWSP 11.02 Responsibility for Charges.

(1) Whenever the chancellor receives an allegation concerning an academic staff member holding an indefinite appointment, which appears to be substantial, and which, if true, might lead to dismissal under 11.01, the chancellor shall request within a reasonable time that the appropriate dean or director investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which academic staff members are entitled under this chapter. If the investigation and discussion do not result in a resolution of the allegation, and if the allegation is deemed sufficiently serious to warrant dismissal, the dean or director shall prepare a written statement of specific charges. An academic staff member may be dismissed only after receipt of such a statement of specific charges and, if a hearing is requested by the academic staff member, after a hearing held in accordance with the provisions of this chapter. If the staff member does not request a hearing, dismissal action shall proceed along normal administrative lines but the provisions of 11.03, 11.08 and 11.09 shall apply. In those cases, where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

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

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

UWSP 11.03 Hearing Committee.

(1) Hearing committees appointed by the chairperson of the Academic Staff Mediation Subcommittee are charged with hearing dismissal cases and making recommendations under this chapter. Any such hearing committee shall operate as the hearing agent for the chancellor pursuant to Sec. 227.46, Wis. Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of fact and decision to the chancellor according to UWSP 11.07.

(2) An academic staff member whose primary responsibility is classroom teaching may appeal a dismissal for cause to either the Faculty Mediation Subcommittee or to the Academic Staff Mediation Subcommittee but shall have access to only 1 Subcommittee for each case. If the academic staff member selects the Faculty Mediation Subcommittee, the hearing shall nonetheless be held pursuant to the provisions of this chapter.

UWSP 11.04 HEARING.

If the academic staff member requests a hearing within 20 days of service of the statement of charges (25 days if notice is by 1st-class mail and publication), such a hearing shall be held

not later than 20 days after the request, except that this time limit may be extended by mutual written consent of the parties, or by order of the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the appropriate Subcommittee. Service of written notice of hearing on the specific charges shall be provided at least 10 days prior to the hearing.

UWSP 11.05 Adequate Due Process.

(1) A fair hearing for an academic staff member whose dismissal is sought under 11.01 shall include the following:

- (a) a right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (b) a right to be heard in one's defense;
- (c) a right to counsel and/or other representative, and to offer witnesses;
- (d) a right to confront and cross-examine adverse witnesses;
- (e) a verbatim record of all hearings, which might be a sound recording, provided at no cost;
- (f) written findings of fact and decision based on the hearing record; and
- (g) admissibility of evidence governed by Sec. 227.45 Wis. Stats.

UWSP 11.06 Procedural Guarantees.

(1) Any hearing held shall comply with the requirements set forth in 11.05. The following requirements shall also be observed:

- (a) The burden of proof for the existence of just cause is on the administration or its representatives.
- (b) No person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the hearing committee in that case.
- (c) The hearing shall be closed unless the academic staff member under charges requests an open hearing, in which case it shall be open (see 19.85 Wis. Stats., Open Meetings Law).
- (d) The hearing committee may, on motion of either party, disqualify any of its members for cause by a majority vote. If any members of the committee disqualify themselves or are disqualified, the remaining members shall, in consultation with the chairperson of the Academic Staff Mediation Subcommittee and the chairperson of the Academic Staff Council, select replacements.
- (e) The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude im-

material, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.

(f) If the hearing committee requests, the chancellor shall provide legal counsel after consulting with the hearing committee concerning its wishes in this regard. The function of legal counsel shall be to advise the hearing committee, consult with it on legal matters, and such other responsibilities as shall be determined by the hearing committee.

(g) If an academic staff member whose dismissal is sought has requested a hearing, discontinuance of the proceedings by the institution is deemed a withdrawal of charges and a finding that the charges were without merit. All reference to the initiation and discontinuance of the proceedings shall be removed from the individual's personnel file.

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

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

UWSP 11.07 Recommendations to the chancellor.

The hearing committee shall send to the chancellor and to the academic staff member concerned as soon as practical after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. As promptly as possible after receipt of this material the chancellor shall review it and afford the academic staff member an opportunity to discuss it. The chancellor shall prepare a written decision as promptly as possible following the meeting with the academic staff member. If the proposed decision differs substantially from the recommendations, the chancellor shall promptly consult with the hearing committee and provide it with a reasonable opportunity for a written response prior to making the final decision. After receipt and review of any response from the hearing committee, the chancellor shall issue a written decision. In that decision, the chancellor may order dismissal of the academic staff member, may impose a lesser disciplinary action, or may find in favor of the academic staff member. This decision shall be deemed final unless the Board, upon request of the academic staff member, grants review based on the record.

UWSP 11.08 Suspension from Duties.

Pending the final decision as to dismissal, the academic staff member on indefinite appointment shall not normally be relieved of duties. If the chancellor, after consultation with the appropriate administrative officer and the Academic Staff Council, finds that substantial harm to the institution may result if the academic staff member is continued in the position, the academic staff member may be immediately relieved of duties, but salary shall continue until the chancellor makes a decision as to dismissal.

UWSP 11.09 DATE OF Dismissal.

A decision by the chancellor ordering the dismissal shall specify the effective date of the dismissal. In the event an appeal is granted by the Board and the Board concurs in the decision to dismiss, the decision of the Board shall specify the effective date of dismissal.

UWSP 11.10 BOARD REVIEW.

(1) An academic staff member on indefinite appointment who has been dismissed for cause by the chancellor following a hearing may appeal this action to the Board. Any appeal shall be made within 30 days of the date of the receipt of the decision of the chancellor to dismiss. Upon receiving an appeal, the Board shall review the case on the record. Following such review, the Board may confirm the chancellor's decision, or direct a different decision, or approve a further hearing before the Board with an opportunity for filing exceptions to the hearing committee's recommendations or the chancellor's decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing (see 19.85, Wis. Stats., Open Meetings Law). All decisions of the Board, whether after review of the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision.

(2) If, after review, the Board decides to take action different from the recommendations of the hearing committee or the decision of the chancellor, then before taking final action, the Board shall consult with the chancellor.

UWSP 11.11 Fixed Term or Probationary Academic Staff.

An academic staff member holding a probationary or a fixed term appointment may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program under Chapter UWSP 12. A nonrenewal of such an appointment for reasons of budget or program is not a dismissal under this section.

(1) Whenever the chancellor receives an allegation concerning a fixed term or probationary academic staff member, which appears to be substantial and which, if true, might lead to dismissal under this section, the chancellor shall request within a reasonable time that an appropriate administrative officer investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which such academic staff members are entitled under this section. If the investigation and discussion do not result in a resolution of the allegation and if the allegation is deemed sufficiently serious to warrant dismissal, the officer conducting the investigation shall prepare a written statement of specific charges, including the effective date of dismissal. An academic staff member may be dismissed only after receipt of such a statement of specific charges, and the proffer of an opportunity for a hearing before the appropriate vice chancellor or dean, or for those departments/units reporting directly to the provost, the provost.

(2) Any formal statement of specific charges for dismissal shall be served personally or by certified mail, return receipt requested, and shall be accompanied by a statement of the appeal procedures available to the academic staff member. If personal or certified mail service cannot be made within 20 days, service of charges shall be accomplished by 1st class mail and by publication, effective as of the 1st insertion of the statement of charges in the newspaper.

(3) If a hearing is requested, it shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. If the vice chancellor or dean or, for departments/units reporting directly to the provost, the provost decides that the allegations are true and warrant dismissal, dismissal shall be effective upon receipt of the written notice of this decision, unless a different dismissal date is specified by the vice chancellor or dean or provost. If no hearing is requested, the dismissal is effective according to the specifications in the original notification of charges.

(4) An academic staff member who has received a formal statement of dismissal may appeal to the Academic Staff Mediation Subcommittee pursuant to the provisions of 11.03 through 11.07.

(5) In no event shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceedings shall be discontinued at the expiration of the appointment.

(6) If the chancellor or the Board ultimately decide in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the chancellor's or the Board's decision or the end of the contract period, whichever is earlier, shall be restored.

UWSP 11.12 Teaching Members of the Academic Staff.

Members of the academic staff having teaching responsibilities and holding an indefinite or fixed-term appointment of .5 FTE or more and who have accumulated 7 academic years of service at .5 FTE or more per semester may proceed under the provisions of 11.02 to 11.10.

CHAPTER UWSP 12 LAYOFF OF ACADEMIC STAFF FOR REASONS OF BUDGET OR PROGRAM

UWSP 12.01 GENERAL.

(1) Notwithstanding 36.15, Wis. Stats., and Chapters UWS 10 and 11, and UWSP 10 and 11, the chancellor, after consultation with the Academic Staff Council, may lay off a member of the academic staff holding either an indefinite or a fixed term or probationary appointment prior to the end of the appointment period when such action is deemed necessary due to budget or program decision requiring program discontinuance, curtailment, modification, or redirection. A nonrenewal, regardless of reasons, is not a layoff under this section.

(2) The chancellor may lay off members of the academic staff for budgetary reasons when the budget supporting the position or program has been reduced substantially or the workload justifying the position has been reduced substantially.

(3) The chancellor may lay off members of the academic staff for reasons of program decision when 1 or more of the following conditions exists:

- (a) increased workload in another area demands reallocation of resources;
- (b) an external mandate for a new activity or service demands reallocation of resources;
- (c) the need for a new support service for the instructional program or student welfare demands a reallocation of resources;
- (d) the function(s) of the position(s) in question is being duplicated elsewhere; or

(e) the function(s) of the position(s) in question has been contracted or sold to an outside agency.

(4) In the event that the chancellor contemplates the layoff of members of the academic staff, the chancellor shall consult and seek the advice of the Academic Staff Council at least 3 months before the affected people would be notified of layoff. The chancellor shall provide to the Academic Staff Council all of the evidence and justification to support the contemplated layoffs, including evidence that alternatives (such as, but not limited to, those listed below) have been exhausted. The Academic Staff Council shall:

- (a) review the documentation provided by the chancellor;
- (b) consult with the faculty and staff of the affected budget area or program;
- (c) consult with such other individuals and groups as it feels may be able to provide valuable advice;
- (d) consult with the Faculty Senate, or a designated committee of the Faculty Senate;
- (e) determine whether alternatives to the proposed layoff(s), such as the following, have been exhausted: increase in fees, retraining, non-renewal of fixed term or probationary academic staff, reassignment, other methods of budget reduction;
- (f) provide the chancellor, in writing, with its best advice concerning the contemplated layoffs and the rationale supporting that advice.

UWSP 12.02 LAYOFF.

For purposes of this chapter, "layoff" is the suspension of an academic staff member's employment by the University of Wisconsin-Stevens Point, or an involuntary reduction in services and compensation during the appointment period for reasons of budget or program decision. A laid off academic staff member retains the rights specified in 12.09 to 12.12 inclusive. For the purposes of 36.21, Wis. Stats., termination occurs at the time of layoff.

UWSP 12.03 Individual Layoff Decision.

(1) Within the operational area(s) which the chancellor has designated for layoffs, layoffs of academic staff for reasons of budget or program shall affect fixed term, probationary, and indefinite academic staff in that order, unless a clear and convincing case is made that program or service needs dictate other considerations. Within each of these categories designation for layoff shall follow the order of seniority according to years of service at the university, unless a clear and convincing case is made that program or service needs dictate other considerations.

(2) Seniority is determined by the date of the beginning of employment at UWSP and by the years of full-time service here (e.g., someone who worked half-time for 2 years shall have acquired 1 full year of seniority). For purposes of seniority, a full year of service shall be credited for 39 or more weeks of employment during any twelve-month period. All leaves and Teacher Improvement Assignments granted prior to January 1, 1976, shall be counted in determining seniority. All leaves for professional purposes granted with the concurrence of the department/unit after January 1, 1976, shall be counted toward seniority except that no more

than 2 consecutive years of leave shall be counted. Academic staff members holding joint or split appointments shall have a "home" department/unit or operational area, usually the department/unit or operational area in which the staff member has the larger percentage of appointment, and seniority shall be lodged in that department/unit or operational area.

(3) The Academic Staff Council, in consultation with the chancellor, shall establish criteria for the selection for layoff of people with identical seniority. Such criteria may include academic or other appropriate professional preparation, professional activity, professional affiliation, and contributions to one's department/unit, and to the university.

(4) Each academic staff member who is being laid off shall receive prompt written notification from the chancellor.

(5)(a) For an academic staff member with an indefinite appointment, the effective date of layoff shall be 12 months after the date of notification, barring compelling reasons to the contrary (i.e., almost immediate cutoff of funds).

(b) For an academic staff member with a probationary appointment, notification of layoff must be given at least 3 months before the end of the appointment in the 2nd year; and 12 months thereafter, barring compelling reasons to the contrary (i.e., almost immediate cutoff of funds).

(c) For academic staff members with a .5 FTE or more fixed term appointment and those who have accumulated 7 academic years of service at .5 FTE or more per semester, notification of layoff must be given at least 3 months before the end of the appointment in the first 2 years and 6 months before the end of the appointment during the 3rd to 7th years, 9 months before the end of the appointment in the 8th through 10th years, and 12 months thereafter, barring compelling reasons to the contrary (i.e., almost immediate cutoff of funds).

(d) For an academic staff member with a fixed term appointment of less than .5 FTE, notification of layoff must be given at least 3 months before the end of the appointment in the first 2 years and 6 months before the end of the appointment thereafter, barring compelling reasons to the contrary (i.e., almost immediate cutoff of funds).

(6) For academic staff members with a probationary or indefinite appointment who have received notification of layoff, the chancellor may, prior to the effective date of the layoff, offer terminal leave and early retirement, offer relocation leave accompanied by resignation, or negotiate alternate employment at the university. Acceptance by the academic staff member of either terminal leave and early retirement or relocation leave accompanied by resignation will terminate the academic staff member's association with the university on the effective date of layoff.

UWSP 12.04 Hearing Committee.

Hearing committees appointed by the chairperson of the Academic Staff Mediation Subcommittee shall operate as the hearing agent for the chancellor pursuant to Sec. 227.46, Wis. Stats. If a hearing is requested, any such hearing committee shall conduct the hearing, make a verbatim record of the hearing (which may be a sound recording), prepare a summary

of the evidence, and transmit such record and summary along with its recommended findings of fact and decision to the chancellor.

UWSP 12.05 Review and Hearing for Indefinite Appointments.

(1) An academic staff member with an indefinite appointment who has been designated for layoff shall receive prompt written notification from the chancellor and shall, upon written request made within 20 days after such notification, be given the following within 15 days of the request:

- (a) a written statement of the reasons for the decision to layoff;
- (b) a summary of the reasons and data leading to the selection of the colleges, schools, department/units, operational areas, or programs in which reductions are to be made;
- (c) a statement of the basis on which the person was selected for layoff;
- (d) a statement of the date on which the layoff is to be effective, which must be consistent with the provisions of 12.03; and
- (e) a copy of these rules and such other information or procedural regulations as the chancellor or Academic Staff Council shall deem appropriate.

(2) An academic staff member with an indefinite appointment is entitled to a hearing. If the staff member desires such a hearing, a written request must be received by the chancellor and the chairperson of the Academic Staff Mediation Subcommittee within 20 days after receipt of the statements in subsection (1) above.

- (a) The request for a hearing shall specify the grounds to be used in establishing the impropriety of the decision. A request for a hearing shall not forestall a layoff under this section.
- (b) The staff member shall be given at least 10 days' notice of such hearing. The hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. Anyone who participated in the decision to lay off or who is a material witness shall not serve on the hearing body.

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

- (a) a right to be heard in one's defense;
- (b) a right to counsel and/or other representatives, and to offer witnesses;
- (c) a right to confront and cross-examine adverse witnesses;
- (d) a verbatim record of all hearings, which might be a sound recording, provided at no cost;

- (e) written findings of fact and decision based on the hearing record;
- (f) admissibility of evidence governed by Sec. 227.45, Wis. Stats.;
- (g) a closed hearing unless the staff member whose position is to be eliminated requests an open meeting, in which case it shall be open (see 19.85, Wis. Stats., Open Meetings Law);
- (h) adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

(4) The following requirements shall also be observed in the conduct of the hearing:

- (a) The hearing committee may, on motion of either party, disqualify any of its members for cause by a majority vote. If any committee members disqualify themselves or are disqualified, the remaining members shall, in consultation with the chairperson of the Academic Staff Mediation Subcommittee and the chairperson of the Academic Staff Council, select replacements. No person who participated in the decision to lay off or who is a material witness may sit on the hearing committee.
- (b) If the hearing committee requests, the chancellor shall provide legal counsel to the hearing committee. The function of legal counsel shall be to advise the hearing committee, consult with it on legal matters, and carry out such other responsibilities as shall be determined by the hearing committee within policies and procedures approved by the Faculty Senate for hearings under UWSP 12.

(5) The first question to be considered in the review is whether 1 or more of the following factors improperly entered into the decision to lay off:

- (a) Conduct, expressions, or beliefs on the staff member's part which are constitutionally protected or actions which are consistent with an appropriate professional code of ethics.
- (b) Employment practices proscribed by applicable state or federal law.
- (c) Improper consideration of the qualifications of the staff member. For the purposes of this section, "improper consideration" occurs if material prejudice resulted from any of the following:

1. the procedures required by this chapter or by the Board were not followed;
2. available data bearing materially on the quality of the staff member's actual or potential performance were not considered; or
3. unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

(6) The academic staff member shall present evidence on whether 1 or more of the factors specified above entered into the decision to lay off. The hearing committee shall then consider

whether the evidence presented establishes a prima facie case that such factor or factors did enter significantly into the layoff decision. If the hearing committee finds that a prima facie case has not been established, the layoff decision shall be found to have been proper and the hearing shall be ended. The hearing committee shall report this finding to the chancellor and to the academic staff member.

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

(a) The hearing committee shall first consider whether 1 or more of the above specified factors improperly entered into the decision to lay off. Unless the hearing committee is convinced that such factor or factors did improperly enter into that decision, the hearing committee shall find the decision to have been proper.

(b) If the hearing committee believes that such factor or factors entered into the decision to lay off, then the hearing committee shall find that decision to be improper, unless the hearing committee is convinced (1) that there were bona fide program or budgetary reasons, and that the determination of such reasons was made in the manner prescribed by and in accordance with 12.01, and (2) that the decision to lay off the particular academic staff member was in accordance with the provisions of 12.03.

(8) In determining whether bona fide reasons existed for the layoff of the academic staff member concerned, the hearing committee shall presume that the decision to curtail the program was made in good faith and for proper reasons; the hearing committee shall not substitute its judgment or priorities for that of the administration. However, if evidence has been presented to show that the chancellor's decision to lay off the person is contrary to the advice provided by the Academic Staff Council pursuant to 12.01 (4) (f), the chancellor or a designee shall present evidence and data in support of the decision to the hearing committee.

(9) The hearing committee shall report its findings and recommendations to the chancellor and to the academic staff member. If the hearing committee finds that the layoff was improper and so reports to the chancellor and the academic staff member, the chancellor shall review the matter, decide whether the staff member should be laid off, and notify the hearing committee and academic staff member of the decision. This decision shall be final unless the Board, upon the timely written request of the academic staff member, grants review based on the record.

UWSP 12.06 Review for Fixed Term and Probationary Academic Staff Members.

(1) An academic staff member with a probationary appointment, or one with a fixed term appointment who has served at the university for a period of at least 3 years, who has been designated for layoff shall receive prompt written notification from the chancellor pursuant to 12.03 (4).

(2) Such academic staff members shall have the right to review and hearing pursuant to 12.05.

(3) Nonrenewal, regardless of reasons, is not a layoff under this section.

UWSP 12.07 LAYOFF STATUS.

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

(a) For fixed term and probationary academic staff, 1 of the following occurs:

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

(b) For academic staff on indefinite appointment, 1 of the following occurs:

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

UWSP 12.08 Alternative Employment.

The university shall devote its best efforts to securing alternative appointments within the institution in positions for which academic staff laid off under this chapter are qualified under existing criteria. Academic staff on layoff shall be notified of all classified and unclassified vacancies at the university. In addition, the university shall seek to provide financial assistance for 1 year to those academic staff on indefinite appointment who are designated for layoff, to readapt within the department/unit or operational area or within another department/unit or operational area in the university, where such readaptation is feasible. Further, the UW System shall devote its best efforts to insure that academic staff members laid off or terminated in any institution shall be made aware of openings within the System.

UWSP 12.09 Reappointment Rights.

(1) The university shall establish administrative policies and procedures to insure that where layoff or terminations occur under this chapter, no person may be employed in that operational area in the institution within 3 years to perform reasonably comparable duties to those of the staff member laid off without first offering the laid off staff member reappointment without loss of rights or status. The 3-year period shall be computed from the effective date of layoff as specified in the original notice.

(2) The university shall establish administrative policies and procedures to insure that where layoff of fixed term or probationary staff has occurred under this chapter, and the appointment has expired under its own terms, such appointees shall, for a period of 3 years from the effective date of layoff specified in the original notice, have all reappointment rights under this section provided that the staff member notified the chancellor by December 1 of each year as to his/her location, employment status, and desire to pursue reappointment rights. Failure to provide such notification shall terminate the staff member's reappointment rights under this section.

UWSP 12.10 Retention of Salary.

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

UWSP 12.11 Rights of Academic Staff Members on Layoff.

An academic staff member on layoff status in accordance with the provisions of this Chapter has the reemployment rights guaranteed by 12.09 and 12.10 and has the following minimal rights:

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

CHAPTER UWSP 13 COMPLAINTS AND GRIEVANCES

UWSP 13.01 COMPLAINTS.

The following procedure shall apply to all allegations by persons other than the academic staff member's supervisor(s), including allegations from the administration, students, academic staff, classified staff, faculty, or members of the public concerning conduct by an academic staff member which violates university rules or policies, or which adversely affects the staff member's performance of duties, and which are serious enough, if true, to warrant disciplinary action short of dismissal. Complaints which, if true, could lead to dismissal are governed under Chapter UWSP 11.

- (1) Disciplinary action means any sanction imposed by the administration including: an official reprimand; a reduction in salary or in a recommended increase in salary, for other than

budgetary reasons; a change in assigned duties; a temporary suspension from duties without pay; or any other action against an academic staff member for misconduct.

(2) Academic staff members shall be subject to discipline only for adequate cause, a finding of which must be based upon a determination that the person's conduct violates university rules or policies or directly and substantially affects adversely the ability to carry out university responsibilities. Exercise of rights guaranteed by the United States Constitution, by the Constitution of the State of Wisconsin, by Regent action or by UWS rules shall not constitute cause for discipline.

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

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

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

1. Academic staff hired primarily for classroom teaching may elect to file their request with either the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee. Academic staff wishing to request a hearing under this subsection shall send written notification to the chairperson of the Academic Staff Mediation Subcommittee or, where appropriate, to the chairperson of the Faculty Mediation Subcommittee.

2. Regardless of which Subcommittee is elected, the academic staff member shall have access to only 1 subcommittee for each case, there shall be only one hearing on any single case, and the hearing shall be conducted under the provisions of this subchapter and the procedures adopted by the Faculty Senate for hearings under UWSP 13.01.

(c) Refer the complaint to the chairperson of the Academic Staff Mediation Subcommittee for a hearing. If the chancellor or designee refers the case to the Subcommittee, the chancellor or the designee shall immediately notify the academic staff member concerned.

(4) The decision of the administrator on the recommendations from a hearing committee or on the complaint in the absence of a hearing committee recommendation, shall be final, except that the chancellor may, at the chancellor's option, grant a review on the record. If the chancellor grants review, the decision of the chancellor shall be final. The academic staff member shall not again be put in jeopardy for the same alleged misconduct after a final decision.

UWSP 13.02 GRIEVANCES.

(1) Academic staff members who feel that their rights have been violated or that they have been dealt with unfairly, shall first seek a mutually satisfactory resolution of the problem at the department/unit or operational area level, then at the next higher appropriate administrative level, unless the problem initially arises at a higher level. If a mutually satisfactory resolution cannot be found, a hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee shall conduct a hearing at the request of the academic staff member.

(a) Academic staff hired primarily for classroom teaching may elect to file their request with either the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee.

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

(c) Regardless of which Subcommittee is elected, the academic staff member shall have access to only 1 subcommittee for each case; there shall be only one hearing on any single case; and the hearing shall be conducted under the provisions of this subchapter and the procedures adopted by the Faculty Senate for hearings under UWSP 13.02.

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

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

1. If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the grievant.
2. The chancellor shall send written notification of decision to the grievant, the chairperson of the hearing committee, and to other appropriate parties within 30 days of the receipt of the committee's report.
3. The decision of the chancellor shall be final on such matters except that the Board may, at its option, grant a review on the record, at the request of the grievant or the hearing committee.

APPROVAL OF CHANGES TO CHAPTER 4A

- Chapter 4A, Section 1, may only be amended by the Board of Regents.
- Changes to Chapter 4A, Section 2, require the approval of Common Council, the Chancellor, and the Board of Regents.

CHAPTER 4B

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

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

DEPARTMENTAL/UNIT POLICIES AND PROCEDURES

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

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

FACULTY RANKS

MINIMUM QUALIFICATIONS.

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

Instructor:

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

Assistant Professor:

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

Associate Professor:

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

Professor:

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

ALTERNATIVES TO THE DOCTORATE.

Terminal Degrees.

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

Departmental Determination.

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

Requirements.

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

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

EXCEPTIONS.

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

MODIFICATION OR REMOVAL OF RANK.

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

Administrative Assignment and Academic Staff Titles.

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

DEPARTMENTAL ALTERNATIVE QUALIFICATIONS FOR RANK

ACCOUNTING.

Instructor.

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

Assistant Professor.

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

Associate Professor.

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

Tenure.

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

APPLIED MUSIC.

Assistant Professor.

Degree.

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

Other Requirements.

Excellence in the appropriate applied area, as demonstrated by either

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

Teaching.

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

Associate Professor, Music Department Artist Faculty.

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

Degree.

A master's degree in music.

Teaching Experience.

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

Performance.

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

Professional Experience.

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

Professional Growth.

Evidence of continued professional growth and study in categories such as

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

Tenure.

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

BUSINESS ADMINISTRATION.

Assistant Professor.

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

Tenure.

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

COMPUTING AND NEW MEDIA TECHNOLOGIES (CNMT)

Instructor

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

Assistant Professor

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

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

Associate Professor

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

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

INTERIOR ARCHITECTURE.

These are criteria for appointment, promotion, and tenure.

Instructor.

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

Assistant Professor.

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

Associate Professor.

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

Professor.

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

Tenure.

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

NATURAL RESOURCES: NATURAL RESOURCES LAW ENFORCEMENT.

Assistant Professor.

A Master of Science or higher degree with a major in a natural resources field plus a minimum of 3 years of experience in Conservation or Natural Resources Law Enforcement.

Associate Professor.

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

Professor.

In addition to the requirements for the Associate Professor rank, 10 years of teaching experience at the college level plus evidence of scholarly achievement as demonstrated through research and publication or other professional achievement.

Tenure.

A Master of Science degree shall be considered the terminal degree for tenure purposes.

SOCIOLOGY: FACULTY IN SOCIAL WORK.

Instructor.

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

Assistant Professor.

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

Associate Professor.

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

Professor.

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

Tenure.

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

UNIVERSITY LIBRARY.

University Library may grant tenure to faculty members who possess an American Library Association-accredited master's degree in Library/Information Science and meet the Evaluation Criteria specified in the *University Library Faculty Personnel Policies and Procedures*. However, the nature of professional performance in libraries makes the acquisition of knowledge over a broad spectrum highly desirable. Combining an ALA accredited master's degree in Library/Information Science with additional breadth (a subject area master's degree or less commonly a doctoral degree), enables library faculty to be effective in meeting the needs of our diverse university community. Therefore, although eligible for tenure, University Library faculty members cannot advance beyond the rank of Assistant Professor without a subject area master's degree or a doctoral degree.

Instructor.

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

Assistant Professor.

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

Promotion to Rank: An ALA-accredited master's degree in Library/Information Science, plus:

- a. A subject area master's degree or earned doctorate, or
- b. Tenure granted by the University Library Retention & Tenure Committee.

Associate Professor.

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

- c. Evidence of scholarship and professional growth. High quality job performance. A record of general educational service, plus
- d. Normally, a minimum of 5 years of professional library experience at the college level (7 years part-time). Exceptions to this criterion must be successfully argued by the candidate.

Professor.

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

Tenure.

An ALA-accredited master of Library/Information Science shall be treated as the terminal degree for tenure.

WEB and DIGITAL MEDIA DEVELOPMENT (WDMD)

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

Instructor

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

Assistant Professor

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

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

Associate Professor

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

media development, and three years of additional professional work experience in Web and/or digital media development.

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

Professor

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

Tenure

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

LIMITED APPOINTMENTS

DEFINITION.

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

APPOINTMENT RIGHTS.

Current Faculty.

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

Initial Appointment.

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

Termination.

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

Notice.

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

SALARY.

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

EDUCATIONAL CODE, CREDITING OF PRIOR SERVICE, AND SALARY INFORMATION

EDUCATIONAL PREPARATION CODE.

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

Code 1.

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

Code 2.

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

Code 3.

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

Code 4.

- A master's degree.

Code 5.

- A bachelor's degree.

Code 6.

- No bachelor's degree.

TIME GRANTED TOWARD TENURE: PRIOR SERVICE CREDIT.

General Guideline.

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

Impact.

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

Individual Decisions.

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

SALARY INFORMATION.

Salary at Time of Hiring.

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

Crediting of Prior Years.

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

Salary Adjustments.

Annual Adjustments.

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

Promotion Adjustments.

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

Notification.

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

Summer Session.

Compensation.

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

Contracts.

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

Paychecks.

Academic year salaries for new faculty appointees are paid in 9 checks.

Date Available.

Faculty payroll checks are usually available on the first work day of each month but are not issued on Saturday, Sunday, or a holiday. Checks will be delivered only to the faculty member or to a spouse employed by the university.

The first check for the academic year is issued on October 1, the last on June 1 (July 1 for those faculty remaining on the 10 month pay plan).

Direct Deposit.

Faculty members may have payroll checks deposited directly to the financial institution of their choice. Deposit is by courier (local) or mail (out of town). Checks are deposited or mailed for deposit on the night before payday; however, the deposit may not legally be credited to the faculty member's account until the first.

Persons with questions regarding direct deposit of payroll checks should call the UWSP Payroll Office.

Summer Session.

Summer school checks are issued on August 1 and September 1.

Optional Twelve-payment Plan.

For faculty on academic year appointments, an optional twelve-payment plan (rather than 9 or 10) is available, and can be arranged through the UWSP Credit Union.

Post-retirement Teaching.

Faculty who teach after retirement will be appointed as fixed-term academic staff with a Hayes-Hill title in the lecturer series. A working title of professor (or associate or assistant) emeritus may be used in conjunction with the Hayes-Hill title. The scheduled salary for such an appointment will be that provided by the salary schedule for Category B academic staff at the appropriate education code and experience level. Unscheduled salary may be negotiated based on appropriate factors. Each academic year in which an academic staff member is employed by the university will be counted as 1 year of experience for salary purposes.

PROBATIONARY AND TENURE APPOINTMENTS

TENURE DENSITY.

Tenure density refers to the ability of a department to accommodate a 10% reduction in workload without loss of tenured faculty.

ACQUIRING TENURE.

General.

The vice chancellor, in consultation with the dean and department chairperson will determine whether or not a particular vacant position may be designated as a tenure track position at the time the position is advertised.

Effective with the 1992-93 academic year, all vacant faculty positions approved by the vice chancellor for search and screen will be understood to be tenurable positions.

The vice chancellor will make an initial decision whether to sign the Position Announcement form based on the most recent tenure management report for the department. Additional considerations may include: anticipated student enrollment, faculty attrition, retirement, retraining, reassignment, changes in academic programs, changes in student interest, interrelations among curricular areas, characteristics of departmental programs, the need to maintain a viable core of offerings in certain areas regardless of enrollments, the primary academic emphases of the university, departmental and curricular tenure density, etc. Tenure density considers the ability of the department to accommodate a ten percent reduction in workload without the loss of tenured faculty.

If the vice chancellor decides not to sign the Position Announcement form, the appropriate dean will be informed. At that point, the dean and, if necessary, the department chairperson will be invited to confer with the vice chancellor to review the data leading to the initial decision not to sign the form.

If review of the decision does not result in authorization for a faculty search, the vice chancellor may instead authorize a search for an instructional academic staff position. Such a position will normally be renewable for up to four years. A request to renew the position beyond four years must be approved by the vice chancellor on a case-by-case basis. If the position is not renewed, then search and screen procedures may continue according to the steps outlined in current EEO-AA policies.

Each faculty member being considered for tenure is entitled to 2 determinations:

- whether present circumstances of the university and the department will permit the granting of tenure; and
- whether the department chooses to recommend tenure.

Note: the determination of whether circumstances will permit granting of tenure shall not be based on tenure density.

Eligibility.

Only persons eligible for consideration for promotion to the rank of associate professor may be tenured. Exceptions for certain groups may be granted by the Faculty Senate and the chancellor.

Departmental Assignments and Tenure Density.

Faculty assigned to or tenured in a particular department but not presently serving in that department will not be counted as department members for tenure density purposes so long as they continue in such alternative assignments. The department should be informed of an individual's intent to return during the year immediately preceding the return so as to assist the department in planning.

Reduced Responsibilities.

A probationary faculty member may reduce professional responsibilities under limited conditions specified in UWSP 3.04 (3). Colloquially, this is called "stopping the tenure

clock," and may be requested in circumstances such as childbirth, adoption, dependent care obligations, or disability. The time granted for such activities does not count as a break in continuous service nor as part of the probationary period.

CONTRACTUAL PERIODS AND SCHEDULES FOR RECOMMENDATIONS ON RETENTION, TENURE, PROMOTION, AND MERIT.

Contractual periods.

Faculty may be hired on multiple-year contracts or one-year contracts.

Annual Schedule.

The vice chancellor and the deans annually distribute to department chairpersons a schedule of specific dates when recommendations regarding renewal, tenure, promotion, and merit are due.

Retention.

Dates for decisions on renewal are governed by the provisions of Chapters UWS and UWSP 3.09. Faculty must receive notice by March 1 in the first year, December 15 in the second year, and, thereafter, 12 months prior to the expiration of the appointment.

Tenure.

Departments normally submit recommendations for tenure to the dean in November.

Promotion.

Departments normally submit recommendations for promotion in November or as part of the retention recommendation.

Merit.

The date when merit recommendations are due is governed by legislative and System action. Departmental merit recommendations are usually submitted to the dean in February.

APPOINTMENTS.

Decision Authority.

Decisions on appointment and renewal are made by the department and the vice chancellor (as the chancellor's designee) for probationary faculty appointments in the first year and after the 4th year. Decisions on renewal in the 2nd, 3rd, and 4th years are made by the department and appropriate dean (as the chancellor's designee).

Change in Position Responsibilities.

An amended letter of appointment shall be sent in situations where a significant change in position responsibility occurs; however, no such change may be made during a contractual period without the mutual consent of the faculty member and the appropriate institutional officers, except as may be necessary under 36.21 Wis. Stats. and Chapter UWSP 5.

Teaching Responsibilities.

An individual who holds academic rank in a department is usually expected to perform some regular teaching assignment each year. Exceptions to this policy may be made by the vice chancellor upon the recommendation of the department. Present and future faculty of the University Library shall be an exception to this policy.

Joint Appointments.

Academic joint appointments or faculty members may be made between departments and/or colleges. These appointments are made only if the faculty member and the involved university units agree upon the desirability of such an arrangement. Joint appointments may be terminated at the end of a contractual period upon the request of any of the involved individuals or units.

Home Department.

Faculty members with joint appointments will have a home department which will be responsible for the person's salary, tenure, and rank. Faculty with joint appointments will be eligible to participate in both units in faculty meetings, appropriate committees, research, and teaching. Such participation will depend upon prior agreement of the involved units.

Part-time Appointments.

Half-time Minimum.

Part-time faculty appointments must be half-time or more for 2 consecutive semesters. Half-time is the equivalent of 6 credits per semester.

Change in Proportion of Time.

A faculty member may request either

- a permanent reduction to not less than half-time;
- a reduction to less than half-time on an academic staff appointment; or
- a temporary reduction as a partial leave without pay.

Salary.

A faculty member's base salary is prorated for any reduction in time; eligibility for fringe benefits may change during semesters at reduced time.

Probationary Agreement.

For faculty on probationary appointment, the initial letter of agreement for a reduced assignment shall state how much time the faculty member will have accrued toward tenure by the beginning of the reduced assignment, and how much time will be accrued during the period the faculty member serves on reduced assignment.

Salary and Merit for Part-time Faculty.

Criteria.

General criteria for determining salary and merit for part-time faculty are the same as for full-time faculty. Departments may develop specific performance objectives for individuals with part-time appointments just as they do for faculty with full-time appointments.

Amount.

The amount of each adjustment shall be prorated in proportion to the percentage of a full-time appointment for which the person is hired.

Experience Credit.

Part-time faculty receive proportional salary for rank and educational code, and will be moved a full year of experience on the salary schedule each year unless leave policy dictates otherwise.

EVALUATION OF FACULTY BY STUDENTS AND PEERS

(See Chaps. UWS and UWSP 3)

GENERAL PRINCIPLES.

Departmental Responsibilities.

The primary responsibility for evaluation of faculty for purposes of retention, promotion, merit, tenure, salary, and post-tenure review rests with the faculty of the individual departments. All faculty and administrators who appraise performance shall have completed appropriate training provided through the vice chancellor's office.

NOTE. Departments and equivalent academic areas may extend limited governance rights to their academic staff members as provided for in UWS and UWSP 1.05. This limited faculty status means that departmental academic staff have the right to participate in all aspects of the department's governance as specified by the department except decisions relating to hiring, retention, promotion, and tenure for individual faculty.

Role of Chairperson in Personnel Matters.

Records.

The department chairperson shall maintain files of records and correspondence relating to departmental actions on personnel matters.

Committee Actions.

The department chairperson shall assist the chairperson of any departmental personnel committees making personnel recommendations in the preparation of all relevant records and correspondence.

Forwarding Results.

As appropriate, the department chairperson shall forward results of departmental personnel actions to the dean of the college.

Separate Recommendation.

Normally, the department chairperson provides to the dean a separate recommendation on personnel matters.

Committee Membership.

Where a department chairperson provides separate recommendations on personnel matters, the chairperson shall not be a voting member of departmental personnel committees and shall not be counted in determining a quorum.

No Separate Recommendation.

With the approval of the department, the chairperson, and the dean of the college, a department chairperson may vote with departmental committees on personnel matters. Where this practice is adopted, the chairperson shall be a voting member of appropriate personnel committees and shall not forward a separate recommendation to the dean; the dean shall receive only the committee's recommendation.

Evaluation of Probationary and Tenured Faculty.

Both probationary and tenured faculty shall be evaluated regularly on how they meet individual and department performance objectives. Near the middle of each evaluative period, an interim meeting will be held with the faculty member to discuss progress toward the objectives and to revise objectives as necessary. Departments or program

units in consultation with their deans should develop procedures for carrying out these reviews.

Evaluations by Students and Colleagues.

Student and colleague evaluations of teaching, and colleague evaluations of teaching-related scholarship, shall be considered in making decisions on retention, promotion, merit, tenure, salary, and general improvement and recognition.

Colleague Evaluation of Teaching, Scholarship and University Service.

Tenured faculty have the primary role in personnel decisions. However, as tenure and experience are not identical, departmental evaluations should utilize the resources of all experienced members. A significant number of the colleagues of the individual under consideration shall be directly involved in the analysis of student evaluations, study of information provided by the individual, classroom visitations, observation of professional presentations, review of publications, and examination of teaching materials (syllabi, exams, handouts, etc.).

Procedural Rights.

When being reviewed for any departmental personnel recommendations, faculty members shall be given the opportunity to present materials showing qualifications, and may be invited to present oral evidence to the appropriate departmental evaluation committee(s).

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of the body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the body specifically state otherwise.

Right to Open Meeting.

Under the provisions of UWSP 3.06 (1)(d), a probationary faculty member has the right to request and receive an open meeting for any meeting of a department or unit or subunit involving consideration of tenure for that individual.

Meetings to consider retention of probationary faculty shall normally be held in closed session.

19.85 Wis. Stats.

Under the Open Meetings Law, even when departmental policies provide that subunit or committee meetings be restricted to members of the subunit or committee, a faculty member under consideration for tenure has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing for the tenure decision or at which final action is taken on the tenure decision for that individual.

Departmental Policies.

Normally, departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

Merit.

In the performance objectives as evaluated within each department, merit recognizes performance ranging from solid through exemplary. It must never be used as a substitute for adequate and reasonable compensation for all members of the faculty.

Activities.

Activities to be considered in the evaluation process shall include those undertaken as part of the extension function or as part of the international programs offerings as well as a faculty member's usual activities.

PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATING FACULTY.

Each department shall specify in writing the relative importance of these performance objectives:

Teaching Ability:

the success of the instructor, both in and out of the classroom, in securing interest, effort, and progress on the part of the student. . The primary consideration is that students are stimulated to high standards of scholarship, to active interest in learning, and to effective effort toward self-improvement.

Scholarship:

activities which are clearly defined, use methods and procedures appropriate to the task, are documented and available to the academic community for review and comment, have disciplinary and/or pedagogical value, and reflect a level of expertise/creativity expected in higher education.

General Educational Service:

the acceptance and fulfillment of professional responsibilities outside the classroom, e.g., academic advising, extracurricular advising, participation in organizations related to the discipline, acceptance of professional responsibilities within the university or community, etc.

GENERAL GUIDELINES FOR DEPARTMENTAL POLICIES AND PROCEDURES.

Written Procedures.

Each department shall establish procedures for retention, promotion, merit, tenure, salary, and post-tenure review. These procedures shall include a policy explicitly expressing how the faculty performance objectives (above) are defined, measured, and evaluated in discipline specific ways. They will also provide for expanding retention, promotion, and tenure personnel committees, in consultation with the dean, for cases where there are fewer than three departmental representatives voting on a personnel decision. When approved by the appropriate dean and the vice chancellor, this statement shall be the standard used by all evaluators for faculty of that department; however, the standard need not apply to administrative merit.

Colleague Evaluation of Teaching

Evaluation of the candidate's teaching materials represents an important component of the colleagues' evaluation of the candidate's teaching. While the specifics of the colleagues' examination of these materials may vary significantly from discipline to discipline, it must include the following three general components: course content, course objectives, and grading policies. In addition, where applicable, the evaluation should include course examinations, course organization and quality of student achievement.

During the period leading to the first retention recommendation, the probationary faculty member's classes should be observed by at least two colleagues, presenting a minimum of four observations. Care should be taken that the classes visited are representative of the probationary faculty member's teaching assignment over a period

of semesters. For subsequent retention, tenure or promotion recommendations, the appropriate personnel committee should conduct a sufficient number of observations to provide adequate information to support its personnel recommendation. This typically would include a minimum of two classroom observations.

Course Evaluation Forms.

All courses being evaluated at UWSP shall use "The Student Evaluation of Instruction Form" or "The Student Evaluation of Online Instruction Form" adopted by the Faculty Senate. This form is on file in the Faculty Senate Office. In courses where students and faculty do not meet face-to-face on a regular basis (e.g. on-line and distance learning), course evaluations must either be mailed to the student with a return envelope or distributed on-line assuring confidentiality. Departments may elect to use individual developmental forms. Provisions of UWSP 3.05 shall also be followed.

Results shall be reported as frequency counts and modified medians. The modified median shall be calculated according to J. Jaccard and M.A. Becker (*Statistics for the Behavioral Sciences*, Third Edition, 1997, Brooks-Cole, publishers).

Student Evaluation of Teaching

Examination of responses to "The Student Evaluation of Instruction Form" or "The Student Evaluation of Online Instruction Form" is also an important component of colleague evaluation. The interpretation of the numerical results is primarily the responsibility of the department. This component, however, cannot be the sole basis for a personnel decision. The numerical scores cannot substitute for colleague observation of classes and colleague evaluation of the candidate's materials listed above under "Colleague Evaluation of Teaching". In particular, departments should interpret the numerical results in the context of those observations and materials.

(Colleague reviews of instruction for merit determinations must, at a minimum, examine responses to this form.)

Developmental Form.

An optional form for course improvement purposes may be constructed and administered by individual faculty members. The results of any such assessment shall belong exclusively to the individual faculty member.

Sample questions and statements which might be included in developmental forms may be obtained from the vice chancellor's office.

PROMOTION PROCEDURES IN DEPARTMENTS.

Promotion Committees.

Promotion committees are normally limited to persons above the rank of the individual applying for promotion.

Committee Chairperson's Duties.

The chairperson of each committee shall report the committee's recommendations to the individual, the department chairperson, and the dean of the college.

Department Chairperson's Recommendation.

If the department chairperson provides a separate recommendation to the dean and if the chairperson's recommendation differs significantly from that of the department, the

chairperson shall notify the appropriate departmental committee of this fact and provide to the person under consideration written justification for the action.

Forwarding Recommendations.

In any discussion between the dean and the department regarding these recommendations, both the department chairperson and the chairperson of the committee shall be included. The dean shall forward a recommendation along with those of the department and department chairperson to the vice chancellor, and shall inform the department chairperson in writing of that recommendation.

Informing Department.

In the event that the dean, vice chancellor, or chancellor makes a recommendation contrary to the department's, that administrator shall inform the individual and the department chairperson in writing, including reasons for the decision, before transmitting the recommendation to the next administrative level.

Completion of Requirements.

The required number of years of teaching experience for a particular rank shall be completed before the individual is considered for promotion.

PROCEDURES FOR POST-TENURE REVIEW AND DEVELOPMENT.

Frequency and Purpose of Evaluation.

Each tenured faculty member will be evaluated at least once every 5 years for the purpose of general review, development, recognition and merit. This will include evaluating how past individual-based and department-based performance objectives have been met and will set such objectives for the next evaluation period.

Interim Meeting.

At least one interim meeting will be held with the faculty member, the department chairperson, and appropriate member(s) of the departmental committee to discuss progress and revise objectives if necessary.

Promotion Review as Substitute.

A faculty member seeking promotion in rank may use review and evaluation for promotion in place of post-tenure review. The substitution is permissible only when promotion is sought in the same year as or sooner than the faculty member's scheduled post-tenure review. When review and evaluation for promotion is used in place of post-tenure review, the next post-tenure review will be scheduled five years after the promotion review.

Criteria for Evaluation.

The evaluation shall address each of the three criteria outlined in the section titled "Performance Objectives (Criteria) for Evaluating Faculty," and any individually-based objectives. The evaluation shall include consideration of activities done in support of undergraduate education. If applicable to the individual, the evaluation shall also include consideration of activities done in support of graduate education.

Evaluators.

This evaluation shall be conducted by a significant number of the faculty member's tenured colleagues and shall include

- analysis of student evaluations;
- analysis of material presented by the faculty member;

- peer observation and evaluation of instruction; and
- review of professional accomplishments.

Use of Evaluation.

The outcome of the evaluation may be used as one basis for determining institutional support from the department, college, and division for professional development proposals submitted by individual faculty. The support may be used to correct deficiencies or advance goals.

Use of Review File for Merit.

Following the completion of the review, the review file may, at the discretion of the reviewed faculty member, serve as the merit file for that faculty member for that year only. The faculty member may elect to add additional information to the file for merit purposes.

Departmental Procedures.

The department shall develop procedures for conducting evaluations and for actions to be taken as a result of the evaluations.

Relative Importance of Criteria.

Department procedures shall indicate the emphasis to be given to activities done in support of undergraduate education in the context of the mission of the department, college, and university.

Accountability.

The department procedures shall clearly indicate the method by which strengths, as well as suggestions for improvement, will be brought to the attention of the faculty member being reviewed. Subsequent performance objectives shall be based on the evaluation.

Plan of Action.

Where suggestions for improvement are indicated, the departmental reviewing body, in conjunction with the faculty member, shall establish a plan of action for responding to those suggestions.

Summary.

The department procedures shall provide for sending a brief summary of the review, a list of any recommendations, and a statement of completion of the review to the appropriate dean with a copy to the faculty member.

Lack of Improvement.

The department procedures shall indicate that if the faculty member's performance does not show satisfactory improvement within the time frame specified in the plan of action, the departmental reviewing body will notify the chairperson and dean of the remaining areas in need of improvement.

Thereafter, the chairperson and dean will develop a plan for improving these remaining areas. If the faculty member's performance does not improve according to the specifications of this plan, appropriate action will be taken.

Records.

The department may release review materials only as required for faculty-initiated personnel actions or as specified above under "Summary." The written record of the review shall be kept in the department personnel file. A faculty member's individual

performance objectives for the next evaluation period shall become a part of the faculty member's yearly merit file.

Record Keeping.

The vice chancellor shall be informed by the deans of all completed reviews and shall ensure implementation of the review process by maintaining completion records and informing deans when individual faculty members have not been reviewed within the required time period.

DEPARTMENTAL MERIT PROCEDURES.

Available Merit Points.

Each faculty member in a department generates 14 merit points. Ten of these 14 points are distributed to the department to be allocated according to departmental procedures. The remaining 4 points are distributed among the department chairperson (1 point), the dean of the college (2), and the vice chancellor (1), to be allocated according to the appropriate procedures for each.

[Procedures for departmental chairpersons follow immediately after this subsection; those for administrators follow the chairpersons'.]

Departmental Procedures for Recommendations.

Each department shall establish merit recommendation procedures which include

- a merit committee, which shall normally include representatives from all ranks, and a chairperson to direct the process;
- how and when data for each faculty member are collected;

These data should include materials on teaching ability, scholarship, general educational service, and individual performance objectives.

- how and to whom the data are available for evaluation;
- the method for evaluating the data (e.g., specifying whether it will be by the entire department/equivalent unit or by an elected committee);
- how voting and/or rating or ranking is conducted; and
- how individuals are informed of the rating or ranking.

Report of Merit Distribution.

The chairperson of the merit committee shall submit to the dean a report of the merit distribution recommendations along with a copy of the procedures followed. A copy of the report of the merit recommendations shall be sent to the department chairperson.

Department Chairperson's Recommendation.

Normally, the department chairperson will submit a separate written recommendation and report. If the recommendation differs from that of the merit committee, the committee shall be informed in writing.

Discussion with Dean.

The committee chairperson shall accompany the chairperson of the department to any discussion with the dean relative to the departmental or chairperson's recommendations and shall report back to the department.

Institutional Procedures.

Merit recommendations coming from departments shall follow university approved procedures in the salary distribution plan.

Administrative Recommendations.

Each dean, following consultation with the department (if any), shall forward to the vice chancellor a separate recommendation along with those of the department and the chairperson. The vice chancellor shall add a recommendation to the rest and forward the materials to the chancellor for action.

If an administrator makes a recommendation different from that of the departmental merit committee, the affected individual and the department chairperson shall be informed in writing at the time the recommendation is transmitted to the next administrative level.

Teaching Effectiveness.

Definition.

If the Board of Regents specifically requires that a portion of salary adjustment be based on teaching effectiveness distinct from merit or other salary adjustment factors, one of the following shall apply.

- System Definition.

If the requirement by System Administration specifically defines teaching effectiveness or establishes a required procedure, that definition or procedure shall prevail in determining salary adjustments based on teaching effectiveness.

- Institutional Definition.

If the requirement does not specifically define teaching effectiveness, then the definition shall be that teaching effectiveness is a collective determination of the members of a salary unit that an individual teacher warrants recognition as an effective teacher and is thereby assigned teaching effectiveness points.

Assigning Points.

Each department shall select one of the following methods for assigning teaching effectiveness points to eligible faculty. The method selected shall be the same for faculty and academic staff, shall be approved by the dean and vice chancellor, and shall be incorporated into departmental procedures.

- If the department's merit procedures already provide for awarding points for teaching distinct from other categories, the same procedures may be used to assign teaching effectiveness points. The specific procedure for determining teaching effectiveness points shall be explicitly stated in the department's procedures.
- If the department's merit procedures do not provide for awarding points for teaching distinct from other categories, or if the department wishes to separate the determination of teaching effectiveness points from merit points, a separate ballot shall be used to determine the assignment of teaching effectiveness points. The specific procedure for determining teaching effectiveness points shall be explicitly stated in the department's procedures, and placed immediately adjacent to the section dealing with merit.

DEPARTMENT CHAIRPERSONS' MERIT PROCEDURES.

Criteria.

Prior to making merit recommendations, each department chairperson shall distribute to the department a list of criteria upon which merit recognition will be based. A copy of these criteria shall be sent to the dean of the college.

Recommendations.

The chairperson shall request from departmental staff names and accomplishments of faculty to be considered for chairperson's merit and shall give due consideration to such recommendations; however, the chairperson may assign merit points to any departmental faculty member who meets the distributed criteria.

Report of Merit Allocation.

The chairperson shall provide written notification of the amount of the award and the reasons for the award to each recipient, with copies to the department and the dean.

ADMINISTRATIVE MERIT PROCEDURES.

Deans and Vice Chancellor.

Criteria.

Prior to making their recommendations, each dean and the vice chancellor shall distribute to the appropriate academic units a list of criteria upon which merit recognition will be based.

Recommendations.

Each dean and the vice chancellor shall request from departments names and accomplishments of faculty to be considered for dean's and vice chancellor's merit.

- The departments shall rank their recommendations.
- These recommendations shall be the primary source of information used by the deans and vice chancellor in making merit awards.

Notification of Merit.

Following completion of administrative review and final determination of merit awards, each administrator awarding merit shall provide written notification of the amount of the award and the reasons for the award to each recipient, and shall provide a copy to the appropriate department chair-person. The chairperson shall share the amount of the award and the reasons for the award with the department.

Changes in Recommendations.

If deans' or vice chancellor's merit recommendations are changed by another administrator (vice chancellor or chancellor), the administrator making the original recommendation shall be informed in writing of the changes and the reasons at the time the recommendations are transmitted to the next administrative level.

SECTION 4: OVERVIEW OF THE PROCESS AND PROCEDURES FOR FACULTY APPEAL OF NONRENEWAL OF PROBATIONARY APPOINTMENT (UWSP 3.07 AND 3.08) AND DENIAL OF TENURE (UWSP 3.07 AND 3.08M)

(See Chapters UWS & UWSP 3)

INTRODUCTORY COMMENTS.

Coverage.

These proceedings apply to all instances in which a faculty member on probationary appointment has not been retained or when a faculty member on probationary appointment has not been granted tenure. Nonrenewal and denial of tenure may occur simultaneously or as separate actions.

Applicable Documents.

A faculty member contemplating an appeal after having received notice of nonrenewal or denial of tenure is advised to become familiar with

- Chapters UWSP 1 - 6, the institutional faculty personnel rules;
- departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System faculty personnel rules; and
- related documents in this handbook.

Counsel.

A faculty member contemplating an appeal may wish to seek advice from senior faculty or legal counsel familiar with the policies and procedures. The right to be represented at hearings by an individual (or individuals) of the faculty member's choice is guaranteed under these procedures.

Decisions and Recommendations Distinct; Which May Be Appealed.

Decisions.

Decision-making Authority.

Decisions regarding retention or granting of tenure are made at only 2 levels, the department and the chancellor (or the chancellor's designee).

NOTE. This can be very confusing, especially since Chapters UWS and UWSP 3 talk of departmental recommendations. To be absolutely accurate, one would say that a departmental action supporting appointment, reappointment, or tenure is a recommendation, since the chancellor need not accept the department's decision. However, an action denying appointment, reappointment, or tenure is always a decision since the chancellor cannot appoint or reappoint absent the affirmative recommendation of the department, and the Board cannot award tenure without the affirmative recommendation of the department except under extremely narrow circumstances.

If the department says yes, the chairperson, dean, and vice chancellor may all recommend no, and the chancellor will decide. If the department says no, that ends the matter unless there is an appeal. In forwarding the department's decision to the chancellor via the dean and vice chancellor, the chairperson's separate recommendation, if different from the decision of the department, would not affect the decision.

Subject to Appeal.

Faculty have the right to appeal a **decision** not to renew or not to grant tenure, whether at the department level or at the chancellor's level. The right of appeal of an adverse decision by the chancellor includes the right of appeal of an adverse decision by a chancellor's designee.

Recommendations.

Recommending Authority.

Recommendations regarding retention or the granting of tenure may be made by a faculty member's department chairperson or dean, or by the vice chancellor.

Not Subject to Appeal.

A **recommendation** not to renew or not to grant tenure is not subject to appeal. However, faculty who appeal an adverse decision may call as a witness any person who made an adverse recommendation to the individual making the decision.

Burden of Proof and Scope of Appeals.

Burden of Proof.

The burden of proof in an appeal of nonrenewal or denial of tenure is on the faculty member.

Scope of Appeals.

The scope of the appeal shall be limited to whether material prejudice to the individual resulted because the decision was based in any significant degree upon

- conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom; or
- factors proscribed by applicable state or federal law regarding fair employment practices; or
- improper consideration of qualifications, which shall be deemed to have occurred if material prejudice resulted because
 - ♦ procedures required by the faculty or Board were not followed; or
 - ♦ available data bearing materially on the quality of performance were not considered; or
 - ♦ unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

Outcomes.

Following a hearing on an appeal, the hearing committee issues its report of findings and recommendations. If the committee finds for the appellant, it recommends an appropriate remedy. Potential remedies are described in some detail on the last page of this explanation of the process and procedure.

Time Limits.

Termination of Appeal.

Failure to meet any time limits established by these procedures will likely end the proceedings. A faculty member considering an appeal of nonrenewal or denial of tenure is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the appeal process may be lengthy. The deliberative process in

particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Action on Nonrenewal.

The university will proceed on a nonrenewal decision even if an appeal is in progress in order to meet obligations to provide adequate notice of nonrenewal as prescribed in UWSP 3.09.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of that body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the parent body specifically state otherwise.

Right to Open Meeting.

Under the provisions of UWSP 3.06 (1)(d), a probationary faculty member has the right to request and receive an open meeting for any meeting of a department or unit or subunit involving an evidentiary hearing or final action on consideration of tenure for that individual.

Meetings to consider retention of probationary faculty shall normally be held in closed session.

NOTE. A meeting with an administrator for the purpose of performance evaluation, even where the end result of the discussion will be a recommendation on retention or the granting of tenure, is not subject to the provisions of the Open Meetings Law: an individual administrator is not a "formally constituted subunit."

19.85 Wis. Stats.

Under the Open Meetings Law, even when departmental policies provide that subunit or committee meetings be restricted to members of the subunit or committee, a faculty member under consideration has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing or final action on consideration of tenure for that individual.

Departmental Policies.

Normally, departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

DESCRIPTION OF NONRENEWAL PROCESS.

Outline.

The outline at the end of this subsection gives the steps which must be taken by the appellant, the relevant university body, the Faculty Mediation Subcommittee, and the hearing committee. It also gives the time limits for each step. The sequence of steps is mandatory, but some time limits may be extended by mutual consent of the parties or by order of the hearing committee. The outline deals specifically with appeals of nonrenewal but the process for an appeal of denial of tenure is virtually the same; the possible remedies are different.

Statement of Reasons.

Request.

Once a non-retention notice has been received from the department or chancellor, the faculty member has the right to request and receive a written statement of reasons by the decision-maker.

Time Limit.

The written request for those reasons must be made within 10 days of receipt of the non-retention notice. This written statement of reasons is required before a reconsideration or (subsequent) appeal may be implemented. The statement of reasons also becomes a permanent part of the individual's personnel file.

File Responses.

Faculty members have the right to review their own personnel files. Faculty members also have the right to make written responses to any statements in the files and to have those responses placed in the files.

Reconsideration.

Request.

Within 10 days of receipt of the written reasons, the faculty member has the right to request a reconsideration by the decision-maker. Any written request for reconsideration must be granted. The faculty member also has the right of access to all materials which may have a direct bearing on a presentation at the reconsideration meeting.

Time Limit.

Any reconsideration must be held within 20 days of receipt of the request for reconsideration, except that this time limit may be extended by mutual consent of the parties.

Decision Reversed.

If reconsideration results in a decision favorable to the faculty member, the reconsideration decision supplants the original and the positive recommendation is sent forward to the next appropriate level.

Decision Affirmed.

If reconsideration affirms the initial decision, the faculty member may either drop the matter or proceed to an appeal.

FILING AN APPEAL.

Written Request.

Upon receipt of written notification that non-retention or denial of tenure was affirmed in the reconsideration, the faculty member has 20 days in which to request a hearing by the Faculty Mediation Subcommittee.

- Failure to meet the 20 day deadline is likely to end the appeal.
- The request must be in writing and addressed to the chairperson of the subcommittee.
- The request should provide a historical resume of all actions taken to this point and must state clearly and specifically the precise foundation on which the appeal is to be based.
- UWSP 3.08 and 3.08m detail the acceptable bases for an appeal.

Required Action.

Notification.

If the chairperson determines that the appellant holds a faculty appointment, the chairperson will

- provide written notification of the request for hearing to the vice chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the appeal, which will be passed on to the chairperson of the hearing committee;
- provide written notification to the chairperson of the appellant's departmental personnel committee, the department chairperson, the dean, the chancellor, and the chairperson of the Faculty Senate that an appeal is in progress; and
- provide copies of all correspondence to the
 - ♦ appellant;
 - ♦ hearing committee members; and
 - ♦ the decision-maker(s).

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Faculty Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, shall be designated as the chairperson of the committee.
- No individual who participated in the nonrenewal decision, or who is a material witness, or who is a member of the appellant's department may sit on the hearing committee.
- Reasonable effort will be made to ensure that the members of the committee are acceptable to both parties in the appeal process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the appeal before the formal appointment.
 - ♦ The decision on whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the appellant has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members shall be made by the committee, excluding the member under challenge.
- In addition to the appointed members, the chairperson of the Faculty Mediation Subcommittee will be an *ex officio* member of the hearing committee. However, the subcommittee chairperson will not cast a vote except to break a tie.

Hearing Date.

The hearing committee must meet to hear the matter within 20 days of receipt of the request for an appeal, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. The faculty member requesting a hearing must receive 10 days' notice of the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the appeal process. The chairperson must

- conduct the hearing under the provisions of UWS/UWSP 3.08 or 3.08m, as appropriate, these policies and procedures, and the guidelines for appeal hearings (which may be found in the next subsection);
- establish appropriate communication with the chancellor, vice chancellor, appellant, appropriate dean, department chairperson, and departmental personnel committee chairperson, and keep each informed of the proceedings in the appeal;
- keep records of all correspondence among all the principals from the initiation of the appeal through its conclusion;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare the written report of the committee's findings and recommendations and transmit the committee's report to the chancellor and other appropriate parties;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the appellant, the decision-maker(s), other involved individuals, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing must include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;
- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but the appellant, upon timely written request to the chairperson, has the right to request an open evidentiary meeting. Any such request in the case of an appeal of denial of tenure shall be honored.
- ♦ of whether the evidentiary hearing and the deliberative meeting will be closed or open;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the appeal;
- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in

sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;

- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the appellant has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the burden of proof as to the validity of the appeal is on the appellant; and
- ♦ that the hearing committee will give written statements of its findings and recommendations to the chancellor, vice chancellor, appropriate dean, department chairperson, appellant, and decision-maker(s).

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings must be sent to the University Newsletter for publication (without identifying the appellant) and must indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the appellant and the appeal are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson will collect all drafts and other documents related to the appeal from the members of the committee, from any appointed secretary, and from all other parties except the appellant and the appellant's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report will be sealed and filed in the office of the chancellor for a period of 5 years, after which they will be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The appeal process consists of two parts, an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation. Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The burden of proof is on the appellant.

Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee will write a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee must sign the final report or file a dissent. The report will be distributed within 10 days of the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law except the evidentiary meeting on an appeal of a tenure denial will be open if requested by the appellant. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the appeal may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the appellant;
- the maker(s) of the decision under appeal;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and

- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the appeal and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings of fact and decision.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Faculty Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of open meetings, if an open meeting has been requested, or
 - ♦ a request for a motion to close the meeting under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the appellant, and the appellant's representative(s), if any.
- Introduction of the decision-maker(s), and the decision-maker's representative(s), if any.
- Presentation of the appeal by the appellant or the appellant's representative but not the testimony of witnesses.
- Questions by the decision-maker or by the decision-maker's representative.
- Presentation of witnesses on behalf of the appellant.
- Questions of appellant's witnesses by the decision-maker or by the decision-maker's representative.
- Presentation of all relevant materials by the decision-maker or by the decision-maker's representative but not the testimony of witnesses.
- Questions by the appellant or the appellant's representative.
- Presentation of witnesses on behalf of the decision-maker.
- Questions of decision-maker's witnesses by the appellant or the appellant's representative.

- Questions of appellant's and decision-maker's witnesses by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the decision-maker or the decision-maker's representative.
- Questions of committee witnesses by the appellant or the appellant's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the decision-maker or the decision-maker's representative.
- Rebuttal or closing comments by the appellant or the appellant's representative.
- Questions of the appellant by members of the hearing committee.
- Questions of the decision-maker by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and will conduct a roll call vote on the motion.

Deliberative Meeting.

The hearing committee deliberates on the appeal and writes a report which includes the findings and recommendations of the committee.

Findings.

Basis.

A finding that the facts are as described by the appellant is not, by itself, enough to find that the appeal is valid. The facts must support the contention that at least 1 of the factors described under UWSP 3.08 (1) or UWSP 3.08m (2), as appropriate to the appeal, entered into the decision to a significant degree and with material prejudice to the appellant.

Burden of Proof.

The burden of proof is on the appellant to provide evidence that at least one impermissible factor entered into the decision to a significant degree and with material prejudice to the appellant.

Decision Upheld.

If the committee finds for the decision-maker, it recommends the appeal be denied. If the recommendation is accepted by the chancellor, the appeal is ended.

Decision Rejected.

If the committee finds for the appellant, it makes its recommendations to remedy the inappropriate behavior.

Recommendations.

Remand Required.

- All cases under 3.08 and 3.08m must be remanded for reconsideration by the decision-maker(s) unless the hearing committee specifically finds that a remand would serve no useful purpose.
- Even if it remands the matter, the hearing committee retains jurisdiction until it is satisfied that appellant's rights have not been violated.

Possible Remedies, 3.08.

If the committee finds that an appeal under 3.08 is valid, possible remedies include, but are not limited to

- reconsideration by the decision-maker(s);
- reconsideration by the decision-maker(s) under instructions from the committee; or
- a recommendation to the next higher decision-making level.

Possible Remedies, 3.08m.

If the committee finds that an appeal under 3.08m is valid, possible remedies include, but are not limited to

- reconsideration by the decision-maker(s);
- reconsideration by the decision-maker(s) under instructions from the committee; or
- where the committee specifically finds that impermissible factors were used as a basis for denial and that no useful purpose would be served by a remand for reconsideration, a recommendation that a special committee be convened under the provisions of UWSP 3.08 (5) to provide an independent recommendation for tenure.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of deliberations.
- The chairperson provides a verbatim record of the hearing and a copy of the report to the faculty member, and a copy each of the report to the chancellor, the vice chancellor, the appropriate dean, the department chairperson, the chairperson of the departmental personnel committee, and the decision-maker(s).

Chancellor's Action.

The recommendations of the hearing committee become the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendations.

- If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an

- opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the appellant.
- The chancellor sends written notification of decision to the appellant and the chairperson of the hearing committee within 30 days of receipt of the report of the committee.
 - The decision of the chancellor is final on such matters.

OUTLINE OF APPEAL PROCESS

Abbreviations used: D=Dean; VC=Vice Chancellor; C=Chancellor; PF=Personnel Files; DC=Department Chair; DPC=Department personnel committee; FMS=Faculty Mediation Subcommittee; HC=Hearing Committee

Step	Initiated By / Date	Notify / Copies to	References Adm Code UWSP PR	Comments
1. Non-retention notice	DC or C / varies	Faculty Member	3.09	Notice to be sent as soon as feasible following decision.
2. Written request for reasons for non-retention	Faculty Member / 10 days of receipt of notice from 1	DC or C	3.07	
3. Written statement of reasons	DC or C / 10 days	Faculty Member PF, D, VC	3.07	Reasons are permanently filed in personnel files
4. Written request for reconsideration of decision by department or C. This reconsideration must within 20 days of this request	Faculty Member / 10 days of receipt in 3	DC or C / PF	3.07	See departmental personnel rules; Faculty member has unimpeded, direct access to <u>all</u> materials at any level (unless it is confidential at request begin of the faculty member) which have a bearing on reconsideration
5. Written notification that non-retention was reaffirmed in the reconsideration process	DC or C	Faculty Member / PF, D, VC, C	3.07	
APPEAL				
6. Written request for appeal under UWSP 3.08 (nonrenewal) 3.08m (denial of tenure)	Faculty Member / 20 days of receipt in step 5	FMS Chair / DC, DPC Chair	3.08 or 3.08m	Request should provide historical resume of actions to this point, must state <u>specifically</u> and clearly the precise foundation on which the appeal is being made
7. Written acknowledgment of receipt of request in 6; appointment of 5 individuals (at least 3 are elected members of FMS) to HC	FMS Chair / Varies (but must allow sufficient time for steps 8 and 9)	Faculty Member / DC, PF, D, VC, C	3.08 or 3.08m	FMS Chair will appoint HC and its chairperson
8. FMS chair determines if FMS has jurisdiction; if so, convenes HC to review procedures: HC sets hearing date	FMS chair / 10 days of receipt in step 6 (to allow proper notice for step 9)	Faculty Member / DC, D, VC, C	3.08 or 3.08m	If FMS has jurisdiction, see Step 9; if not, FMS chair notifies faculty member
9. Conduct appeal hearing; meeting normally closed by HC roll call vote unless appellant requests an open meeting.	HC Chair / 20 days (but faculty member must have 10 days' notice of the hearing)		3.08 or 3.08m	Both parties may provide evidence. Faculty member may want to have own legal counsel present. *
10. HC makes recommendations; meeting may be closed by majority roll call vote.	HC Chair / within 7 days of end of step 9.		3.08 or 3.08m	Wis. Stats. 19.85 (1) a. allows for the closed meeting. There may be recesses during the deliberations.
11. Distribution of HC report	HC Chair / within 10 days of the end of step 10	Faculty Member / C, VC, D, DC, decision-maker(s)	3.08 or 3.08m	

NOTES:

Time limits in steps 2, 3, and 4 may be extended by mutual consent of the faculty member and DC (or appropriate administrative officer). Time limits in steps 6 through 9 may be extended by mutual consent of the faculty member and the HC or by order of the HC. Prior to step 7, the FMS may act for the HC in this regard.

*Legal counsel, at the time hired by the faculty member, should inform the FMS chairperson of counsel's interest in the proceedings. From the time of receipt of that notice, counsel will automatically receive copies of all correspondence, memos, and any other pertinent material, whether initiated by the faculty member or by other employees of the university.

SECTION 5: INTERPRETATIONS, GUIDELINES, AND IMPLEMENTATION PROCEDURES FOR PERSONNEL RULES AND POLICIES: ACADEMIC STAFF APPOINTMENT

This section interprets, amplifies, and provides procedures for the implementation of UWSP Personnel Rules for Academic Staff, Chapters 1, 9 - 13, and 14.

This material follows the approximate order of the Rules.

NOTE. Academic staff are divided into categories according to position responsibilities. Many of the policies, rules, and procedures pertaining to academic staff apply to all categories; others vary for each group.

In cases where materials pertain to all academic staff, they are presented without regard to categories; where there are differences, subheadings divide the materials by the appropriate category.

DEPARTMENTAL/UNIT POLICIES AND PROCEDURES

Wherever UWSP Personnel Rules, policies, or procedures provide for the development of departmental/unit policies and procedures and the approval of those policies or procedures by the chancellor or vice chancellor, approval has been delegated to designees--

- for departments/units reporting to a dean, the designee is the dean;
- for departments/units reporting to vice chancellors, the designee is the vice chancellor; and
- for departments/units reporting directly to the provost, the designee is the provost.

ACADEMIC STAFF APPOINTMENTS

TYPES OF APPOINTMENTS.

Academic staff appointments are of 3 types: fixed term, probationary, and indefinite.

Fixed Term.

Definition.

Fixed term appointments are for a definite period of time specified in the letter of appointment, are renewable solely at the option of the university, and carry no expectation of reemployment regardless of how often renewed.

Appropriate Use.

Fixed term appointments are used for academic staff positions when the appointment is

- primarily for classroom teaching and/or coaching; or
- less than half-time; or
- for a term of 1 year or less, to replace someone on leave; or
- funded by non-GPR money; or
- to a designated position determined appropriate for fixed term at the time of the initial appointment according to the provisions of UWSP 10.03 (1)(b) 5.

Probationary.

Definition.

Probationary appointments are those which lead to a review and decision on an indefinite appointment.

Appropriate Use.

A probationary appointment is normally used for every position other than one primarily for classroom teaching when the position is funded by tax dollars and the position is anticipated to be ongoing.

Indefinite.

Definition.

An indefinite appointment provides permanent status for an unlimited term.

Appropriate Use.

Indefinite appointments are granted only after appropriate annual review and evaluation. Normally, a person will not be granted indefinite appointment to a particular administrative position.

ACADEMIC STAFF CATEGORIES

TITLE CATEGORIES.

Academic staff titles normally fall within 3 categories.

Category A.

Titles in this group include those in which duties and responsibilities are most similar to those of professional and administrative positions common to institutions of higher education other than classroom teaching. Broadly speaking, personnel in this category at UWSP are primarily involved in support programs.

Category B.

Titles in this group include those in which duties and responsibilities are most similar to the research or instructional functions typical of faculty in the UW System. On this campus, this category consists almost exclusively of classroom teaching academic staff.

Category C.

Titles in this group include those in which duties and responsibilities are most similar to designated professional positions and administrative positions in academic areas. At UWSP, persons in this category are generally at or above the level of assistant dean but the category also includes program directors for academic research units, coaches, consultants, and some limited appointments.

TYPES OF APPOINTMENTS FOR SPECIFIC CATEGORIES

CATEGORY A.

Tax Funded.

Personnel whose position titles are in this group and whose positions are funded by general purpose revenue funds (tax dollars) are normally on probationary appointments.

Program Revenue Funded.

Those personnel in this group whose positions are funded by program revenue funds (funds other than tax dollars) will normally hold fixed term appointments. (In certain

circumstances, those funded by non-GPR dollars may be granted indefinite appointment.)

CATEGORY B.

On this campus and regardless of the funding source, Category B personnel are normally on fixed term appointments.

CATEGORY C.

Tax Funded.

Personnel in this group whose positions are funded by GPR funds will normally hold either a probationary or indefinite appointment [or a probationary or tenured faculty appointment] and a limited appointment in the administrative position.

Program Revenue Funded.

Those personnel in this group whose positions are funded by program revenue funds will normally hold fixed term appointments with limited appointments in the administrative position. (In certain circumstances, those funded by non-GPR dollars may have been granted indefinite appointment.)

LIMITED APPOINTMENTS

DEFINITION.

A limited appointment is an appointment to a designated administrative position in which the individual serves at the pleasure of the appointing official. Such appointments are governed by the provisions of Chapter UWS 15.

APPOINTMENT RIGHTS.

Current Academic Staff.

A member of the academic staff granted a limited appointment does not lose existing rights to an academic staff appointment by accepting the limited appointment.

Initial Appointment.

Whenever feasible, an individual granted a limited appointment and not already holding an academic staff [or faculty] appointment shall be given an appropriate academic staff [or faculty] appointment.

Termination.

Termination of a limited appointment is not a dismissal under Chapters UWS/UWSP 11 and is not otherwise subject to appeal.

Notice.

Whenever possible, an individual holding a limited appointment without another academic staff [or faculty] appointment shall be given notice of termination of the limited appointment at least 3 months in advance of the expiration of the appointment.

SALARY.

The salary for an individual with a limited appointment is determined by an vice chancellor, the provost, or the chancellor, as appropriate. Such salaries are based upon the appointee's duties and shall be in conformity with the salary structure prescribed in the UW System. Annual salary increases for academic staff holding limited appointments are also determined by the appointing authority.

MINIMUM QUALIFICATIONS FOR APPOINTMENT AND PROMOTION

GENERAL.

An individual to be considered for appointment or promotion must meet at least the minimum qualifications of training and experience for the position/title. Broad qualifications are described in *Unclassified Personnel Guideline #1*, a System policy document of some length and complexity. Specific institutional criteria are described in the local Hayes-Hill guidelines, *Hayes-Hill Titling Advisory Committee Operational Procedures and Policies*. Copies of *UPG 1* and of local Hayes-Hill guidelines may be obtained from either the associate vice chancellor or the director of personnel. The local Hayes-Hill Titling Committee procedures are in chapter 4, section 15.

NOTE. The materials pertaining to academic staff are derived from the *Academic Staff Titling and Compensation Study*, better known throughout the System and generally referred to in the *Handbook* as Hayes-Hill.

CATEGORY A OR C.

Appointment to or eligibility for promotion to a specific prefix in the professional title series is also dependent upon experience and performance. Minimum expectations are described in the Hayes-Hill guidelines.

CATEGORY B.

Appointment to or eligibility for promotion to a specific prefix in the instructional professional title series is also dependent upon experience and performance. Minimum expectations are described in each department's personnel guidelines. Departmental guidelines are available from each department chairperson.

EDUCATIONAL CODE, CREDITING OF PRIOR SERVICE, AND SALARY INFORMATION

EDUCATIONAL PREPARATION CODE.

Effective 2006-2007, an academic staff member's code assignment is based on the following academic preparation.

Code 1.

- PhD.
- EdD.
- Earned doctor's degree equivalent to the PhD. or EdD., requiring an original contribution to the field and requiring the minimum equivalent of 3 full years of graduate study beyond the baccalaureate.
- MFA in creative arts (specifically: studio art, creative writing, dance and technical areas of drama) when a higher terminal degree is not normally awarded.

Code 2.

- Earned degrees, such as the J.D., requiring a minimum of 90 semester credit hours of graduate level work beyond the baccalaureate degree.
- All requirements for the doctorate met except completion of the dissertation.

Code 3.

- Master's degree plus 30 semester credit hours of graduate level work in a coherent program of study. If the master's degree requires more than 30 semester credit

hours, then the additional graduate level work only needs to bring the total semester credit hours to 60 (for example, a master's degree requiring 36 semester credit hours would need to be supplemented with an additional 24 credits to qualify for this educational code.)

- A specialist degree or its equivalent.
- University Library faculty with an MLS and a second approved master's degree.

Code 4.

- A master's degree.

Code 5.

- A bachelor's degree.

Code 6.

- No bachelor's degree.

GRANTING PRIOR SERVICE CREDIT: TIME TOWARD INDEFINITE APPOINTMENT

(PROBATIONARY OR FIXED TERM).

General Guideline.

The practice of granting credit for prior service is not universal but has been most common in traditional four-year universities. When prior service credit is granted, it is usually limited to 3 years, leaving 3 to 4 years for evaluating probationary academic staff prior to making the mandatory decision on indefinite appointment.

Impact.

Evaluation and review for a decision on indefinite appointment is required for academic staff holding probationary appointments. Academic staff holding fixed term appointments may request review for the granting of indefinite appointment after 10 years of service at UWSP. Indefinite appointment may be awarded only after the third year of full-time service at UWSP. One consequence of granting credit for prior service is to shorten by a stipulated number of years the time period in which the decision to award indefinite appointment is made.

Individual Decisions.

Decisions on crediting of prior service are made on an individual, case-by-case basis: there is no automatic or formula-based credit for prior service.

SALARY INFORMATION.

Salary at Time of Hiring.

Category A or C.

With the exception of those few positions assigned to an executive salary group, salaries of administrative and support academic staff with titles in these categories shall be determined by the appropriate vice chancellor, the provost, or the chancellor, as appropriate, and shall be in conformity with the Hayes-Hill salary structure.

Hayes-Hill Format.

Hayes-Hill establishes a series of titles for each academic staff category. Each title is assigned a pay grade with a minimum and a maximum. Initial salaries shall be at least at the minimum level for the appropriate title and may, as a result

of consideration of experience, market factors, or comparable salaries in the unit, be above the minimum but normally no salary shall be above the maximum.

Document Availability.

Copies of current salary ranges for the various classifications and grades in Category A or C are available from the director of personnel or the associate vice chancellor.

Executive Salary Group.

Determination of positions to be assigned to an executive salary group are made at the System level. Copies of the list of individuals assigned to executive salary groups are available from the director of personnel.

Category B.

Salary ranges for academic staff classroom teaching positions and other positions with Category B titles are established by the appropriate department chairperson and dean prior to advertising the position. Salaries for these positions are determined according to the appropriate salary schedule.

Individual Salary Determinations.

Range for Candidates.

Salary ranges for specific individuals are established by the appropriate dean, in consultation with the department chairperson, before a candidate may be invited to campus.

Individual Salaries.

Individual salaries are established by the dean, in consultation with the department chairperson, in accordance with the appropriate salary schedule.

Document Availability.

Copies of the salary schedule for classroom teaching academic staff are available from the dean or associate vice chancellor.

Summer Session.

Compensation.

Classroom teaching academic staff are rarely hired during summer sessions. When classroom teaching academic staff are hired for the summer, compensation is normally 9.3% of the previous academic year salary for the equivalent of three credits of instruction (half-time); full-time is normally compensated at 18.6%.

Contracts.

Summer session teaching contracts are all contingency contracts, based on negotiations between the academic staff member and appropriate dean on the number of students anticipated to enroll. When enrollment is less than anticipated, the dean determines whether the class is to be canceled and the contract voided or to keep the class at the lower enrollment and reduce the salary of the academic staff member.

Crediting of Prior Years.

Whenever a newly hired person receives credit for previous experience in determining salary, fractional years of credit are rounded to the next higher number of full years (e.g., 1.2 years are counted as 2 years).

Full-time and Part-time.

Category A or C.

Unless otherwise negotiated and expressly stated in the letter of appointment, full-time shall be defined as 5 working days per week or the equivalent, half-time shall be defined as 2 1/2 working days per week or the equivalent, and other part-time appointments shall be calculated as a percentage based on 5 days per week as full-time.

Category B.

Full time shall be defined as 24 credit hours per academic year.

Paychecks.

Academic year salaries for new academic staff appointees are paid in 9 checks. Annual salaries are paid in 12 checks.

Date Available.

Academic staff payroll checks are usually available on the first work day of each month but are not issued on Saturday, Sunday or a holiday. Checks will be delivered only to the academic staff member or to a spouse employed by the university.

The first check for the academic year is issued on October 1, the last on June 1 (July 1 for academic staff remaining on the 10 month pay plan).

Direct Deposit.

Academic staff members may have payroll checks deposited directly to the financial institution of their choice. Deposit is by courier (local) or mail (out of town). Checks are deposited or mailed for deposit on the night before payday; however, the deposit may not legally be credited to the academic staff member's account until the first.

Persons with questions regarding direct deposit of payroll checks should call the UWSP Payroll Office.

Summer Session.

Summer school checks are issued on August 1 and September 1.

Optional Twelve-payment Plan.

For academic staff on academic year appointments, an optional twelve-payment plan (rather than 9 or 10) is available, and can be arranged through the UWSP Credit Union.

FIXED TERM, PROBATIONARY, AND INDEFINITE APPOINTMENTS

CONTRACTUAL PERIODS AND SCHEDULES FOR RECOMMENDATIONS ON RETENTION, INDEFINITE APPOINTMENT, PROMOTION, AND MERIT.

Contractual periods.

Academic staff may be hired on multiple-year contracts, rolling contracts, or one-year contracts. Limited appointments, in which persons serve at the pleasure of the appointing authority, may be open-ended.

Annual Schedule.

The provost, vice chancellors, and deans annually distribute to department chairpersons and unit heads a schedule of specific dates when recommendations regarding renewal, indefinite appointment, promotion, and merit are due.

Probationary Personnel.

Dates for decisions on renewal are governed by the provisions of Chapters UWS and UWSP 10.05. Academic staff shall receive notice at least 3 months prior to the expiration of the appointment in the first year; at least 6 months prior to the expiration of the appointment in the second year; and 12 months prior to the expiration of the appointment thereafter.

Fixed Term Personnel.

Half-time or More.

Academic staff serving .5 FTE or more, or who have accumulated 7 academic years of service at .5 FTE or more per semester shall receive notice at least 3 months prior to the expiration of the appointment in the first 2 years; at least 6 months prior to the expiration of the appointment in the 3rd through 7th years; at least 9 months prior to the expiration of the appointment in the 8th through 10th years; and 12 months prior to the expiration of the appointment thereafter.

When the letter of appointment states that renewal is not intended, no further notice of nonrenewal is required.

Less Than Half-time.

Academic staff serving less than .5 FTE shall receive notice at least 3 months prior to the expiration of the appointment in the first 2 years, and 6 months prior to the expiration of the appointment thereafter.

When the letter of appointment states that renewal is not intended, no further notice of nonrenewal is required.

Indefinite Appointment.

Units normally submit recommendations for indefinite appointment to the appropriate administrator in early March.

Reduced Responsibilities.

A probationary academic staff member may reduce professional responsibilities under limited conditions specified in UWSP 10.03 (2) (a) (3). Colloquially, this is called "stopping the clock," and may be requested in circumstances such as childbirth, adoption, dependent care obligations, or disability. The time granted for such activities does not count as a break in continuous service nor as part of the probationary period.

Promotion.

Units normally submit recommendations for promotion in February, or as part of the retention recommendation.

Merit.

The date when merit recommendations are due is governed by legislative and System action. Unit merit recommendations are usually submitted to the appropriate administrator in March.

APPOINTMENTS.

Decision Authority.

Probationary Academic Staff.

- In divisions other than Academic Affairs, decisions on appointment and renewal for probationary academic staff appointments in the first year and after the 4th year are made by the unit and the appropriate vice chancellor (as the chancellor's designee). In Academic Affairs, those decisions are made by the department or unit and the provost (as the chancellor's designee).
- Decisions on renewal in the 2nd, 3rd, and 4th years are made by the unit and the vice chancellor (as the designee), or the department and the appropriate dean (as the designee).

Fixed Term Academic Staff.

- In divisions other than Academic Affairs, decisions on appointment and reappointment for all fixed term academic staff are made by the unit and the appropriate vice chancellor (as the chancellor's designee).
- In Academic Affairs, decisions on appointment and reappointment for all fixed term academic staff are made by the department or unit and the provost (as the chancellor's designee).

Change in Position Responsibilities.

An amended letter of appointment shall be sent in situations where a significant change in position responsibility occurs; however, no such change may be made during a contractual period without the mutual consent of the academic staff member and the appropriate institutional officers, except as may be necessary under 36.21 Wis. Stats. and Chapter UWSP 12.

Teaching Responsibilities.

An individual who holds academic rank in a department and who is serving in an academic staff position is usually expected to perform some regular teaching assignment each year. Faculty of the University Library are an exception to this policy.

Joint Appointments.

Joint appointments of academic staff members may be made between units (e.g., Records and Registration & Campus Activities; HPERA & Admissions) and/or divisions (e.g., University Services and Student Development & Business Affairs). These appointments are made only if the academic staff member and the involved university units agree upon the desirability of such an arrangement. Joint appointments may be terminated at the end of a contractual period upon the request of any of the involved individuals or units.

Unit Responsibilities.

Letters of appointment for academic staff members with joint appointments shall clearly delineate the percentages in each unit, the salary responsibilities of each unit, the titles for each position, and the appointment type (fixed term, probationary, or indefinite) in each position.

Governance Rights.

Academic staff with joint appointments will be eligible to participate in both units in meetings, appropriate committees, and other activities under each unit's policies and procedures. Such participation will depend upon prior agreement of the involved units.

Part-time Appointments.

Category A or C.

Unless otherwise negotiated and expressly stated in the letter of appointment, half-time shall be defined as 2 1/2 working days per week or the equivalent, and other part-time appointments shall be calculated as a percentage based on 5 days per week as full-time.

Category B.

Half-time shall be defined as 6 credit hours per semester or the equivalent, and other part-time appointments shall be calculated as a percentage based on 24 credit hours per academic year as full-time.

Change in Proportion of Time.

An academic staff member may request either

- a permanent reduction to half-time;
- a permanent reduction to less than half-time on a fixed term appointment;
or
- a temporary reduction as a partial leave without pay.

Salary.

An academic staff member's base salary is pro-rated for any reduction in time; eligibility for fringe benefits may change during semesters at reduced time.

Probationary Agreement.

For academic staff on probationary appointment, the initial letter of agreement for a reduced assignment shall state how much time the academic staff member will have accrued toward indefinite appointment by the beginning of the reduced assignment, and how much time will be accrued during the period the academic staff member serves on reduced assignment.

Salary and Merit for Part-time Academic Staff.

Criteria.

General criteria for determining salary and merit for part-time academic staff are the same as for full-time academic staff. Units may develop specific performance objectives for individuals with part-time appointments just as they do for academic staff with full-time appointments.

Amount.

Part-time academic staff receive proportional salary based on full-time equivalency as defined for the appointment category.

EVALUATION OF ACADEMIC STAFF: ALL CATEGORIES

PROCEDURAL RIGHTS.

When being reviewed for any unit personnel recommendations, academic staff members shall be given the opportunity to present materials showing qualifications, and may be invited to present oral evidence to the supervisor and/or appropriate unit evaluation committee(s).

NOTE. Academic departments and equivalent academic areas may extend limited governance rights to their academic staff members as provided for in UWS and UWSP 1.05. This limited faculty status means that departmental academic staff have the right

to participate in all aspects of the department's governance as specified by the department except decisions relating to hiring, retention, promotion, and tenure for individual faculty.

PRESENCE AT MEETINGS.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of the body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the body specifically state otherwise.

Right to Open Meeting.

Under the provisions of UWSP 10.03 (2)(a)4, a probationary academic staff member has the right to request and receive an open meeting for any meeting of a unit or subunit involving consideration of indefinite appointment for that individual.

NOTE. A meeting with one's supervisor for the purpose of performance evaluation, even where the end result of the evaluation will be a recommendation on retention or the granting of indefinite appointment, is not subject to the provisions of the Open Meetings Law: an individual administrator is not a "formally constituted subunit."

MERIT.

In the performance objectives as evaluated within each unit, merit recognizes performance ranging from solid through exemplary. It must never be used as a substitute for adequate and reasonable compensation for all members of the academic staff.

ACTIVITIES.

Activities to be considered in the evaluation process shall include those undertaken as part of the Extension function or as part of the International Programs offerings as well as an academic staff member's usual activities.

EVALUATION OF CATEGORY A AND C ACADEMIC STAFF

PURPOSE.

Academic staff performance evaluations are conducted to

- enable employees to understand fully what is expected of them;
- help employees assess the quality of their work;
- give employees constructive feedback;
- gain information to help make accurate personnel decisions on such matters as retention, merit, and promotion; and
- encourage employees to do their best work.

USE.

Performance evaluations conducted under these policies and procedures shall serve as the basis for making personnel decisions relating to renewal, reappointment, indefinite status, merit, promotion, and salary.

IMPLEMENTATION/TRAINING RESPONSIBILITIES.

The vice chancellor is responsible for the implementation of this evaluation policy and related procedures.

The primary responsibility for evaluation of academic staff for purposes of retention, change of title or promotion, merit, indefinite appointment, and salary is that of the unit in which the individual holds an academic staff appointment. All academic staff to be evaluated and all academic staff who do evaluations shall have completed appropriate orientation and training provided through the vice chancellor's office.

EVALUATION OF FIXED TERM, PROBATIONARY, AND INDEFINITE PERSONNEL.

All fixed term, probationary, or indefinite appointment academic staff shall be evaluated annually on how they meet unit and individual performance objectives. Near the middle of each evaluative period, an interim meeting shall be held with the academic staff member to discuss progress toward the objectives and to revise objectives as necessary.

Any Academic Staff A or C position that is less than 10% of the calendar year, i.e. less than 5.2 weeks or 208 hours per calendar year, is not required to complete an annual and/or supplemental review unless requested by the employee.

STUDENT EVALUATIONS.

The use of student evaluations may be appropriate if contact with students is a primary and an integral part of the position responsibility. Decisions on whether to use student evaluations shall be made by supervisors, in consultation with the staff members to be evaluated.

- No student or peer evaluations of classroom teaching shall be used in performance evaluations of Category A or C academic staff in their primary position responsibilities except in those cases where the supervisor and the individual being evaluated agree that student evaluations of teaching are a necessary or appropriate part of the evaluation process.
- Any student evaluations of classroom teaching shall be conducted by the appropriate academic department under existing departmental policies.
 - ♦ Except as specified in the first bulleted paragraph above, such evaluations are exclusively for professional development and other uses as provided by departmental policies.

PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATING CATEGORY A AND C ACADEMIC STAFF.

Each unit, in consultation with the appropriate vice chancellor or with the dean and provost, shall specify in writing the relative importance of these performance objectives:

Ability in Performing Primary Responsibilities:

the success of the academic staff member in timeliness, accuracy and quality of the work; achievement of job objectives; and innovative approaches to tasks required.

Professional Disciplinary Growth:

participation in formal or informal activities which indicate continued study and increased expertise in one's field, including such things as additional course work;

leadership roles in professional organizations; attendance at seminars, workshops, or conferences; and research activities.

General Educational Service:

the acceptance and fulfillment of professional responsibilities outside the unit (i.e., to the university and the community). Service may be shown by participation in organizations related to one's area of expertise, by acceptance of professional responsibilities within the university, and by professional relationships within the community.

OVERVIEW OF PROCEDURES.

The evaluation process for Category A and C academic staff and instructions for conducting performance evaluations are contained in *Procedures for Evaluation of Non-instructional Faculty and Category A and C Academic Staff*, the complete text of which may be found in Chapter 4D, Section 15.

Annual Review.

Each academic staff member shall meet with the staff member's supervisor at least once each year to assess performance and establish performance objectives. At this meeting,

- the supervisor shall afford the academic staff member the opportunity to present any information or materials on the academic staff member's behalf; and
- the two shall
 - ♦ review the academic staff member's current position description;

The supervisor shall provide a current, 1-page position description which the two review to assure that it accurately describes duties and responsibilities.

- ♦ review progress toward achieving objectives agreed upon at the last review (or for an initial review, as discussed in the appointment process);
- ♦ develop appropriate goals, objectives, and priorities to be accomplished in the coming year;

The goals, objectives, and priorities shall be consistent with the duties and responsibilities delineated in the abbreviated position description.

- ♦ identify material to be used to assess progress toward achieving the goals in the next year, and the method by which this material will be collected;
- ♦ set a time schedule for the next evaluation; and
- ♦ discuss other relevant concerns of the academic staff member or of the supervisor.

Supplemental Review.

During the academic staff member's 2nd and 5th years of employment, and every 5 years thereafter, the evaluation process shall consist of the annual review and a 2-part supplemental review, a questionnaire survey and a self-assessment.

Questionnaire Survey.

Development.

The academic staff member and the supervisor shall develop a questionnaire survey in accordance with the requirements of *Procedures for Evaluation of Non-*

Instructional Faculty and Category A and C Academic Staff (Chapter 4D, Section 15).

- All questionnaires shall include
 - ♦ Some general questions (from or similar to those in the procedures document), constructed by the academic staff member and the supervisor; and
 - ♦ these open-ended questions--
 1. What are this individual's strengths in performing the duties in the job description?
 2. What suggestions can you make for improvement in the individual's job performance?
- Questionnaires for those with titles at or above the level of director shall include additional required questions found in the procedures document.
- Optional questions selected from among those provided in the procedures document may also be selected for inclusion.

Distribution.

The academic staff member and supervisor jointly develop a list of survey recipients limited to those who know how the academic staff member is carrying out the day-to-day duties and responsibilities of his/her job description. The supervisor completes a copy of the questionnaire and distributes other copies to those on the list.

Other persons who ask to complete a questionnaire shall be afforded the opportunity by the supervisor with full disclosure to the academic staff member being evaluated. Results of the questionnaire from persons not on the agreed-upon list shall be tabulated separately.

Procedure for Data Collection.

The procedure for the collection of data may be found in the Procedures for Evaluation of Non-Instructional Faculty and Category A and C Academic Staff (Chapter 4D, Section 15).

Self-assessment.

The academic staff member shall also complete the questionnaire, and may provide any other information regarding performance.

Evaluation Report.

Following the annual/supplemental review meeting but not later than May 1, the supervisor prepares and files a written evaluation report for inclusion in the academic staff member's personnel file. The academic staff member receives a copy of the evaluation report and may prepare a written response to the evaluation. Any response shall also be placed in the personnel file. The written evaluation report, which shall be signed by the supervisor and the academic staff member, shall include at least the

- updated position description;
- goals and objectives for the upcoming year;
- self-assessment; and
- supervisor's letter of evaluation.

Review of the Evaluation.

An academic staff member who believes the performance evaluation was unfair may request from the academic staff member's supervisor a review of the evaluation. Any such request

- shall be in writing;
- shall be received by the supervisor not later than 15 days after the academic staff member has received the evaluation report;
- shall address the particular concerns of the academic staff member; and
- shall be granted.

Supervisor's Response.

The supervisor has 15 working days to review the entire matter and write a response to the academic staff member.

Further Action.

If the academic staff member continues to feel that the review was unfair and that the supervisor's response does not rectify the academic staff member's concerns, the academic staff member may file a grievance under the provisions of Chapter UWSP 13.02.

Copies Filed.

A copy of any request for review and a copy of the supervisor's response shall be placed in the academic staff member's personnel file with the original evaluation report.

Access to Review Information.

The information gathered in performance evaluation reviews is confidential to the degree permitted by the Public Records Law. Normally, access to the information is limited to the employee, the supervisor, and as appropriate, the Academic Staff Council and higher level administrators.

Use of Raw Data from Responses.

With the exception of the self-evaluation, respondents to the supplemental review questionnaire survey shall remain anonymous. Consequently, the raw data from a supplemental review shall not be made available to the employee under review. Following analysis of the information obtained from the questionnaire survey and self-evaluation, the supervisor shall share the results with the academic staff member, and when appropriate, the Academic Staff Council. Statistical data gathered from the general questions may be used for institutional research.

Academic Staff Council and the Vice Chancellor's Office as Resources for Performance Reviews.

Any Academic Staff member may request assistance on any aspect of the evaluation process at any time by contacting the Chairperson of the Academic Staff Council or the Vice Chancellor's Office.

Assessment of Procedures.

Beginning in the fall of 2004 and every 4 years thereafter, a subcommittee of the Academic Staff Council will review the entire evaluation procedure and recommend to the Council (and Senate) modifications necessary to ensure its continued effectiveness.

PROMOTION PROCEDURES IN UNITS.

Written Procedures.

Each unit shall establish written procedures for promotion and changes of title. These procedures shall include a policy explicitly expressing how academic staff performance objectives are to be used. Criteria for promotion and changes of title shall be consistent with Hayes-Hill criteria. When approved by the appropriate vice chancellor or the appropriate dean and the provost, this statement shall be the standard used by all evaluators for academic staff of that unit.

- Local Hayes-Hill criteria, procedures, and policies are in section 15 of this chapter (*Hayes-Hill Titling Advisory Committee Operational Procedures and Policies*).

No Unit Procedures.

Absent written unit procedures, an academic staff member may apply for promotion and/or a change of title as the academic staff member becomes eligible under Hayes-Hill guidelines.

Requests in Writing.

Requests for promotion or change of title shall be written and addressed to the academic staff member's supervisor. The request shall also include appropriate documentation supporting the request for promotion or change of title.

Supervisory Response.

A supervisor who receives a request for promotion or change of title shall

- review the request and accompanying materials within 15 days of receipt of the request;
- within 20 days of receipt of the request, afford the academic staff member making the request an opportunity to present additional materials or oral testimony on the academic staff member's behalf;
- act on the request in a reasonable time and shall provide written notification of decision, which shall normally be within 15 days of the meeting with the academic staff member (or from the date of informing the academic staff member of the opportunity if the academic staff member decides not to meet with the supervisor) but may be up to 90 days after receipt of the request if the supervisor decides that an additional performance review involving a questionnaire survey is appropriate.

If the supervisor decides upon a questionnaire survey, the procedures under the supplemental performance review shall be followed.

MERIT PROCEDURES IN UNITS.

Written Procedures.

Each unit shall establish written procedures for merit assessment. These procedures shall include a policy explicitly expressing how academic staff performance objectives are to be used. When approved by the appropriate vice chancellor or the appropriate dean and the provost, this statement shall be the standard used by all evaluators for academic staff of that unit.

Salary Increase Distribution.

Across-the-board.

Category A and C academic staff, unranked faculty, and faculty assigned to units other than those within Academic Affairs receive an across-the-board increase if authorized by the Board and UW System guidelines. Salary adjustment dollars

remaining after across-the-board increases shall be applied to base salary as specified below.

Merit.

Salary adjustment dollars remaining after across-the-board increases shall be applied to base salary in the following manner.

Step 1 Merit.

Evaluation.

Each person will be evaluated and awarded merit points from 0 to 10 (whole numbers only) according to procedures and criteria established within each division (e.g., Business Affairs) and/or unit (e.g., Financial Aid).

Award.

Merit is assigned on the basis of points awarded. Each merit point will be equivalent to 10% of the merit generated by that position (e.g., 1 point=10%, 4 points=40%) .

If 2% of the salary increase dollars is applied to merit, an individual who earns \$30,000 generates \$600 of merit ($\$30,000 \times .02$). If that individual is awarded 10 merit points, merit will be the entire amount the position generated; if the individual is awarded 5 merit points, merit dollars will be 50% of the merit the position generated ($\$600 \times .50 = \300).

Dollars Not Awarded.

Merit dollars remaining as the result of awards of less than 10 points (\$300 in the second instance in the example above) are pooled for all Category A and Category C academic staff receiving merit and distributed according to procedures under Step 2.

Step 2 Merit.

Merit dollars not awarded in Step 1 are distributed among all Category A and Category C academic staff receiving merit.

- A dollar value is established for each point to be awarded in Step 2 by dividing the total dollars remaining from Step 1 by the total merit points awarded in Step 1.
- The number of Step 2 points awarded to each individual is identical to the points awarded in Step 1; the dollar amount of merit received in Step 2 is determined by multiplying the points by the established dollar value.
 - ♦ The first individual in the example for Step 1 merit receives 10 merit points x the dollar value; the second receives 5 merit points x the dollar value.

Total Salary Calculation.

After all salary increases, whether across-the-board or merit, have been determined, the total is added to the individual's base salary. Then the salary for the next year is determined by the percentage of appointment. If an individual earning \$30,000 receives a total increase amounting to \$1,800, the salary for the next year will be \$31,800 for full time ($\$30,000 + \$1,800 \times 1$), and \$15,900 for half time ($\$30,000 + \$1,800 \times .5$).

Caps in Grade.

There are maximum amounts within the classification grades which may cap salary increases for certain people. However, the maximum in each grade normally increases when the Board establishes annual salary increases and minimum salaries. Persons at the maximum in their grade may receive an increase limited to a percentage of the increase in the maximum of the grade.

EVALUATION OF CATEGORY B ACADEMIC STAFF

GENERAL PRINCIPLES.

Departmental Responsibilities.

The primary responsibility for evaluation of classroom teaching academic staff for purposes of reappointment, promotion, indefinite appointment, and salary rests with the faculty of the individual departments. Departmental academic staff shall participate in evaluations as permitted by each department's personnel policies. All faculty, academic staff, and administrators who appraise performance shall have completed appropriate training provided through the vice chancellor's office.

Where there is more than one academic staff member teaching in a department, departmental personnel policies at least shall provide for the active involvement of senior academic staff in the evaluation of other academic staff.

Departmental Participants.

Tenured faculty have the primary role in personnel decisions. However, as tenure and experience are not identical, departmental evaluations should utilize the resources of all experienced members. A significant number of the colleagues of the individual under consideration shall be directly involved in the analysis of student evaluations, study of information provided by the individual, classroom visitations, observation of professional presentations, review of publications, and examination of teaching materials (syllabi, exams, handouts, etc.).

NOTE. Departments and equivalent academic areas may extend limited governance rights to their academic staff members as provided for in UWS and UWSP 1.05. This limited faculty status means that departmental academic staff have the right to participate in all aspects of the department's governance as specified by the department except decisions relating to hiring, retention, promotion, and tenure for individual faculty.

Role of Chairperson in Personnel Matters.

Records.

The department chairperson shall maintain files of records and correspondence relating to departmental actions on personnel matters.

Committee Actions.

The department chairperson shall assist the chairperson of any departmental personnel committees making personnel recommendations in the preparation of all relevant records and correspondence.

Forwarding Results.

As appropriate, the department chairperson shall forward results of departmental personnel actions to the dean of the college.

Separate Recommendation.

Normally, the department chairperson provides to the dean a separate recommendation on personnel matters.

Committee Membership.

Where a department chairperson provides separate recommendations on personnel matters, the chairperson shall not be a voting member of departmental personnel committees and shall not be counted in determining a quorum.

No Separate Recommendation.

With the approval of the department, the chairperson, and the dean of the college, a department chairperson may vote with departmental committees on personnel matters. Where this practice is adopted, the chairperson shall be a voting member of appropriate personnel committees and shall not forward a separate recommendation to the dean; the dean shall receive only the committee's recommendation.

Regular Evaluation.

All Category B academic staff, whether on fixed term or indefinite appointment, shall be evaluated regularly on how they meet individual and department performance objectives. Fixed term academic staff shall be evaluated at least annually; indefinite appointment academic staff shall be evaluated at least once every five years. Near the middle of each evaluative period, an interim meeting shall be held with the academic staff member to discuss progress toward the objectives and to revise objectives as necessary.

Exception.

Academic staff hired for 1 semester to replace an individual on leave need not be subject to performance evaluations. However, departments may elect to conduct full or partial evaluations of these academic staff.

Student and Peer Evaluations.

Student and peer evaluations of teaching, and peer evaluations of teaching-related scholarship, shall be considered in making decisions on reappointment, promotion, merit, indefinite appointment, salary, and general improvement and recognition.

PERFORMANCE OBJECTIVES (CRITERIA) FOR EVALUATION.

Each department shall specify in writing the relative importance of these performance objectives:

Teaching Ability:

the success of the academic staff member, both in and out of the classroom, in securing interest, effort, and progress on the part of the student. The primary consideration is that students are stimulated to high standards of scholarship, to active interest in learning, and to effective effort toward self-improvement.

Scholarship:

activities which are clearly defined, use methods and procedures appropriate to the task, are documented and available to the academic community for review and comment, have disciplinary and/or pedagogical value, and reflect a level of expertise/creativity expected in higher education.

General Educational Service:

the acceptance and fulfillment of professional responsibilities outside the classroom, e.g., academic or extracurricular advising. Service may also be shown by participation in organizations related to the discipline, by acceptance of professional responsibilities within the university, and by professional relationships within the community.

NOTE. (1) In establishing performance objectives for Category B academic staff, departments shall give appropriate consideration to these provisos:

- part-time teaching academic staff are not expected to fulfill obligations related to scholarship or general educational service;
- part-time teaching academic staff are not required to participate in institutional governance but have the right to such participation; and
- teaching ability shall be the major criterion by which part-time classroom teaching academic staff are evaluated.

(2) Where a department has or anticipates a longer-term relationship with a part-time teaching academic staff member, teaching ability shall continue to be the major criterion for evaluation but scholarship and general educational service shall be encouraged.

GENERAL GUIDELINES FOR DEPARTMENTAL POLICIES AND PROCEDURES.

Written Procedures.

Each department shall establish procedures for reappointment, promotion, merit, indefinite appointment, and salary. These procedures shall include a policy explicitly expressing how academic staff performance objectives are to be used. When approved by the appropriate dean and the vice chancellor, this statement shall be the standard used by all evaluators for faculty of that department; however, the standard need not apply to administrative merit.

Insofar as feasible and providing appropriate consideration to the provisos in the note immediately preceding this subsection, departmental criteria for the evaluation of classroom teaching academic staff shall be the same as those for faculty.

Application of Performance Objectives.

Each department shall have a written understanding (approved by the dean and vice chancellor) with individual members of the department of the manner in which performance objectives will be applied in each particular case, i.e., what the department will expect for purposes of retention, reappointment, indefinite appointment, and promotion. Where appropriate, salary letters shall state that academic staff compensation is based on the satisfactory accomplishment of performance objectives.

Course Evaluation Forms.

All courses being evaluated at UWSP shall use the Student Reaction to Course Instruction Form (sometimes referred to as the Open Records Form). In courses where students and faculty do not meet face-to-face on a regular basis (e.g. on-line and distance learning), course evaluations must either be mailed to the student with a return envelope or distributed on-line assuring confidentiality. Departments may elect to use individual developmental forms. Provisions of UWSP 3.05 shall also be followed.

Student Reaction to Course Instruction Form.

Use Required; Purposes.

The Student Reaction to Course Instruction Form was developed to accommodate those who seek access to course evaluation data. This form shall be used

- in all course evaluations;
- in all personnel decisions; and
- in all cases where information is sought under the Open Records Law.

Reporting of Summary Data.

Responses to questions A through E of this form shall only be reported as a frequency distribution.

Format and Questions.

- The document (Form Q10S-General Purpose Questionnaire) is a standard optical scanning form. The introductory paragraph reads

"The results of this survey will be used in personnel evaluations, to provide summary data for Student Government Association records, and will be made available to your instructor only after grades have been recorded for the course. Mark the most appropriate response to each statement in the corresponding circles to the right."

- These are the questions and possible responses:

A. The instructor was available for scheduled office hours:

1. Always
2. Frequently
3. Infrequently
4. Never
5. Did not try to find instructor

B. The instructor was prepared for class:

1. Strongly agree
2. Agree
3. Disagree
4. Strongly disagree
5. No opinion

NOTE. The same responses are used for B, C, D, and E.

C. The instructor helped to foster an atmosphere of mutual respect.

D. The instructor clearly explained grading procedures for the course.

E. The goals and objectives of the course were met.

F. My overall evaluation of the instructor's teaching is:

1. A
2. B
3. C
4. D
5. F

G. My overall evaluation of the course is:

1. A
2. B
3. C
4. D
5. F

- Individual departments may add other items on the reverse side of the questionnaire. Any additional items shall apply to all members of the department and shall become part of the personnel file of each department member.

Developmental Form.

An optional form for course improvement purposes may be constructed and administered by individual academic staff members. The results of any such assessment shall belong exclusively to the individual academic staff member.

Sample questions and statements which might be included in developmental forms may be obtained from the vice chancellor's office.

PROMOTION PROCEDURES IN DEPARTMENTS.

Promotion Committees.

Promotion committees for academic staff shall be as provided for in departmental policies. Such policies shall stipulate that where academic staff are members of promotion committees, normally only those at or above the title of the individual applying for promotion shall be voting members of the committee.

Committee Chairperson's Duties.

The chairperson of each committee shall report the committee's recommendations to the individual, the department chairperson, and the dean of the college.

Department Chairperson's Recommendation.

Normally, the department chairperson will submit a separate recommendation to the dean. In the event that the chairperson's recommendation differs significantly from that of the department, the chairperson shall notify the appropriate departmental committee of this fact and provide to the person under consideration written justification for the action.

Forwarding Recommendations.

In any discussion between the dean and the department regarding these recommendations, both the department chairperson and the chairperson of the committee shall be included. The dean shall forward a recommendation along with those of the department and department chairperson to the vice chancellor, and shall inform the department chairperson in writing of that recommendation.

Informing Department.

In the event that the dean, vice chancellor, or chancellor makes a recommendation contrary to the department's, that administrator shall inform the individual and the department chairperson in writing, including reasons for the decision, before transmitting the recommendation to the next administrative level.

Completion of Requirements.

The required number of years of teaching experience for a particular title shall be completed before the individual is considered for promotion.

ANNUAL SALARY ADJUSTMENTS AND DEPARTMENTAL MERIT PROCEDURES.

Scheduled and Unscheduled Base.

Minimum salaries are set annually for academic staff at each title, educational code, and experience level according to the methodology recommended by the Academic Staff Council and approved by the Faculty Senate, and based on the methodology established for faculty by the Faculty Senate in 1977-1978. The minimum salary determined by this method is the individual's scheduled portion of base salary. The difference between an individual's actual base salary and the scheduled portion is the unscheduled portion of base salary (inequities, market factors, and merit).

Annual Adjustments.

Each year the Board approves the average base salary increase for the following year (usually expressed as a percentage of salary). The Board also establishes guidelines for salary increase distribution. Using Board guidelines and the previously adopted methodologies, the Academic Staff Council recommends to the Faculty Senate and the Senate recommends to the chancellor specific criteria for determining individual salary increases and the percentage to be assigned to the various criteria. The criteria normally considered include experience, title, and performance in the areas of teaching and scholarship, and may include consideration of general educational service.

Pay Plan Eligibility.

Only Category B academic staff eligible for merit are eligible to participate in annual pay plan adjustment.

Salary for Less than Full Time.

Actual salary for those working less than full time shall be based on full-time equivalency; full time is 24 credit hours per academic year.

Salary Calculation.

Since any across-the-board increase in the schedule also affects the discretionary increase, a series of estimates of the across-the-board percentage increase is necessary to determine the actual salary distribution.

Across-the-board.

The amount for any across-the board increase will be the maximum percentage allowed or the maximum available after the amounts to cover experience changes and merit required by System are deducted.

Experience Changes.

The cost of the discretionary increase for experience changes will be computed at the amount indicated in the current Salary Schedule; this will be adjusted upward with each increase by the same percentage as the across-the-board increase.

Merit Point Value.

The remaining dollars will be used to arrive at the value of each merit point.

Merit Eligibility.

Category B academic staff are eligible for merit salary increases if they have completed at least one semester of teaching at UWSP prior to the semester in which the merit decisions are made.

Available Merit Points.

Each eligible academic staff member in a department generates 14 merit points. Ten of these 14 points are distributed to the department to be allocated according to departmental procedures. The remaining 4 points are distributed among the department chairperson (1 point), the dean of the college (2), and the vice chancellor (1), to be allocated according to the appropriate procedures for each.

[Procedures for departmental chairpersons follow immediately after this subsection; those for administrators follow the chairpersons'.]

Departmental Procedures for Recommendations.

Each department shall establish merit recommendation procedures for academic staff, which may be the same procedures used for faculty with the appropriate modifications

for membership and factors considered. In addition, the departmental procedures for Category B academic staff shall provide for

- recommendations in the form of merit points, based on appropriate departmental evaluations and accompanied by the Merit Information Summary Form or a similar departmentally-approved form; and
- awards totaling no more than a total of 10 points times the number of eligible Category B academic staff members in the department.

A copy of the Merit Information Summary Form may be found at the end of this subsection.

Report of Merit Distribution.

The chairperson of the merit committee shall submit to the dean a report of the merit distribution recommendations along with a copy of the procedures followed. A copy of the report of the merit recommendations shall be sent to the department chairperson.

Department Chairperson's Recommendation.

Normally, the department chairperson will submit a separate written recommendation and report. If the recommendation differs from that of the merit committee, the committee shall be informed in writing.

Discussion with Dean.

The committee chairperson shall accompany the chairperson of the department to any discussion with the dean relative to the departmental or chairperson's recommendations and shall report back to the department.

Institutional Procedures.

Merit recommendations coming from departments shall follow university approved procedures in the salary distribution plan.

Administrative Recommendations.

Each dean, following consultation with the department (if any), shall forward to the vice chancellor a separate recommendation along with those of the department and the chairperson. The vice chancellor shall add a recommendation to the rest and forward the materials to the chancellor for action.

If an administrator makes a recommendation different from that of the departmental merit committee, the affected individual and the department chairperson shall be informed in writing at the time the recommendation is transmitted to the next administrative level.

Teaching Effectiveness.

Definition.

If the Board of Regents specifically requires that a portion of salary adjustment be based on teaching effectiveness distinct from merit or other salary adjustment factors, one of the following shall apply.

System Definition.

If the requirement by System Administration specifically defines teaching effectiveness or establishes a required procedure, that definition or procedure shall prevail in determining salary adjustments based on teaching effectiveness.

Institutional Definition.

If the requirement does not specifically define teaching effectiveness, then the definition shall be that teaching effectiveness is a collective determination of the members of a salary unit that an individual teacher warrants recognition as an effective teacher and is thereby assigned teaching effectiveness points.

Assigning Points.

Each department shall select one of the following methods for assigning teaching effectiveness points to eligible academic staff. The method selected shall be the same for faculty and academic staff, shall be approved by the dean and vice chancellor, and shall be incorporated into departmental procedures.

- If the department's merit procedures already provide for awarding points for teaching distinct from other categories, the same procedures may be used to assign teaching effectiveness points. The specific procedure for determining teaching effectiveness points shall be explicitly stated in the department's procedures.
- If the department's merit procedures do not provide for awarding points for teaching distinct from other categories, or if the department wishes to separate the determination of teaching effectiveness points from merit points, a separate ballot shall be used to determine the assignment of teaching effectiveness points. The specific procedure for determining teaching effectiveness points shall be explicitly stated in the department's procedures, and placed immediately adjacent to the section dealing with merit.

DEPARTMENT CHAIRPERSONS' MERIT PROCEDURES.

Eligibility.

All Category B academic staff eligible for departmental merit are also eligible for chairperson's merit.

Criteria.

Prior to making merit recommendations, each department chairperson shall distribute to the department a list of criteria upon which merit recognition will be based. A copy of these criteria shall be sent to the dean of the college.

Insofar as feasible and providing appropriate consideration to the provisos regarding part-time classroom teaching academic staff, chairperson's criteria for the evaluation of classroom teaching academic staff shall be the same as those for faculty.

Recommendations.

The chairperson shall request from departmental staff names and accomplishments of academic staff to be considered for chairperson's merit and shall give due consideration to such recommendations; however, the chairperson may assign merit points to any departmental academic staff member who meets the distributed criteria.

Report of Merit Allocation.

The chairperson shall provide written notification of the amount of the award and the reasons for the award to each recipient, with copies to the department and the dean.

ADMINISTRATIVE MERIT PROCEDURES.

Administrative Merit Eligibility.

All eligible Category B academic staff within a college are eligible for dean's and vice chancellor's merit. However, no individual awards of more than 5 merit points shall be

made by a dean or by the vice chancellor without consultation with the recipient's department chairperson.

Deans and Vice Chancellor.

Criteria.

Prior to making their recommendations, each dean and the vice chancellor shall distribute to the appropriate academic units a list of criteria upon which merit recognition will be based.

Recommendations.

Each dean and the vice chancellor shall request from departments names and accomplishments of academic staff to be considered for dean's and vice chancellor's merit.

- The departments shall rank their recommendations.
- These recommendations shall be the primary source of information used by the deans and vice chancellor in making merit awards.

Notification of Merit.

Following completion of administrative review and final determination of merit awards, each administrator awarding merit shall provide written notification of the amount of the award and the reasons for the award to each recipient, and shall provide a copy to the appropriate department chair-person. The chairperson shall share the amount of the award and the reasons for the award with the department.

Changes in Recommendations.

If deans' or vice chancellor's merit recommendations are changed by another administrator (vice chancellor or chancellor), the administrator making the original recommendation shall be informed in writing of the changes and the reasons at the time the recommendations are transmitted to the next administrative level.

Merit Information Summary Form
Category B [Instructional] Academic Staff

NAME _____ DATE _____

DEPARTMENT _____ COLLEGE _____

1. Teaching: (List courses taught and class evaluation results, including rating scale used and average for the department)

2. Service: (List committees, positions held and other service contributions to the university or the profession.)

3. Scholarship: (List presentations, grants, research, publications, etc.)

SECTION 6: ACADEMIC STAFF APPOINTMENT APPEALS

OVERVIEW OF THE PROCESS AND PROCEDURES FOR ACADEMIC STAFF APPEAL OF DENIAL OF REAPPOINTMENT OF FIXED TERM APPOINTMENT UNDER UWSP 10.03

(See Chapters UWS & UWSP 10)

COVERAGE.

These policies and procedures apply to all instances in which an academic staff member on fixed term appointment has not been reappointed.

FIXED TERM CATEGORY A AND C ACADEMIC STAFF.

Reappointment.

Under the provisions of UWSP 10.03, a member of the academic staff on fixed term appointment who has served half-time or more for 7 or more years and who is not reappointed has the right to request a written statement of reasons and the right to reconsideration by the decision-maker. If reconsideration affirms the decision not to reappoint and the academic staff member wishes to pursue the matter, the staff member must file a grievance under UWSP 13.02.

Indefinite Appointment.

Fixed term academic staff who have undergone review for and been denied indefinite appointment may file a grievance under 13.02.

CLASSROOM TEACHING ACADEMIC STAFF.

Classroom teaching academic staff may elect to take grievances under 13.02 either to the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee. Regardless of which subcommittee is selected, the hearing procedures to be followed will be those for hearings under 13.02

COUNSEL.

A fixed term academic staff member contemplating a grievance may wish to seek advice from senior academic staff and faculty or legal counsel familiar with the policies and procedures. The right to be represented at meetings and hearings by an individual (or individuals) of the academic staff member's choice is guaranteed under these procedures.

DECISIONS AND RECOMMENDATIONS DISTINCT; WHICH MAY BE APPEALED.

Academic Staff Who Are Not Classroom Teachers.

Decisions.

Decisions regarding reappointment or granting of indefinite appointment are made only by the chancellor (or the chancellor's designee).

Subject to Appeal.

Fixed term academic staff have the right to appeal a decision not to reappoint or not to grant indefinite appointment. The right of appeal of an adverse decision by the chancellor includes the right of appeal of an adverse decision by a chancellor's designee.

Recommendations.

Recommendations regarding reappointment or the granting of indefinite appointment may be made by the administrative heads of the academic staff member's operational area and unit, the unit's executive director and vice chancellor, and when appropriate, the provost.

Not Subject to Appeal.

A recommendation not to reappoint or not to grant

indefinite appointment is not subject to appeal. However, academic staff who appeal an adverse decision may call as a witness any person who made an adverse recommendation to the chancellor.

Classroom Teaching Academic Staff.

Decisions.

Decision-making Authority.

Decisions regarding reappointment or granting of indefinite appointment are made at only 2 levels, the department and the chancellor (or the chancellor's designee).

NOTE. This can be very confusing, especially since Chapters UWS and UWSP 10 talk of departmental recommendations. To be absolutely accurate, one would say that a departmental action supporting reappointment or indefinite appointment is a recommendation, since the chancellor need not accept the department decision. However, an action denying appointment or reappointment for classroom teaching academic staff is always a decision since the chancellor cannot appoint or reappoint absent the affirmative recommendation of the department.

Subject to Appeal.

Fixed term academic staff have the right to appeal a **decision** not to reappoint or not to grant indefinite appointment, whether at the department level or at the chancellor's level. The right of appeal of an adverse decision by the chancellor includes the right of appeal of an adverse decision by a chancellor's designee.

Recommendations.

Recommending Authority.

Recommendations regarding reappointment or the granting of indefinite appointment may be made by the department chairperson, dean, or vice chancellor.

Not Subject to Appeal.

A **recommendation** not to reappoint or not to grant

indefinite appointment is not subject to appeal. However, academic staff who appeal an adverse decision may call as a witness any person who made an adverse recommendation to the individual making the decision.

GRIEVANCES.

Fixed term academic staff contemplating a grievance are advised to refer to the procedures under 13.02.

OVERVIEW OF THE PROCESS AND PROCEDURES FOR ACADEMIC STAFF APPEAL OF NONRENEWAL OF PROBATIONARY APPOINTMENT UNDER UWSP 10.04

(See Chapters UWS & UWSP 10)

INTRODUCTORY COMMENTS.

Coverage.

These proceedings apply to all instances in which an academic staff member on probationary appointment has not been retained.

Applicable Documents.

An academic staff member contemplating an appeal after having received notice of nonrenewal is advised to become familiar with

- Chapters UWSP 9 - 13, the institutional academic staff personnel rules;
- departmental/unit personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System academic staff personnel rules; and
- related documents in this handbook.

Counsel.

An academic staff member contemplating an appeal may wish to seek advice from senior academic staff and faculty or legal counsel familiar with the policies and procedures. The right to be represented at meetings and hearings by an individual (or individuals) of the academic staff member's choice is guaranteed under these procedures.

Decisions and Recommendations Distinct; Which May Be Appealed.

Decisions.

Decisions regarding retention or granting of indefinite appointment are made only by the chancellor (or the chancellor's designee).

Subject to Appeal.

Probationary academic staff have the right to appeal a decision not to renew or not to grant indefinite appointment. The right of appeal of an adverse decision by the chancellor includes the right of appeal of an adverse decision by a chancellor's designee.

Recommendations.

Recommendations regarding retention or the granting of indefinite appointment may be made by the administrative heads of the academic staff member's operational area and unit, the unit's executive director and vice chancellor, and when appropriate, the provost.

Not Subject to Appeal.

A recommendation not to renew or not to grant indefinite appointment is not subject to appeal. However, academic staff who appeal an adverse decision may call as a witness any person who made an adverse recommendation to the individual making the decision.

Burden of Proof and Scope of Appeals.

Burden of Proof.

The burden of proof in an appeal of nonrenewal is on the academic staff member.

Scope of Appeals.

The scope of the appeal shall be limited to whether material prejudice to the individual resulted because the decision was based in any significant degree upon

- conduct, expressions, or beliefs which are constitutionally protected, or actions consistent with an appropriate professional code of ethics; or
- employment practices proscribed by applicable state or federal law; or
- improper consideration of qualifications, which shall be deemed to have occurred if material prejudice resulted because
 - ♦ procedures required by the chancellor or the Board were not followed; or
 - ♦ available data bearing materially on the quality of performance were not considered; or
 - ♦ unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

Outcomes.

Following a hearing on an appeal, the hearing committee issues its report of findings and recommendations. If the committee finds for the appellant, it recommends an appropriate remedy. Potential remedies are described in some detail on the next-to-last page of this explanation of the process and procedure.

Time Limits.

Termination of Appeal.

Failure to meet any time limits established by these procedures will likely end the proceedings. An academic staff member considering an appeal of nonrenewal is urged to review the limits and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the appeal process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Action on Nonrenewal.

The university will proceed on a nonrenewal decision even if an appeal is in progress in order to meet obligations to provide adequate notice of nonrenewal as prescribed in UWSP 10.05.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of the body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the body specifically state otherwise.

Right to Open Meeting.

UWSP 10.03.

Under the provisions of UWSP 10.03 (2) (a) 4, a probationary academic staff member has the right to request and receive an open meeting for any meeting of a unit or subunit involving consideration of indefinite appointment for that individual.

Unit/Departmental Policies.

Normally, unit/departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

DESCRIPTION OF NONRENEWAL PROCESS.

Chart.

The chart at the end of this subsection delineates the steps which must be taken by the appellant, the relevant university body, the Academic Staff Mediation Subcommittee, and the hearing committee, and gives the time limits for each step. The sequence of steps is mandatory; time limits may be extended by mutual consent of the parties or by order of the hearing committee.

Statement of Reasons.

Request.

Once a non-retention notice has been received from the chancellor or a designee, the academic staff member has the right to request and receive a written statement of reasons from the decision-maker.

Time Limit.

The written request for reasons must be made within 10 days of receipt of the non-retention notice. This written statement of reasons, which must be provided within 10 days of the receipt of the request, is required before a reconsideration may be requested or an appeal may be implemented.

File Responses.

Academic staff members have the right to review their own personnel files. Academic staff members also have a right to make written responses to any statements in the files and to have those responses placed in the files.

Reconsideration.

Request.

Within 10 days of receipt of the written reasons, the academic staff member has the right to request a reconsideration by the decision-maker. The academic staff member also has the right of access to all materials upon which the administration intends to rely for its presentation at the reconsideration.

Time Limit.

Any reconsideration must be held within 20 days of receipt of the request for reconsideration, except that this time limit may be extended by mutual consent of the parties.

Mandatory Reconsideration.

The request for reconsideration must be granted if the academic staff member has new and relevant material which was not considered in the original decision.

Optional Reconsideration.

If the academic staff member does not have new and relevant material for consideration but chooses to respond to the statement of reasons and request reconsideration, granting reconsideration is at the discretion of the decision-maker.

- Because an academic staff member has only 20 days from the notice of nonrenewal to request a hearing under the auspices of the Academic Staff Mediation Subcommittee, when the granting reconsideration is at the discretion of the decision-maker, the academic staff member is advised to send the request for hearing simultaneously with the request for reconsideration.
- When the subcommittee receives such a simultaneous request, it will automatically extend the deadline to commence a hearing by 10 days to enable the decision-maker to respond to the request for reconsideration.

Decision Reversed.

If reconsideration results in a decision favorable to the academic staff member, the reconsideration decision supplants the original and the positive recommendation moves to the next decision-maker.

Decision Affirmed.

If reconsideration affirms the initial decision, the academic staff member may either drop the matter or proceed to an appeal.

No Reconsideration.

Where new and relevant material does not exist and the decision-maker did not grant reconsideration, the academic staff member may proceed directly to an appeal.

FILING AN APPEAL.

Written Request.

Upon receipt of written notification that non-retention was affirmed in the reconsideration, or receipt of written notification that a request for reconsideration was denied, the academic staff member has 20 days (25 if notice is by first class mail) in which to request a hearing by the Academic Staff Mediation Subcommittee.

- Failure to meet the 20 day deadline is likely to end the appeal.
- The request must be in writing and addressed to the chairperson of the appropriate subcommittee.
- The request should provide a historical resume of all actions taken to this point and must state clearly and specifically the precise foundation on which the appeal is to be based.
- UWSP 10.04 (3)(b) details the acceptable bases for appeal.

Required Action.

Notification.

If the chairperson of the subcommittee to which the appeal is addressed finds the appeal within the jurisdiction of the subcommittee, the chairperson will

- provide written notification of the request for hearing to the vice chancellor so system legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the appeal, which will be passed on to the chairperson of the hearing committee;
- provide written notification that an appeal is in progress to
 - ♦ the administrative heads of the appellant's operational area and unit, the chairperson of the unit's personnel committee, and the appropriate executive director and vice chancellor (or the chairperson of the

- ♦ appellant's departmental personnel committee, department chairperson, and dean); and
 - ♦ the chancellor and chairperson of the Faculty Senate; and
- provide copies of all correspondence to the
 - ♦ appellant;
 - ♦ hearing committee members; and
 - ♦ the decision-maker.

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Academic Staff Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each division or college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, shall be designated as the chairperson of the committee.
- No individual who participated in the nonrenewal decision, or who is a material witness, or who is a member of the appellant's unit or department may sit on the hearing committee.
- Reasonable effort will be made to ensure that the members of the committee are acceptable to both parties in the appeal process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the appeal before the formal appointment.
 - ♦ The decision on whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the appellant has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members shall be made by the committee, excluding the member under challenge.
- In addition to the appointed members, the chairperson of the Academic Staff Mediation Subcommittee will be an *ex officio* member of the hearing committee. However, the subcommittee chairperson will not cast a vote except to break a tie.

Hearing Date.

The hearing committee must meet to hear the matter within 20 days of receipt of the request for hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. The academic staff member requesting a hearing must receive 10 days' notice of the hearing.

Automatic Extension.

Where an academic staff member has simultaneously requested a hearing by the subcommittee and reconsideration by the decision-maker in the absence of new material, the chairperson of the subcommittee shall extend the deadline for the

beginning of the hearing by 10 days to allow the decision-maker adequate time for a response.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the appeal process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 10.04, these policies and procedures, and the guidelines for appeal hearings (which may be found in the following subsection or requested from the chairperson of the Academic Staff Mediation Subcommittee;
- establish appropriate communication with, and keep informed of the proceedings in the appeal, the
 - ♦ appellant;
 - ♦ administrative heads of the appellant's operational area and unit, the chairperson of the unit's personnel committee, and the appropriate executive director and vice chancellor (or the chairperson of the appellant's departmental personnel committee, department chairperson, and dean);
 - ♦ provost; and
 - ♦ chancellor;
- keep records of all correspondence among all the principals from the initiation of the appeal through its conclusion;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law.
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare the written report of the committee's findings and recommendations and transmit the committee's report to the chancellor and other appropriate parties;
- send a copy of the hearing procedures with each written notification of the hearing; and
- send written notification of the hearing to the appellant, the decision-maker, other involved individuals, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of hearing must include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;
- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but in an appeal of the denial of indefinite appointment, the appellant, upon timely written request to the chairperson, has the right to an open meeting;
- ♦ of whether the evidentiary hearing and the deliberative meeting will be closed or open;

- ♦ that both parties have a right to copies of all documentary evidence relevant to the appeal;
- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;
- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the appellant has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the burden of proof as to the validity of the appeal is on the appellant; and
- ♦ that the hearing committee will give written statements of its findings and recommendations to the chancellor, provost, appropriate executive director and vice chancellor, or dean, administrative head of the unit, the administrative head of the operational area or department chairperson, appellant, and decision-maker.

NOTE. A hearing committee may request legal advice from the UW System legal office; such requests shall be made through the vice chancellor.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the appellant), and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the appellant and the appeal are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson will collect all drafts and other documents related to the appeal from the members of the committee, from any appointed secretary, and from all other parties except the appellant and the appellant's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report will be sealed and filed in the office of the chancellor for a period of 5 years, after which they will be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The appeal process consists of 2 parts, an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation. Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The burden of proof is on the appellant.

Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee will write a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee must sign the final report or file a dissent. The report will be distributed within 10 days of the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law, except the evidentiary meeting on an appeal of an indefinite appointment denial will be open if requested by the appellant. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the appeal may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the appellant;
- the decision-maker;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee,

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the appeal and recognized by the chairperson of the hearing committee for the purpose of speaking are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings of fact and decision.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Academic Staff Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order provided here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of an open meeting, if an open meeting has been requested, or
 - ♦ a request for a motion to close the meeting under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the appellant, and the appellant's representative(s), (if any).
- Introduction of the decision-maker, and the decision-maker's representative(s), if any.
- Presentation of the appeal by the appellant or the appellant's representative but not the testimony of witnesses.
- Questions by the decision-maker or by the decision-maker's representative.

- Presentation of witnesses on behalf of the appellant.
- Questions of appellant's witnesses by the decision-maker or by the decision-maker's representative
- Presentation of all relevant materials by the decision-maker or by the decision-maker's representative but not the testimony of witnesses.
- Questions by the appellant or the appellant's representative.
- Presentation of witnesses on behalf of the decision-maker.
- Questions of decision-maker's witnesses by the appellant or the appellant's representative.
- Questions of appellant's and decision-maker's witnesses by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the decision-maker or the decision-makers' representative.
- Questions of committee witnesses by the appellant or the appellant's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the decision-maker or the decision-maker's representative.
- Rebuttal or closing comments by the appellant or the appellant's representative.
- Questions of the appellant by members of the hearing committee.
- Questions of the decision-maker by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in to the motion to recess], and will conduct a roll call vote on the motion.

Deliberative Meeting.

The hearing committee deliberates on the appeal and writes, a report which includes the findings and recommendations of the committee.

Findings.

Basis.

A finding that the facts are as described by the appellant is not, by itself, enough to find that the appeal is valid. The facts must support the contention that at least 1 of the factors described under UWSP 10.04 (3)(b) entered into the decision to a significant degree and with material prejudice to the appellant.

Burden of Proof.

The burden of proof is on the appellant to provide evidence that at least one impermissible factor entered into the decision to a significant degree and with material prejudice to the appellant.

Decision Upheld.

If the committee finds for the decision-maker, it recommends the appeal be denied. If the recommendation is accepted by the chancellor, the appeal is ended.

Decision Rejected.

If the committee finds for the appellant, it makes recommendations to remedy the inappropriate behavior.

Recommendations.

Remand Required.

- All cases under 10.04 must be remanded for reconsideration by the decision-maker unless the hearing committee specifically finds that a remand would serve no useful purpose.
- Even if it remands the matter, the hearing committee retains jurisdiction until it is satisfied that appellant's rights have not been violated.

Possible Remedies.

If the committee finds that an appeal under 10.04 is valid, possible remedies include, but are not limited to

- reconsideration by the decision-maker;
- reconsideration by the decision-maker under instructions from the committee; or
- a recommendation to the next higher decision-making level.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of the deliberations.
- The chairperson provides a verbatim record of the hearing and a copy of the report to the academic staff member, and a copy each of the report to the
 - ♦ chancellor;
 - ♦ provost;
 - ♦ appropriate vice chancellor and executive director, or dean;
 - ♦ administrative heads of the appellant's operational area and unit, or department chairperson and chairperson of the departmental personnel committee; and
 - ♦ the decision-maker.

Chancellor's Action.

The recommendations of the hearing committee become the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendations.

- If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an

- opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the appellant.
- The chancellor sends written notification of decision to the appellant and the chairperson of the hearing committee within 30 days of receipt of the report of the committee.
 - The decision of the chancellor is final on such matters.

No Double Jeopardy.

After notification to the academic staff member of a final decision, the academic staff member may not again be placed in jeopardy for the same incident(s) of alleged misconduct.

OUTLINE OF APPEAL PROCESS

Abbreviations used: D=Dean or Director; VC=Vice Chancellor; C=Chancellor; PF=Personnel Files; DM=Decision Maker (supervisor); DPC=Department personnel committee; AMS=Academic Staff Mediation Subcommittee; HC=Hearing Committee

Step	Initiated by/Date	Notify/Copies to	UWSP PR	References Adm Code Comments
1. Non-retention notice	DM or C/varies	Academic Staff Member	10.04	Notice to be sent as soon as feasible following decision
2. Written request for reasons for non-retention	Academic Staff member/10 days of receipt of notice from 1	DM or C	10.04	
3. Written statement of reasons	DM or C/10 days	Academic Staff member, PF, D, VC	10.04	Reasons are permanently filed in personnel files
4. Written request for reconsideration of decision by Dean or Chancellor	Academic Staff member/10 days of receipt of 3	C/ PF	10.04	See departmental personnel rules. Academic staff member has unimpeded, direct access to all materials at any level (unless it is confidential at request begin of the academic staff member) which have a bearing on consideration
5. Written notification that non-retention was reaffirmed in the reconsideration process.	D or C	Academic staff member/ PF, D, VC, C	10.04	
6. Written request for appeal under UWSP 13.02 (nonrenewal) 13.02 (denial of indefinite appointment).	Academic staff member/20 days of receipt in step 5	APPEAL AMS Chair DM and D	10.04	Request should provide historical resume of actions to this point, must state specifically and clearly the precise foundation of which the appeal is being made.
7. Written acknowledgment of receipt of request in 6; appointment of 5 individual (at least 3 are elected members of AMS) to HC	ASM Chair/Varies (but most allow sufficient time for steps 8 and 9)	Academic staff member / PF, D, VC	10.04	Academic staff member will appoint HC and its chairperson
8. AMS chair determines if AMS has jurisdiction; if so, convenes HC to review procedures: HC sets hearing date	ASM chair/ 10 days of receipt in step 6 (to allow proper notice for step 9)	Faculty member / D, VC, C	10.04	AMS has jurisdiction, see step 9; if not, AMS chair notifies academic staff member
9. Conduct appeal hearing; meeting normally closed by HC roll call vote unless appellant request an open meeting.	HC Chair/ 20 days (but academic staff member must have 10 days' notice of the hearing)		10.04	Both parties may provide evidence. Academic staff member may want to have own legal counsel present.*
10. HC makes recommendations; meeting may be closed by majority roll call vote.	HC Chair/within 7 days of end of step 9.		10.04	Wis. Stats. 19.85 (1) a. allow for the closed meeting. There may be recesses during the deliberations.
11. Distribution of HC report	HC Chair/within 10 days of the end of step 10	Academic Staff member /C, VC, D, decision-makers(s)	10.04	

NOTES:

Time limits in steps 2, 3, and 4 may be extended by mutual consent of the academic staff member and D (or appropriate administrative officer). Time limits in steps 6 through 9 may be extended by mutual consent of the academic staff member and the HC or by order of the HC. Prior to step 7, the AMS may act for the HC in this regard.

*Legal counsel, at the time hired by the academic staff member, should inform the AMS chairperson of counsel's interest in the proceedings. From the time of receipt of that notice, counsel will automatically receive copies of all correspondence, memos, and any other pertinent material, whether initiated by the academic staff member or by other employees.

APPROVAL OF CHANGES TO CHAPTER 4B

- Changes to Chapter 4B, Sections 3, 4, 5, and 6, require the approval of Common Council and the Chancellor.

CHAPTER 4C

SECTION 7

PROCEDURES FOR HEARINGS FOR FACULTY ON COMPLAINTS OF MISCONDUCT UNDER UWSP 6.01

(See Chapters UWS & UWSP 6)

INTRODUCTORY COMMENTS.

Coverage Comprehensive.

With the single exception of allegations of misconduct which might lead to dismissal, these proceedings apply to all allegations, from what-ever source, concerning conduct by a faculty member which violates university rules or policies, or which adversely affects performance of obligations to the university, and which might provide cause for disciplinary action.

Rights.

The exercise of rights shall not constitute adequate cause for disciplinary action. These are rights guaranteed by

- the United States Constitution;
- the Constitution of the state of Wisconsin;
- Board action;
- System rules, policies, or procedures;
- the Constitution of the Faculty Senate;
- UWSP rules, policies, or procedures; or
- principles of academic freedom as they are generally understood in higher education.

Student and Peer Evaluations.

Regardless of their content, including specific allegations of inappropriate behavior, neither student nor peer evaluations are complaints under Chapters UWS and UWSP 6 or these policies and procedures.

Applicable Documents.

A faculty member against whom a complaint is brought or an individual who is contemplating bringing a complaint against a faculty member is advised to become familiar with

- Chapters UWSP 1 - 6, the institutional faculty personnel rules;
- departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System faculty personnel rules; and
- related documents in this handbook.

Counsel.

A faculty member who has been notified that a complaint or allegation of misconduct has been received by the chancellor or a designee may wish to seek advice from senior faculty or legal counsel familiar with the policies and procedures. The right to be

represented at meetings or hearings by individuals of the faculty member's choice is guaranteed under these procedures.

Time Limit.

Termination of Hearing.

Failure to meet any time limits established by these procedures will likely end the proceedings. A faculty member against whom a complaint is brought is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the hearing process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of that body. In addition, no member may be excluded from meetings of any of the body's subunits unless the rules of the parent body specifically state otherwise.

Personnel Matters.

No faculty member under consideration for any personnel matter (including consideration of filing of a complaint, investigation of charges, or taking action on a complaint) may be excluded from a department meeting at which the matter is to be considered, even if the meeting is moved into closed session. No faculty member may be excluded from any departmental committee meeting at which the matter is to be considered unless departmental rules specifically state to the contrary.

Right to Open Meeting.

19.85 Wis. Stats.

Under the provisions of the Open Meetings Law, a faculty member has the right to request and receive an open evidentiary hearing for any meeting of a department or unit or subunit involving consideration of disciplinary action or the investigation of charges against that individual.

NOTE. A meeting with one's chairperson or an administrator for the purpose of discussion or investigation of a complaint, even where the end result of the discussion or investigation may be a recommendation for disciplinary action or hearing, is not subject to the provisions of the Open Meetings Law: neither a chairperson nor an individual administrator is a "formally constituted subunit."

Under the Open Meetings Law, even when departmental policies provide that subunit or committee meetings be restricted to members of the subunit or committee, a faculty member under consideration has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing involving consideration of disciplinary action or the investigation of charges against that individual.

Departmental Policies.

Normally, departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

Definitions.

Misconduct.

Misconduct by a faculty member is action or behavior which violates university rules or policies, or which adversely affects performance of obligations to the university, and which might warrant disciplinary action.

Chancellor's Designee.

For purposes of complaints under these procedures, the chancellor's designees shall be the provost/vice chancellor for academic affairs, the vice chancellors for business and student affairs (when persons with faculty appointments report to those individuals), and deans, and for limited purposes delineated below, department chairpersons and the special assistant to the chancellor for affirmative action and equity.

Disciplinary Action.

Disciplinary action means any sanction imposed by the chancellor or an appropriate designee against a faculty member for misconduct. Sanctions include but are not limited to

- official reprimand;
- reduction in salary (for other than budgetary reasons);
- reduction in rank;
- change in assigned duties; or
- temporary suspension from duties without pay.

Who May Sanction.

No disciplinary sanction may be imposed upon a faculty member by anyone other than the chancellor, provost, vice chancellor, or dean except as specified in the paragraph immediately below.

Chairperson. A disciplinary action may be included when a written complaint is brought to a department chairperson and, in discussion of that complaint, resolution of the complaint is accomplished by an appropriate response mutually agreed upon by the faculty member and the chairperson.

Informal Resolution.

A written complaint against a faculty member may be resolved informally any time after written notification of the complaint to the faculty member but before the involved administrator's final decision on the complaint has been mailed to the faculty member.

- An informal resolution consists of an appropriate response, which may include disciplinary action, mutually agreed upon by the faculty member and the administrator involved.
- Every informal resolution shall be reduced to writing and signed by the faculty member and the administrator involved; no further action shall be taken on the matter.
- One copy of the signed document shall be retained by the administrator involved and one given to the faculty member.

PROCEDURES UPON RECEIPT OF A COMPLAINT.

Informal Complaint: Complainant Does Not Wish to File a Written Complaint.

Appropriate Officers.

If a complaint is made to any officer of the university other than the chancellor, provost/vice chancellor for academic affairs or other vice chancellor, (if appropriate), dean, or department chairperson, that individual shall immediately refer the complainant to the appropriate administrative officer.

Referral.

Normally, all complaints except those involving affirmative action issues and those which might lead to charges for dismissal shall be referred to the department chairperson of the faculty member against whom the complaint is made. (For those members of the faculty holding limited appointments, the complaint normally shall be referred to the faculty member's immediate supervisor.)

Affirmative Action Issues Involved.

When a complaint concerns affirmative action issues (e.g., sexual harassment, gender discrimination, racial harassment), the individual to whom the complaint is brought

- determines if the complainant only wants to report the incident or wants to file a formal written complaint; and
- consults with the affirmative action officer.

Report Only.

When the complainant wishes only to report an incident, the officer proceeds as with other informal complaints but forwards a written report of the incident to the affirmative action officer.

Record.

The written report is kept in the Affirmative Action and Equity Office and is statistically reported annually under 36.12 (1), Wis. Stats.

Administrative Consultation.

Any officer of the University who receives an informal complaint may consult with appropriate administrative personnel prior to collegial consultation with the faculty member against whom allegations have been made in order to ensure compliance with relevant University policies and procedures.

Collegial Consultation.

When a chairperson (or other appropriate chancellor's designee under this chapter) receives a complaint, the chairperson shall first ascertain whether the complainant wishes to file a formal, written, signed complaint.

Complainant Decides to File Written Complaint.

If the complainant decides to file a formal written complaint, which must be signed by the complainant, the complaint is handled under procedures for written complaints [below].

No Written Complaint.

Individuals who allege misconduct on the part of a faculty member often do not want to initiate a formal investigation of the matter, but would prefer resolution through informal collegial consultation. While this approach is often possible, it should be noted that there are instances where an informal complaint could

result in a formal investigation. Allegations of criminal activity, for example, must be reported to appropriate law enforcement agencies. In addition, as a result of numerous court rulings that have found institutions liable for failing to investigate unwritten allegations of misconduct such as discrimination or harassment, UWSP cannot guarantee that an internal investigation will never be conducted in a specific case. However, every attempt will be made to confine university action to collegial consultation whenever a complaint is made informally.

If the complainant does not wish to file a signed, written complaint, the chairperson shall inform the complainant that

- whether the matter proceeds beyond the chairperson is at the chairperson's discretion;
- in the absence of compelling reasons to formally investigate the alleged misconduct, the chairperson will maintain the confidentiality of the complainant and will handle the issue with the faculty member on a collegial, consultative basis;
- if an internal investigation of the alleged misconduct is warranted, the faculty member will be informed of the nature of the allegations and the identity of the complainant;
- for cases handled through collegial consultation, a record of the complaint will be maintained in the chairperson's files for a period of 12 months;
 - ♦ If no further complaints of a similar nature have been received by the chairperson by the end of the 12 month period, the record will be destroyed and the issue considered closed.
 - ♦ If the chairperson receives other complaints of a similar nature during the 12 months, the chairperson may either contact the original complainant and request a signed, written complaint or use the record of the verbal complaint as alleged corroboration of more than one incident.

Formal (Written) Complaints.

Information to Complainants.

Whenever the chancellor or an appropriate designee receives a written complaint against a faculty member, that official shall inform the complainant that the faculty member against whom the allegations have been made must be promptly notified in writing of the allegations and that such notice includes the identity of the complainant. The complainant shall also be informed of the procedures for both informal and formal complaints.

Administrative Consultation.

Any officer of the University who receives a formal written complaint may consult with appropriate administrative personnel prior to sending written notification to the faculty member against whom allegations have been made in order to ensure compliance with relevant University policies and procedures.

Notification to Faculty Required.

Whenever a written complaint which might lead to disciplinary action against a faculty member is brought to the chancellor or a designee, before taking any action

other than consulting with appropriate administrative personnel or discussing the allegations with an appropriate designee or the complainant, the individual who receives the complaint or an appropriate designee shall promptly (normally, within 10 working days of receipt of the complaint)

- notify the faculty member in writing of the allegations, identifying the complainant; and
- afford the faculty member the opportunity to respond to the complaint or to meet promptly to discuss the complaint informally.

The administrator's offer of the opportunity for an informal discussion may be in the notification of the allegations or by telephone. Normally, no meeting with a faculty member on such allegations shall occur before the faculty member has received a written copy of the allegations reasonably in advance of the meeting.

NOTE. A faculty member against whom a complaint is made and who is invited to meet informally on the complaint or to respond to the complaint is advised to consult legal counsel.

- Informal discussion with the chancellor may be advisable but a faculty member is not obligated to meet with the chancellor or a designee.
- If the faculty member decides to meet informally with the chancellor or a designee, the faculty member is advised to bring a representative, which may be legal counsel, to the informal discussion.

Opportunity for Response.

Whenever a written complaint against a faculty member has been received by an appropriate official and the faculty member notified in writing of the complaint, prior to taking further action the administrator shall afford the faculty member an opportunity to respond to the allegations.

Administrative Options.

After meeting with the faculty member informally and reviewing the faculty member's response, or in the absence of a meeting or response, the official shall either

- investigate the allegations to determine whether sufficient evidence exists to warrant disciplinary action; or
- refer the complaint to the Faculty Mediation Subcommittee for a hearing.

Insufficient Evidence.

If the administrator finds insufficient evidence of action or behavior which warrants disciplinary action, the complaint is dismissed and the faculty member notified in writing of the dismissal of the complaint.

Copies of the dismissal of charges and of the initial notification of allegations sent to the faculty member are attached to all file copies of the initial complaint.

Cause for Action.

If the administrator finds that sufficient evidence of action or behavior which warrants disciplinary action exists, the administrator shall afford the faculty member an opportunity to discuss the matter.

Mutually Acceptable Response.

The administrator may affect informal resolution through an appropriate response, which may include disciplinary action.

- Any informal resolution shall be mutually agreed upon by the faculty member and the administrator.
- Any informal resolution shall be reduced to writing and signed by the administrator and the faculty member; no further action shall be taken on the matter.
- One copy of the signed document shall be retained by the administrator involved and one given to the faculty member.

Lack of Resolution.

Department Chairperson.

If consultation does not produce a mutually acceptable response, the department chairperson forwards to the appropriate dean (or vice chancellor) a written report of the investigation on the complaint and recommends that the dean (or vice chancellor) either

- invoke an appropriate disciplinary response, which may be recommended by the chairperson, or
- refer the complaint to the Faculty Mediation Subcommittee for a hearing and recommendation.

Affirmative Action Officer.

If consultation does not produce a mutually acceptable response, the affirmative action officer forwards to the chancellor a written report of the investigation on the complaint and recommends that the chancellor either

- invoke an appropriate disciplinary response, which may be recommended by the affirmative action officer, or
- refer the complaint to the Faculty Mediation Subcommittee for a hearing and recommendation.

Chancellor, Vice Chancellor, or Dean.

The procedures described here are followed by these officials both when complaints originate with them or are referred to them.

- **Disciplinary Response Invoked.** If a disciplinary response is invoked, the administrator provides written notification to the faculty member which includes
 - ♦ the specific disciplinary sanction;
 - ♦ notice of the faculty member's right to a hearing by the Faculty Mediation Subcommittee;
 - ♦ notice that if the faculty member wants a hearing, the faculty member must provide a written request to the chairperson of the subcommittee within 10 days of receipt of the notification of disciplinary action; and
 - ♦ notice that failure to request a hearing within 10 days will likely end the opportunity for a hearing.

An administrative decision on a complaint in the absence of a hearing (or on a recommendation from a hearing committee) is final except that the Board may, at its option, grant a request by the faculty member for a review on the record.

- **Referral for Hearing.** If the complaint is referred to the Faculty Mediation Subcommittee for hearing and recommendation, the administrator sends a copy of the referral and all other pertinent documents and information to the faculty member and to the subcommittee.

Termination of Proceedings.

If a faculty member is notified by the chancellor or a designee of a complaint of alleged misconduct and if the university thereafter discontinues proceedings on the alleged misconduct, the complaint and allegations are deemed to be withdrawn and without merit.

Copies of the statement of discontinuance, which shall include a specific statement that the complaint and allegations are withdrawn and deemed to be without merit, and of the initial notification of allegations sent to the faculty member are attached to all file copies of the initial complaint.

REFERRALS OR REQUESTS FOR HEARING.

Request for Hearing.

A faculty member who receives written notification that an administrator has imposed a disciplinary sanction against the faculty member has 10 days from the receipt of the notification in which to request a hearing by the Faculty Mediation Subcommittee.

Written Request.

The request for hearing shall be in writing and addressed to the chairperson of the subcommittee. Failure to meet the 10-day deadline will likely terminate the opportunity for hearing.

No Hearing Requested.

If a faculty member who receives such notification does not request a hearing with the Faculty Mediation Subcommittee, the action of the administrator is final, except that the Board may, at its option, grant a request by the faculty member for a review on the record.

Required Action.

Notification.

Whenever the chairperson of the Faculty Mediation Subcommittee receives a request for a hearing from a faculty member or a referral from the chancellor or a designee requesting a hearing, the chairperson shall

- provide written notification to the vice chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the matter, which will be passed on to the chairperson of the hearing committee;
- provide written notification to the faculty member, the faculty member's department chairperson and dean (or vice chancellor, if appropriate), the provost, and the chancellor that a hearing on a complaint is in progress; and
- provide copies of all correspondence to the
 - ♦ faculty member;
 - ♦ hearing committee members; and
 - ♦ the administrator to whom the complaint was brought.

Appointment of Hearing Committee.

The chairperson shall appoint a hearing committee of 5 persons, at least 3 of whom shall be members of the Faculty Mediation Subcommittee. There shall be broad representation from the university but not necessarily a member from each college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, shall be designated as the chairperson of the committee.
- No individual who brought the complaint of misconduct, or who was involved in any investigation by the chancellor or a designee, or who was involved in the action or behavior leading to the complaint, or who participated in drawing up the notification of complaint or of referral, or who is a material witness, or who is a member of the same department as the faculty member against whom the complaint was filed may serve on the hearing committee.
- The chairperson of the Faculty Mediation Subcommittee, if otherwise qualified, may serve either as a member or as chairperson of the hearing committee.
- Reasonable effort will be made to ensure that the members of the hearing committee are acceptable to the parties to the process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the process before the formal appointment.
 - ♦ The decision of whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the faculty member has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members is made by the committee, excluding the member under challenge.
- If members are disqualified or disqualify themselves, the remaining members consult with the chairperson of the Faculty Mediation Subcommittee and appoint other members to serve.

Hearing Date.

The hearing committee shall meet to hear the matter within 20 days of receipt of the request for a hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

Notice.

The faculty member involved in the hearing shall receive written notice of the hearing on the specific allegations of the complaint, and if appropriate, of the disciplinary responses recommended, at least 10 days prior to the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the hearing process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 6.01, these policies and procedures, and the guidelines for hearings on complaints which may be found in the following subsection or requested from the chairperson of the Faculty Mediation Subcommittee;
- establish appropriate communication with the chancellor, provost, the faculty member, the appropriate dean (or vice chancellor) and department chairperson, and keep each informed of the proceedings in the hearing;
- keep records of all correspondence among all the principals from the initiation of the request for hearing through the conclusion of the hearing;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare a summary of the evidence and the written report of the committee's findings and recommendations and transmit these materials to the faculty member, to the administrator involved, and to the chancellor, and send copies of the report to the faculty member's department chairperson and dean (or vice chancellor), and to the provost;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the faculty member, the administrator involved, the chancellor, the provost, the faculty member's department chairperson and dean (or vice chancellor), the individual(s) who brought the complaint leading to the charges, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing shall include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;

NOTE. If counsel has been requested by the committee from the chancellor, notice shall include a statement that the committee will have legal counsel present at the hearing.

- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but the faculty member, upon timely written request to the chairperson, has the right to request an open evidentiary meeting and any such request shall be honored;
- ♦ of whether the faculty member has requested an open evidentiary hearing ;
 - ♦ that both parties have a right to copies of all documentary evidence relevant to the hearing;
 - ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that

failure to provide such copies will not preclude an individual from giving testimony;

- ♦ that either party may call persons to offer evidence or testimony;
 - ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
 - ♦ that either party may offer testimony from any source;
 - ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
 - ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
 - ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
 - ♦ that the burden of proof of the existence of just cause for disciplinary action is on the administration;
 - ♦ that the faculty member has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
 - ♦ that if the faculty member is not tenured and proceedings are not concluded before the expiration of the faculty member's appointment, the proceedings will terminate at the normal expiration of the appointment unless the faculty member sends a written request to the chairperson of the Faculty Mediation Subcommittee that the proceedings be carried to their conclusion;
 - ♦ that if the faculty member is tenured and proceedings are not concluded before the faculty member's retirement or resignation, the proceedings will terminate upon the faculty member's retirement or resignation unless the faculty member sends a written request to the chairperson of the Faculty Mediation Subcommittee that the proceedings be carried to their conclusion;
 - ♦ that discontinuance of the proceedings by the university is deemed a withdrawal of the charges and a finding that the charges were without merit;
 - ♦ that nothing prevents the settlement of the case by mutual agreement of the parties, provided that such settlement is reached prior to a final decision by the involved administrator;
 - ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the matter is not resolved at the institutional or System level and becomes a legal matter;
-
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
 - ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
 - ♦ that the hearing committee will give a written statement of its findings and recommendations to the faculty member, the administrator involved, the chancellor, the provost, the faculty member's department chairperson, and the dean (or vice chancellor);
 - ♦ that the faculty member's and the chancellor's copies will be accompanied by both a verbatim record of the hearing and a summary

of the evidence, unless the faculty member is represented by counsel, in which case the verbatim record and summary will be sent to counsel.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the faculty member) and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the faculty member and the hearing are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson shall collect all drafts and other documents related to the hearing from the members of the committee, from any appointed secretary, and from all other parties except the faculty member and the faculty member's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report shall be sealed and filed in the office of the chancellor for a period of 5 years, after which they shall be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the complaint is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The process consists of two parts, an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation. Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The burden of proof on the existence of just cause for a disciplinary sanction is on the administration. The hearing committee makes a verbatim record of the hearing.

Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee prepares a summary of the evidence and writes a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee must sign the final report or file a dissent. The report shall be distributed within 10 days of the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law, unless the chairperson of the hearing committee receives from the faculty member a written request for an open evidentiary hearing, in which case all evidentiary sessions will be open. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the complaint may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the faculty member;
- the administrator bringing the charges on the complaint;
- the individual(s) making the complaint upon which charges were based;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the complaint and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings and recommendations.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Faculty Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a

committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

If the committee has legal counsel, the chairperson may request the advice of counsel on all matters pertaining to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of open meetings, if an open meeting has been requested, or
 - ♦ a request for a motion to close the hearing under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the faculty member and the faculty member's representative(s), if any.
- Introduction of the involved administrator and the administrator's representative(s), if any.
- Reading of the charges for the record by a member of the administration or its representative.
- Presentation of the administration's case, including testimony from the individual(s) making the complaint upon which the charges are based, but not the testimony of other witnesses.
- Questions of the administration or the individual making the complaint by the faculty member or the faculty member's representative.
- Presentation of witnesses on behalf of the administration.
- Questions of the administration's witnesses by the faculty member or the faculty member's representative.
- Rebuttal questions of any of these parties by the administration or its representative.
- Presentation of the faculty member's case by the faculty member or the faculty member's representative but not the testimony of witnesses.
- Questions of the faculty member by the administration or its representative.
- Presentation of witnesses on behalf of the faculty member.
- Questions of the faculty member's witnesses by the administration or its representative.
- Rebuttal questions of any of these parties by the faculty member or the faculty member's representative.
- Questions of the faculty member's and the administration's witnesses by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the administration or its representative.
- Questions of committee witnesses by the faculty member or the faculty member's representative.

- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the administration or its representative.
- Rebuttal or closing comments by the faculty member or the faculty member's representative.
- Questions of the faculty member by members of the hearing committee.
- Questions of the administration by members of the hearing committee.
- Additional questions, if any, of the faculty member (or the administration) by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and will conduct a roll call vote on the motion.

Deliberative Meeting.

The hearing committee deliberates on the hearing and writes a summary of the evidence and a report which includes the findings and recommendations of the committee.

Findings.

A finding that the facts are as stated in the complaint is not in itself enough to recommend disciplinary sanctions.

Cause for Disciplinary Response. The committee must be convinced that the evidence shows that the faculty member's conduct violates university rules or policies or substantially adversely affects the performance of obligations to the university, and that the conduct is not constitutionally or otherwise legally or ethically protected.

Burden of Proof.

The burden of proof is on the administration to show that cause exists for any disciplinary sanction.

Validity of Complaint.

Decisions on the validity of the complaint shall be determined by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.

Recommendations.

The committee's report and recommendations, which includes support for the recommendations, are sent to the administrator involved and the faculty member as soon as feasible but not later than 10 days following the conclusion of the deliberative session(s). The committee's recommendations may include but are not limited to a finding that

- the allegations are without merit, and dismissal of the complaint;
- the administration has not met the burden of proof, and withdrawal of the complaint;
- the actions attributed to the faculty member did occur but that cause for discipline does not exist, and dismissal of the complaint;

- the actions of the faculty member were constitutionally or otherwise protected, and the dismissal of the complaint;
- there is insufficient evidence to support the allegations, and withdrawal of the complaint; or
- the evidence supports cause for discipline, and the imposition of a disciplinary sanction, which may include but is not limited to
 - ♦ official reprimand;
 - ♦ suspension without pay for a specified period;
 - ♦ a freeze in salary for a specified period;
 - ♦ a reduction in salary;
 - ♦ a reduction in rank;
 - ♦ reassignment;
 - ♦ counseling or other similar rehabilitation; and
 - ♦ appropriate compensatory activities.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a summary of the evidence and a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of deliberations.
- The chairperson provides a verbatim record of the hearing, a summary of the evidence, and a copy of the report to both the faculty member and the involved administrator, and a copy each of the report to the chancellor, vice chancellor, the appropriate dean, and the faculty member's department chairperson.

Administrator's Action.

The administrator shall afford the faculty member an opportunity to discuss the report within 20 days after receiving it from the committee. The recommendations of the committee become the decision of the administrator within 30 days after the meeting with the faculty member, or in the absence of such meeting, within 40 days of the receipt of the committee's report by the administrator unless the administrator modifies the recommendations. The administrator may

- invoke a less severe disciplinary sanction than recommended; or
- invoke a more severe disciplinary response than recommended.

Recommendation Not Accepted.

If the administrator contemplates a decision substantially different from the recommendations of the committee, the administrator shall afford the committee an opportunity to discuss the report and the administrator's proposed decision before written notification of decision to the faculty member. Following the meeting with the committee or in the absence of a meeting, as soon as practicable, but not later than 40 days after receipt of the committee's initial report, the administrator sends written

notification of decision to the faculty member and the chairperson of the hearing committee.

Possible Board Review.

The decision of the administrator shall be final, except that the Board, at the written request of the faculty member and at its option, may grant a review on the record.

Faculty Member Declines to Meet.

Failure of the faculty member to meet with the administrator does not impede or stop the process.

No Double Jeopardy.

After notification to the faculty member by the administrator, the faculty member may not again be placed in jeopardy for the same incident(s) of alleged misconduct.

SECTION 8

PROCEDURES FOR HEARINGS FOR FACULTY ON GRIEVANCES UNDER UWSP 6.02

(See Chapters UWS & UWSP 6)

INTRODUCTORY COMMENTS.

Grievances Defined.

Grievances may be brought by faculty members who believe their rights have been violated or that they have been treated unfairly.

Exceptions.

Actions relating to the following are not subject to a grievance under the provisions of Chapters UWS/UWSP 6.02; resolution must be sought under other appropriate sections of the personnel rules:

- renewal;
- consideration of tenure;
- layoff or termination for financial exigency;
- dismissal; and
- disciplinary action.

In addition, unless a faculty member can demonstrate through clear and compelling evidence that statements made on peer evaluations are false, peer evaluations--regardless of specific allegations of inappropriate behavior--are not subject to grievances under Chapters UWS and UWSP 6.02.

Applicable Documents.

A faculty member against whom a grievance has been filed or who is contemplating filing a grievance is advised to become familiar with

- Chapters UWSP 1 - 13, the institutional personnel rules;
- departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System faculty and academic staff personnel rules; and
- related documents in this Handbook.

Counsel.

A faculty member who has been notified that a grievance has been brought against that faculty member or a faculty member who is contemplating filing a grievance may wish to seek advice from senior faculty or legal counsel familiar with the policies and procedures. The right to be represented at meetings or hearings by individuals of the faculty member's choice is guaranteed under these procedures.

Time Limit.

Termination of Hearing.

Failure to meet any time limits established by these procedures will likely end the proceedings. A faculty member against whom a grievance is brought is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of that body. In addition, no member may be excluded from meetings of any of the body's subunits unless the rules of the parent body specifically state otherwise.

Personnel Matters.

No faculty member under consideration for any personnel matter (including consideration of filing of a grievance or taking action on a grievance) may be excluded from a department meeting at which the matter is to be considered, even if the meeting is moved into closed session. No faculty member may be excluded from any departmental committee meeting at which the matter is to be considered unless departmental rules specifically state to the contrary.

Hearings and Closed Sessions.

Normally, a hearing committee will move into closed session as permitted under the Open Meetings Law. A decision on whether to grant a request from a faculty member for an open evidentiary hearing lies solely with the committee.

INFORMAL RESOLUTION OF GRIEVANCES.

Lowest Level Resolution.

Problem Arises at Department, Division, or School Level.

If the problem arises at the department, division, or school level, faculty members who feel their rights have been violated or that they have been dealt with unfairly shall first seek a mutually satisfactory resolution of the problem at the department, division, or school level.

- If the grievance is not resolved at the department, division, or school level, the faculty member shall seek resolution at the college level.
- If the grievance is not resolved at the college level, the faculty member may either seek informal resolution from the vice chancellor or request a hearing conducted by a hearing committee appointed by the chairperson of the Faculty Mediation Subcommittee.

NOTE. An aggrieved faculty member may elect to bring a representative, which may be legal counsel, to any meeting at any level to discuss informal resolution.

Problem Arises at College Level.

If the problem arises at the college level, the faculty member shall first seek a mutually satisfactory resolution of the problem at the college level.

- If the grievance is not resolved at the college level, the faculty member may either seek informal resolution from the vice chancellor or request a hearing conducted by a hearing committee appointed by the chairperson of the Faculty Mediation Subcommittee.

Problem Arises Above the College Level.

If the problem arises at the vice chancellor's or chancellor's level, the faculty member may either seek a mutually satisfactory resolution of the problem at the appropriate level or request a hearing conducted by a hearing committee appointed by the chairperson of the Faculty Mediation Subcommittee.

- If informal resolution is sought but the grievance is not resolved, the faculty member may request a hearing.

Procedure for Informal Resolution.

In an attempt to reach informal resolution, regardless of the level at which the problem arises, the appropriate individual--chairperson, dean, vice chancellor, provost, or chancellor--meets with the aggrieved faculty member and attempts to reach a mutually acceptable resolution. This process may necessitate informal discussions with other members of the faculty.

- During the attempts at informal resolution, the aggrieved faculty member need not file a written grievance.
- Any informal resolution shall be mutually agreed upon by the aggrieved faculty member and the official involved.
- Every informal resolution shall be reduced to writing and signed by the faculty member and the administrator involved; no further action shall be taken on the matter.
- One copy of the signed document shall be retained by the administrator and one given to the faculty member.

No Informal Resolution.

Request for Hearing.

If an informal resolution cannot be reached, the aggrieved faculty member may request a hearing from the Faculty Mediation Subcommittee.

- A request for a hearing on a grievance shall be in writing and addressed to the chairperson of the Faculty Mediation Subcommittee.
- The aggrieved faculty member shall provide the full particulars of the grievance.
- Any request for a hearing on a grievance shall be honored.
- No faculty member is entitled to more than 1 hearing on any single grievance.

No Hearing Requested.

If the faculty member does not request a hearing, the grievance is considered dropped and the matter permanently closed.

HEARINGS.

Required Action.

Notification.

Whenever the chairperson of the Faculty Mediation Subcommittee receives a request for a hearing from a faculty member, the chairperson shall

- provide written notification to the vice chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the matter, which will be passed on to the chairperson of the hearing committee;

- provide written notification to the aggrieved faculty member, the individual(s) against whom the grievance is filed, the aggrieved faculty member's department chairperson and dean (or vice chancellor, if appropriate), the provost, and the chancellor that an investigation is in progress; and
- provide copies of all correspondence to the
 - ♦ aggrieved faculty member;
 - ♦ individual(s) against whom the grievance is filed; and
 - ♦ hearing committee members.

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Faculty Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of an appeals hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar appeal proceeding, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of an appeals hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar appeal proceeding, shall be designated as the chairperson of the committee.
- No individual who was involved in the action or behavior leading to the grievance, or who was involved in an investigation of the grievance, or who is a material witness, or who is a member of the same department as the aggrieved faculty member, or of the same department as the individual(s) against whom the grievance was filed, may serve on the hearing committee.
- The chairperson of the Faculty Mediation Subcommittee, if otherwise qualified, may serve as a member or as chairperson of the hearing committee.
- Reasonable effort will be made to ensure that the members of the hearing committee are acceptable to the parties to the process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the process before the formal appointment.
 - ♦ The decision of whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the faculty member has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members is made by the committee, excluding the member under challenge.
- If members are disqualified or disqualify themselves, the remaining members consult with the chairperson of the Faculty Mediation Subcommittee and appoint other members to serve.

Hearing Date.

The hearing committee shall meet to hear the matter within 20 days of receipt of the request for a hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

Notice.

The faculty member requesting a hearing and the individual(s) against whom the grievance was filed shall receive written notice of the hearing and of the specific allegations of the grievance, at least 10 days prior to the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the hearing process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 6.02, these policies and procedures, and the guidelines for hearings on grievances which may be found in the following subsection or requested from the chairperson of the Faculty Mediation Subcommittee;
- establish appropriate communication with the chancellor, provost, aggrieved faculty member, individual(s) against whom the grievance was filed, and the aggrieved faculty member's department chairperson and dean (or vice chancellor), and keep each informed of the proceedings in the hearing;
- keep records of all correspondence among all the principals from the initiation of the request for hearing through the conclusion of the hearing;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations, and provide notices to conform with the Open Meetings Law;
- prepare a summary of the evidence and the written report of the committee's findings and recommendations and transmit these materials to the aggrieved faculty member, the individual(s) against whom the grievance was filed, and to the chancellor, and send copies of the report to the faculty member's department chairperson and dean (or vice chancellor), and to the provost;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the aggrieved faculty member, the individual(s) against whom the grievance was filed, the chancellor, the provost, the faculty member's department chairperson and dean (or vice chancellor), and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing shall include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;

NOTE. If counsel has been requested by the committee from the chancellor, notice shall include a statement that the committee will have legal counsel present at the hearing.

- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed;

NOTE. The decision on whether to grant a request from a faculty member for an open evidentiary meeting lies solely with the hearing committee.

- ♦ of whether any party has requested an open evidentiary hearing, and if so that one of the first orders of business will be a vote by the committee on whether to grant the request or move into closed session;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the hearing;
- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;
- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the burden of proof is on the grievant;
- ♦ that the aggrieved faculty member has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that if the aggrieved faculty member is not tenured and proceedings are not concluded before the expiration of the faculty member's appointment, the proceedings will terminate at the normal expiration of the appointment unless the faculty member sends a written request to the chairperson of the Faculty Mediation Subcommittee that the proceedings be carried to their conclusion;
- ♦ that if the aggrieved faculty member is tenured and proceedings are not concluded before the faculty member's retirement or resignation, the proceedings will terminate upon the faculty member's retirement or resignation unless the faculty member sends a written request to the chairperson of the Faculty Mediation Subcommittee that the proceedings be carried to their conclusion;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;

- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the hearing committee will give a written statement of its findings and recommendations to the aggrieved faculty member, the individual against whom the grievance was filed, the chancellor, the provost, and the faculty member's department chairperson and dean (or vice chancellor);
- ♦ that the faculty member's and the chancellor's copies will be accompanied by both a verbatim record of the hearing and a summary of the evidence, unless the faculty member is represented by counsel, in which case the verbatim record and summary will be sent to counsel.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the parties) and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the hearing are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson will collect all drafts and other documents related to the hearing, except the report, from the members of the committee, from any appointed secretary, and from all other parties except the aggrieved faculty member and the faculty member's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report shall be sealed and filed in the office of the chancellor for a period of 5 years, after which they shall be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The process consists of two parts, an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation.

Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel.

The hearing committee is not bound by legal rules of evidence. The burden of proof is on the grievant. The hearing committee makes a verbatim record of the hearing.

Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee prepares a

summary of the evidence and writes a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee shall sign the final report or file a dissent. The report shall be distributed within 10 days of the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

NOTE. The decision on whether to grant a request from a faculty member for an open evidentiary hearing lies solely with the hearing committee.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the complaint may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the aggrieved faculty member;
- the individual(s) against whom the grievance was filed;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the grievance and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings and recommendations.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Faculty Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

If the committee has legal counsel, the chairperson may request the advice of counsel on all matters pertaining to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of open meetings, if an open meeting has been requested; and
 - ♦ a request for a motion to conduct the meeting in open session, and a vote on the motion; or
 - ♦ a request for a motion to close the hearing under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the grievant and the grievant's representative(s), if any.
- Introduction of the individual(s) against whom the grievance was filed and the individual's representative(s), if any.
- Reading of the grievance (or if more appropriate, a precis) for the record by the chairperson of the hearing committee.
- Presentation of testimony by the grievant or the grievant's representative but not the testimony of witnesses.
- Questions of the grievant by the individual(s) against whom the grievance was filed or by the individual's representative.
- Presentation of witnesses on behalf of the grievant.
- Questions of the grievant's witnesses by the individual against whom the grievance was filed or by the individual's representative.
- Rebuttal questions of witnesses by the grievant or the grievant's representative.
- Presentation of testimony by the individual(s) against whom the grievance was filed or by the individual's representative, but not the testimony of witnesses.
- Questions of the individual against whom the grievance was filed by the aggrieved faculty member or the faculty member's representative.
- Presentation of witnesses on behalf of the individual against whom the grievance was filed.
- Questions of these witnesses by the grievant or the grievant's representative.

- Rebuttal questions of any of these witnesses by the individual against whom the grievance was filed or by the individual's representative.
- Questions of witnesses for both parties by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the individual against whom the grievance was filed or by the individual's representative.
- Questions of committee witnesses by the grievant or the grievant's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the individual against whom the grievance was filed or by the individual's representative.
- Rebuttal or closing comments by the grievant or the grievant's representative.
- Questions of the grievant by members of the hearing committee.
- Questions by members of the hearing committee of the individual against whom the grievance was filed.
- Additional questions, if any, of the grievant (or the individual against whom the grievance was filed) by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and shall conduct a roll call vote on the motion.

Deliberative Meeting.

The hearing committee deliberates on the hearing and writes a summary of the evidence and a report which includes the findings and recommendations of the committee.

Findings.

A finding that the facts are as stated in the grievance is not in itself enough to sustain the grievance. The committee must be convinced that the evidence shows that harm has accrued to the grievant.

Burden of Proof.

The burden of proof is on the grievant to show that harm has accrued to the grievant.

Validity of Grievance.

Decisions on the validity of the grievance shall be determined by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.

Recommendations.

The committee's report and recommendations, which includes support for the recommendations, are sent to the parties as soon as feasible but not later than

10 days following the conclusion of the deliberative session(s). The committee recommends either that

- the grievance or part(s) of the grievance be upheld, and includes recommendations of appropriate action to remedy the situation; or
- the grievance be denied.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a summary of the evidence and a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of deliberations.
- The chairperson provides a verbatim record of the hearing, a summary of the evidence, and a copy of the report to both the grievant and the chancellor, and a copy each of the report to the individual against whom the grievance was filed, the grievant's department chairperson and dean (or vice chancellor), and the provost.

Chancellor's Action.

The recommendations of the hearing committee become the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendations.

- If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the grievant.
- The chancellor sends written notification of decision to the grievant and the chairperson of the hearing committee within 30 days of receipt of the report of the committee.

Possible Board Action.

The decision of the chancellor is final except that the Board may, at the written request of the grievant or the hearing committee, and at its option, grant a review on the record.

SECTION 9

PROCEDURES FOR HEARING ON COMPLAINTS OF ACADEMIC STAFF MISCONDUCT UNDER UWSP 13.01

(See Chapters UWS & UWSP 13)

INTRODUCTORY COMMENTS.

Coverage Comprehensive.

With the single exception of allegations of misconduct which might lead to dismissal, these proceedings apply to all allegations except those which may be brought by the academic staff member's supervisor, concerning conduct by an academic staff member which violates university rules or policies, or which adversely affects performance of obligations to the university, and which might provide cause for disciplinary action.

Rights.

The exercise of rights shall not constitute adequate cause for disciplinary action. These are rights guaranteed by

- the United States Constitution;
- the Constitution of the state of Wisconsin;
- Board action;
- System rules, policies, or procedures;
- the Constitution of the Faculty Senate;
- UWSP rules, policies, or procedures; or
- one's professional code of ethics.

Student and Peer Evaluations.

Regardless of their content or specific allegations of inappropriate behavior, neither student nor peer evaluations of classroom teaching nor student or peer evaluations of job performance are complaints under Chapters UWS and UWSP 13 or these policies and procedures.

Applicable Documents.

A member of the academic staff against whom a complaint is brought or an individual who is contemplating bringing a complaint against an academic staff member is advised to become familiar with

- Chapters UWSP 9 - 13, the institutional academic staff personnel rules;
- departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System academic staff personnel rules; and
- related documents in this Handbook.

Counsel.

An academic staff member who has been notified that a complaint or allegation of misconduct has been received by the chancellor or a designee may wish to seek advice from senior academic staff or faculty or legal counsel familiar with the policies and procedures. The right to be represented at meetings or hearings by individuals of the academic staff member's choice is guaranteed under these procedures.

Time Limit.

Termination of Hearing.

Failure to meet any time limits established by these procedures will likely end the proceedings. An academic staff member against whom a complaint is brought is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the hearing process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of that body. In addition, no member may be excluded from meetings of any of the body's subunits unless the rules of the parent body specifically state otherwise.

Personnel Matters.

No academic staff member under consideration for any personnel matter (including consideration of filing a complaint or taking action on a complaint) may be excluded from a unit meeting at which the matter is to be considered, even if the meeting is moved into closed session. No academic staff member may be excluded from any unit committee meeting at which the matter is to be considered unless the unit's rules specifically state to the contrary.

Right to Open Meeting.

19.85 Wis. Stats.

Under the provisions of the Open Meetings Law, an academic staff member has the right to request and receive an open evidentiary hearing for any meeting of a unit or subunit involving consideration of disciplinary action or the investigation of charges against that individual.

NOTE. A meeting with an administrator or one's department chairperson for the purpose of discussion or investigation of a complaint, even where the end result of the discussion or investigation may be a recommendation for disciplinary action or hearing, is not subject to the provisions of the Open Meetings Law: neither an individual administrator nor a department chairperson is a "formally constituted subunit."

Under the Open Meetings Law, even when departmental or unit policies provide that subunit or committee meetings be restricted to members of the subunit or committee, any academic staff member under consideration has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing involving consideration of disciplinary action or the investigation of charges against that individual.

Unit/Departmental Policies.

Normally, unit/departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

Definitions.

Misconduct.

Misconduct by an academic staff member is action or behavior which violates university rules or policies, or which adversely affects performance of obligations to the university, and which might warrant disciplinary action.

Chancellor's Designee.

For purposes of these procedures, the chancellor's designees shall be the provost, vice chancellors, executive directors, deans, and for limited purposes hereinafter delineated, chairpersons, directors (or other administrators who are heads of units), and the special assistant to the chancellor for affirmative action and equity.

Disciplinary Action.

Definition.

Disciplinary action means any sanction imposed by the chancellor or an appropriate designee against an academic staff member for misconduct. Sanctions include but are not limited to

- official reprimand;
- reduction in salary (for other than budgetary reasons);
- demotion in title;
- change in assigned duties;
- temporary suspension from duties without pay.

Who May Sanction.

No disciplinary sanction may be imposed upon an academic staff member by anyone other than the chancellor, provost, vice chancellor, executive director, or dean except as specified in the paragraph immediately below.

Chairperson or Director (or Other Unit Head).

A disciplinary action may be included when any type of written complaint is brought to a chairperson or director (or other equivalent unit head) and in discussion of that complaint, resolution of the complaint is accomplished by an appropriate response mutually agreed upon by the academic staff member and the administrator.

Informal Resolution.

A written complaint against an academic staff member may be resolved informally at any time after written notification of the complaint to the academic staff member but before the involved administrator's final decision on the complaint has been mailed to the academic staff member.

- An informal resolution consists of an appropriate response, which may include disciplinary action, mutually agreed upon by the academic staff member and the administrator involved.
- Every informal resolution shall be reduced to writing and signed by the academic staff member and the administrator involved; no further action shall be taken on the matter.
- One copy of the signed document shall be retained by the administrator and one given to the academic staff member.

PROCEDURES UPON RECEIPT OF A COMPLAINT.

Informal Complaint: Complainant Does Not Wish to File a Written Complaint.

Appropriate Officers.

If a complaint is made to any officer of the university other than the chancellor, provost, vice chancellor, executive director, dean, department chairperson, or director (or other equivalent unit head), that individual shall immediately refer the complainant to the appropriate administrative officer.

Referral.

Normally, all complaints except those involving affirmative action issues and those which might lead to charges for dismissal shall be referred to the director (or chairperson or other unit head) of the unit of the academic staff member against whom the complaint is made. (For those members of the academic staff holding limited appointments, the complaint normally shall be referred to the academic staff member's immediate supervisor.)

Affirmative Action Issues Involved.

When a complaint concerns affirmative action issues (e.g., sexual harassment, gender discrimination, racial harassment), the individual to whom the complaint is brought

- determines if the complainant only wants to report the incident or wants to file a formal written complaint; and
- consults with the affirmative action officer.

Report Only.

when the complainant wishes only to report an incident, the officer proceeds as with other informal complaints but forwards a written report of the incident to the affirmative action officer.

Record.

The written report is kept in the Affirmative Action and Equity Office and is statistically reported annually under 36.12 (1), Wis. Stats.

Administrative Consultation.

Any officer of the University who receives an informal complaint may consult with appropriate administrative personnel prior to collegial consultation with the academic staff member against whom allegations have been made in order to ensure compliance with relevant University policies and procedures.

Consultation.

When a director (or other appropriate chancellor's designee under this chapter) receives a complaint, the director shall first ascertain whether the complainant wishes to file a formal, written, signed complaint.

Complainant Decides to File Written Complaint.

If the complainant decides to file a formal written complaint, which must be signed by the complainant, the complaint is handled under procedures for written complaints [below].

No Written Complaint.

Individuals who allege misconduct on the part of an academic staff member often do not want to initiate a formal investigation of the matter, but would prefer resolution through informal collegial consultation. While this approach is often possible, it should be noted that there are circumstances where an informal complaint could result in a formal investigation. Allegations of criminal activity, for example, must be reported to appropriate law enforcement agencies. In

addition, as a result of numerous court rulings that have found institutions liable for failing to investigate unwritten allegations of misconduct such as discrimination or harassment, UWSP cannot guarantee that an internal investigation will never be conducted in a specific case. However, every attempt will be made to confine university action to collegial consultation whenever a complaint is made informally.

If the complainant does not wish to file a signed, written complaint, the director shall inform the complainant that

- whether the matter proceeds beyond the director is at the director's discretion;
- in the absence of compelling reasons to formally investigate the alleged misconduct, the director will maintain the confidentiality of the complainant and will handle the issue with the academic staff member on a collegial, consultative basis;
- if an internal investigation of the alleged misconduct is warranted, the academic staff member will be informed of the nature of the allegations and the identity of the complainant;
- for cases handled through collegial consultation, a record of the complaint will be maintained in the director's files for a period of 12 months;
 - ♦ If no further complaints of a similar nature have been received by the director by the end of the 12 month period, the record will be destroyed and the issue considered closed.
 - ♦ If the director receives other complaints of a similar nature during the 12 months, the director may either contact the original complainant and request a signed, written complaint or use the record of the verbal complaint as alleged corroboration of more than one incident.

Formal (Written) Complaints.

Information to Complainants.

Whenever the chancellor or an appropriate designee receives a written complaint against an academic staff member, that official shall inform the complainant that the academic staff member against whom the allegations have been made must be promptly notified in writing of the allegations and that such notice includes the identity of the complainant. The complainant shall also be informed of the procedures for both informal and formal complaints.

Administrative Consultation.

Any officer of the University who receives an informal complaint may consult with appropriate administrative personnel prior to collegial consultation with the academic staff member against whom allegations have been made in order to ensure compliance with relevant University policies and procedures.

Notification to Academic Staff Required.

Whenever a written complaint which might lead to disciplinary action against an academic staff member to the chancellor or a designee, before taking any action

other than consulting with appropriate administrative personnel or discussing the allegations with an appropriate designee or the complainant, the individual who receives a complaint or an appropriate designee shall promptly (normally, within 10 working days of receipt of the complaint)

- notify the academic staff member in writing of the allegations, identifying the complainant; and
- afford the academic staff member the opportunity to respond to the complaint or to meet promptly to discuss the complaint informally.

The administrator's offer of the opportunity for an informal discussion may be in the notification of the allegations or by telephone. Normally, no meeting with an academic staff member on such allegations shall occur before the academic staff member has received a written copy of the allegations reasonably in advance of the meeting.

NOTE. An academic staff member against whom a complaint is made and who is invited to meet informally on the complaint or to respond to the complaint is advised to consult legal counsel.

- Informal discussion with the chancellor may be advisable but an academic staff member is not obligated to meet with the chancellor.
- If the academic staff member decides to meet informally with the chancellor or a designee, the academic staff member is advised to bring a representative, which may be legal counsel, to the informal discussion.

Opportunity for Response.

Whenever a written complaint against an academic staff member has been received by an appropriate official and the academic staff member notified in writing of the complaint, prior to taking further action the administrator shall afford the academic staff member an opportunity to respond to the allegations.

Administrative Options.

After reviewing the academic staff member's response, or in the absence of a response, the official shall either

- meet with the academic staff member informally on the complaint; or
- investigate the allegations to determine whether sufficient evidence exists to warrant disciplinary action; or
- refer the complaint to the Academic Staff Mediation Subcommittee for a hearing.

Insufficient Evidence.

If the administrator finds insufficient evidence of action or behavior which warrants disciplinary action, the complaint is dismissed and the academic staff member notified in writing of the dismissal of the complaint.

Copies of the dismissal of charges and of the initial notification of allegations sent to the academic staff member are attached to all file copies of the initial complaint.

Cause for Action.

If the administrator finds that sufficient evidence of action or behavior which warrants disciplinary action exists, the administrator shall afford the academic staff member an opportunity to discuss the matter.

Mutually Acceptable Response.

The administrator may affect informal resolution through an appropriate response, which may include disciplinary action.

- Any informal resolution shall be mutually agreed upon by the academic staff member and the administrator.
- Any informal resolution shall be reduced to writing and signed by the administrator and the academic staff member; no further action shall be taken on the matter.
- One copy of the signed document shall be retained by the administrator involved and one given to the academic staff member.

Lack of Resolution.

Director or Department Chairperson (or equivalent unit head).

If consultation does not produce a mutually acceptable response, the director or department chairperson forwards to the appropriate executive director, vice chancellor, or dean a written report of the investigation on the complaint and recommends that the administrator either

- invoke an appropriate disciplinary response, which may be recommended by the director or chairperson (or equivalent unit head); or
- refer the complaint to the Academic Staff Mediation Subcommittee for a hearing and recommendation.

Affirmative Action Officer.

If consultation does not produce a mutually acceptable response, the affirmative action officer forwards to the chancellor a written report of the investigation on the complaint and recommends that the chancellor either

- invoke an appropriate disciplinary response, which may be recommended by the affirmative action officer, or
- refer the complaint to the Academic Staff Mediation Subcommittee for a hearing and recommendation.

Chancellor, Provost, Vice Chancellor, Executive Director, or Dean.

The procedures described here are followed by these officials both when complaints originate with them or are referred to them.

- **Disciplinary Response Invoked.** If a disciplinary response is invoked, the administrator provides written notification to the academic staff member which includes
 - ♦ the specific disciplinary sanction;
 - ♦ notice of the academic staff member's right to a hearing by the Academic Staff Mediation Subcommittee;
 - ♦ notice that if the academic staff member wants a hearing, the staff member must provide a written request to the chairperson of the subcommittee within 10 days of receipt of the notification of disciplinary action; and
 - ♦ notice that failure to request a hearing within 10 days will likely end the opportunity for a hearing.
- **Referral for Hearing.** If the complaint is referred to the Academic Staff Mediation Subcommittee for hearing and recommendation, the administrator sends a copy of the referral and all other pertinent

documents and information to the academic staff member and to the subcommittee.

Termination of Proceedings.

If an academic staff member is notified by the chancellor or a designee of a complaint of alleged misconduct and if the university thereafter discontinues proceedings on the alleged misconduct, the complaint and allegations are deemed to be withdrawn and without merit.

Copies of the statement of discontinuance, which shall include a specific statement that the complaint and allegations are withdrawn and deemed without merit, and of the initial notification of allegations sent to the academic staff member shall be attached to all file copies of the initial complaint.

REFERRALS OR REQUESTS FOR HEARING.

Request for Hearing.

An academic staff member who receives written notification that an administrator has imposed a disciplinary sanction against the academic staff member has 10 days from the receipt of the notification in which to request a hearing by the Academic Staff Mediation Subcommittee.

Written Request.

The request for hearing shall be in writing and addressed to the chairperson of the subcommittee. Failure to meet the 10 day deadline will likely terminate the opportunity for hearing.

No Hearing Requested.

If an academic staff member who receives such notification does not request a hearing with the Academic Staff Mediation Subcommittee, the action of the administrator is final.

Required Action.

Notification.

Whenever the chairperson of the Academic Staff Mediation Subcommittee receives a request for a hearing from an academic staff member or a referral from the chancellor or a designee requesting a hearing, the chairperson shall

- provide written notification to the vice chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the matter, which will be passed on to the chairperson of the hearing committee;
- provide written notification that a hearing on a complaint is in progress to
 - ♦ the administrative heads of the appellant's operational area and unit, the chairperson of the unit's personnel committee, and the appropriate executive director and vice chancellor (or the chairperson of the appellant's departmental personnel committee, department chairperson, and dean); and
 - ♦ the chancellor and chairperson of the Faculty Senate; and
- provide copies of all correspondence to the
 - ♦ appellant;
 - ♦ hearing committee members; and

- ♦ the decision-maker(s).

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Academic Staff Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each division or college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, shall be designated as the chairperson of the committee.
- No individual who brought the complaint of misconduct, or who was involved in any investigation by the chancellor or a designee, or who was involved in the action or behavior leading to the complaint, or who participated in drawing up the notification of complaint or of referral, or who is a material witness, or who is a member of the same unit or department as the academic staff member against whom the complaint was filed may serve on the hearing committee.
- The chairperson of the Academic Staff Mediation Subcommittee, if otherwise qualified, may serve either as a member or as chairperson of the hearing committee.
- Reasonable effort will be made to ensure that the members of the hearing committee are acceptable to both parties in the process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the process before the formal appointment.
 - ♦ The decision of whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the academic staff member has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members is made by the committee, excluding the member under challenge.
- If members are disqualified or disqualify themselves, the remaining members consult with the chairperson of the Academic Staff Mediation Subcommittee and appoint other members to serve.

Hearing Date.

The hearing committee shall meet to hear the matter within 20 days of receipt of the request for a hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

Notice.

The academic staff member involved in the hearing shall receive written notice of the hearing on the specific allegations of the complaint, and if appropriate, of the disciplinary responses recommended, at least 10 days prior to the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the hearing process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 13.01, these policies and procedures, and the guidelines for hearings on complaints which in the following subsection or requested from the chairperson of the Academic Staff Mediation Subcommittee;
- establish appropriate communication with the chancellor, provost, the academic staff member, the appropriate executive director and vice chancellor, or dean, and academic staff member's operational area and unit head or department chairperson, and the administrator involved, and keep each informed of the proceedings in the hearing;
- keep records of all correspondence among all the principals from the initiation of the request for hearing through the conclusion of the hearing;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare a summary of the evidence and the written report of the committee's findings and recommendations and transmit these materials to the academic staff member, to the administrator involved, and to the chancellor, and send copies of the report to the academic staff member's unit head, executive director, and vice chancellor, or department chairperson and dean, and to the provost;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the academic staff member, the administrator involved, the chancellor, the provost, the academic staff member's operational area administrator, unit head, executive director and vice chancellor, or department chairperson and dean, the individual(s) who brought the complaint leading to the charges, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing shall include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;

NOTE. If counsel has been requested by the committee from the chancellor, notice shall include a statement that the committee will have legal counsel present at the hearing.

- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but the academic staff member, upon timely written request to the chairperson, has the right to request an open evidentiary hearing and any such request shall be honored;

- ♦ of whether the academic staff member has requested an open evidentiary hearing;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the hearing;
- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;
- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the burden of proof of the existence of just cause for disciplinary action is on the administration;
- ♦ that the academic staff member has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that if the academic staff member is not on indefinite appointment and proceedings are not concluded before the expiration of the academic staff member's appointment, the proceedings will terminate at the normal expiration of the appointment unless the academic staff member sends a written request to the chairperson of the Academic Staff Mediation Subcommittee that the proceedings be carried to their conclusion;
- ♦ that if the academic staff member is on indefinite appointment and proceedings are not concluded before the academic staff member's retirement or resignation, the proceedings will terminate upon the academic staff member's retirement or resignation unless the academic staff member sends a written request to the chairperson of the Academic Staff Mediation Subcommittee that the proceedings be carried to their conclusion;
- ♦ that discontinuance of the proceedings by the university is deemed a withdrawal of the charges and a finding that the charges were without merit;
- ♦ that nothing prevents the settlement of the case by mutual agreement of the parties, provided that such settlement is reached prior to a final decision by the involved administrator;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the matter is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;

- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the hearing committee will give a written statement of its findings and recommendations to the academic staff member, the administrator involved, the chancellor, the provost, the academic staff member's operational area and unit heads or department chairperson, and the appropriate executive director and vice chancellor, or dean;
- ♦ that the academic staff member's and the chancellor's copies will be accompanied by both a verbatim record of the hearing and a summary of the evidence, unless the academic staff member is represented by counsel, in which case the verbatim record and summary will be sent to counsel.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the academic staff member) and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the academic staff member and the hearing are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson shall collect all drafts and other documents related to the hearing from the members of the committee, from any appointed secretary, and from all other parties except the academic staff member and the academic staff member's representative(s). All minutes and materials provided by the parties and not forwarded to the administrator involved as a part of the report shall be sealed and filed in the office of the chancellor for a period of 5 years, after which they shall be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the matter is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The process consists of 2 parts, an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation.

Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel.

The hearing committee is not bound by legal rules of evidence. The burden of proof on the existence of just cause for a disciplinary sanction is on the administration.

The hearing committee makes a verbatim record of the hearing.

Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee prepares a summary of the evidence and writes a draft report of the findings and

recommendations of the hearing committee. Each member of the hearing committee must sign the final report or file a dissent. The report shall be distributed

within 10 days of the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law, unless the chairperson of the hearing committee receives from the academic staff member a written request for an open evidentiary hearing in which case all evidentiary sessions will be open.. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the complaint may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the academic staff member;
- the administrator bringing the charges on the complaint;
- the individual(s) making the complaint upon which charges were based;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the complaint (delineated above) and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are

permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings and recommendations.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Academic Staff Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

If the committee has legal counsel, the chairperson may request the advice of counsel on all matters pertaining to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of open meetings, if an open meeting has been requested, or
 - ♦ a request for a motion to close the hearing under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the academic staff member and the academic staff member's representative(s), if any.
- Introduction of the involved administrator and the administrator's representative(s), if any.
- Reading of the charges for the record by a member of the administration or its representative.
- Presentation of the administration's case, including testimony from the individual(s) making the complaint upon which the charges are based, but not the testimony of other witnesses.
- Questions of the administration or the individual making the complaint by the academic staff member or the academic staff member's representative.
- Presentation of witnesses on behalf of the administration.
- Questions of the administration's witnesses by the academic staff member or the academic staff member's representative.
- Rebuttal questions of any of these parties by the administration or its representative.
- Presentation of the academic staff member's case by the academic staff member or the academic staff member's representative but not the testimony of witnesses.
- Questions of the academic staff member by the administration or its representative.
- Presentation of witnesses on behalf of the academic staff member.

- Questions of the academic staff member's witnesses by the administration or its representative.
- Rebuttal questions of any of these parties by the academic staff member or the academic staff member's representative.
- Questions of the academic staff member's and the administration's witnesses by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the administration or its representative.
- Questions of committee witnesses by the academic staff member or the academic staff member's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the administration or its representative.
- Rebuttal or closing comments by the academic staff member or the academic staff member's representative.
- Questions of the academic staff member by members of the hearing committee.
- Questions of the administration by members of the hearing committee.
- Additional questions, if any, of the academic staff member (or the administration) by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and will conduct a roll call vote on the motion.

Deliberative Meeting.

The hearing committee deliberates on the hearing and writes a summary of the evidence and a report which includes the findings and recommendations of the committee.

Findings.

A finding that the facts are as stated in the complaint is not in itself enough to recommend disciplinary sanctions.

Cause for Disciplinary Response.

The committee must be convinced that the evidence shows that the academic staff member's conduct violates university rules or policies or substantially adversely affects the performance of obligations to the university, and that the conduct is not constitutionally or otherwise legally or ethically protected.

Burden of Proof.

The burden of proof is on the administration to show that cause exists for any disciplinary sanction.

Validity of Complaint.

Decisions on the validity of the complaint shall be determined by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.

Recommendations.

The committee's report and recommendations, which includes support for the recommendations, are sent to the administrator involved and the academic staff member as soon as feasible but not later than 10 days following the conclusion of the deliberative session(s). The committee's recommendations may include but are not limited to a finding that

- the allegations are without merit, and dismissal of the complaint;
- the administration has not met the burden of proof, and withdrawal of the complaint;
- the actions attributed to the academic staff member did occur but that cause for discipline does not exist, and dismissal of the complaint;
- the actions of the academic staff member were constitutionally or otherwise protected, and the dismissal of the complaint;
- there is insufficient evidence to support the allegations, and withdrawal of the complaint; or
- the evidence supports cause for discipline, and the imposition of a disciplinary sanction, which may include but is not limited to
 - ♦ official reprimand;
 - ♦ suspension without pay for a specified period;
 - ♦ a freeze in salary for a specified period;
 - ♦ a reduction in salary;
 - ♦ a demotion in title;
 - ♦ reassignment;
 - ♦ counseling or other similar rehabilitation; and
 - ♦ appropriate compensatory activities.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a summary of the evidence and a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of deliberations.
- The chairperson provides a verbatim record of the hearing, a summary of the evidence, and a copy of the report to both the academic staff member and the involved administrator and a copy each of the report to the chancellor; the provost; the appropriate executive director and vice chancellor, or dean; and the academic staff member's operational area and unit heads, or department chairperson.

Administrator's Action.

The administrator shall afford the academic staff member an opportunity to discuss the report within 20 days after receiving it from the committee. The recommendations of the committee become the decision of the administrator within 30 days after the meeting with the academic staff member, or in the absence of such meeting, within 40 days of the receipt of the committee's report by the administrator unless the administrator modifies the recommendations. The administrator may

- invoke a less severe disciplinary sanction than recommended; or
- invoke a more severe disciplinary response than recommended.

Recommendation Not Accepted.

If the administrator contemplates a decision substantially different from the recommendations of the committee, the administrator shall afford the committee an opportunity to discuss the report and the administrator's proposed decision before written notification of decision to the academic staff member. Following the meeting with the committee or in the absence of a meeting, as soon as practicable not later than 40 days after receipt of the committee's initial report, the administrator sends written notification of decision to the academic staff member and the chairperson of the hearing committee. The decision of the administrator shall be final, except that the chancellor, at the written request of the academic staff member and at the chancellor's option, may grant a review on the record.

Chancellor's Decision Final.

If the academic staff member requests review by the chancellor and the chancellor grants a review on the record, the chancellor shall render a decision within 20 days of the receipt of the request by the academic staff member.

Academic staff Member Declines to Meet.

Failure of the academic staff member to meet with the administrator does not impede or stop the process.

No Double Jeopardy.

After notification to the academic staff member by the administrator, the academic staff member may not again be placed in jeopardy for the same incident(s) of alleged misconduct.

SECTION 10

PROCEDURES FOR HEARINGS ON ACADEMIC STAFF GRIEVANCES UNDER UWSP 13.02

(See Chapters UWS & UWSP 13)

INTRODUCTORY COMMENTS.

Grievances Defined.

Grievances may be brought by academic staff members who are dissatisfied with working conditions or believe their rights have been violated or that they have been treated unfairly.

Exceptions.

Actions relating to the following are not subject to a grievance under the provisions of Chapters UWS/UWSP 13.02; resolution must be sought under other appropriate sections of the personnel rules:

- renewal of probationary academic staff;
- consideration of indefinite appointment for probationary academic staff when denial also means nonrenewal;
- layoff or termination for financial exigency;
- dismissal; and
- disciplinary action invoked as a result of an Academic Staff Mediation Subcommittee hearing under UWSP 13.01.

In addition, unless an academic staff member can demonstrate through clear and compelling evidence that statements made on peer evaluations are false, peer evaluations--regardless of specific allegations of inappropriate behavior--are not subject to grievances under Chapters UWS and UWSP 13.02.

Applicable Documents.

An academic staff member against whom a grievance has been filed or an individual contemplating filing a grievance against an academic staff member is advised to become familiar with

- Chapters UWSP 9 - 13, the institutional academic staff personnel rules;
- unit or departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System academic staff personnel rules; and
- related documents in this Handbook.

Counsel.

An academic staff member who has been notified that a grievance has been brought against that academic staff member or an academic staff member who is contemplating filing a grievance may wish to seek advice from senior academic staff or faculty or legal counsel familiar with the policies and procedures. The right to be represented at meetings or hearings by individuals of the academic staff member's choice is guaranteed under these procedures.

Time Limit.

Termination of Hearing.

Failure to meet any time limits established by these procedures will likely end the proceedings. An academic staff member against whom a grievance is brought is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of that body. In addition, no member may be excluded from meetings of any of the body's subunits unless the rules of the parent body specifically state otherwise.

Personnel Matters.

No academic staff member under consideration for any personnel matter (including consideration of filing of a grievance or taking action on a grievance) may be excluded from a unit or department meeting at which the matter is to be considered, even if the meeting is moved into closed session. No academic staff member may be excluded from any unit or departmental committee meeting at which the matter is to be considered unless unit or departmental rules specifically state to the contrary.

Hearings and Closed Sessions.

Normally, a committee hearing a grievance will move into closed session as permitted under the Open Meetings Law. An academic staff member has the right to request an open evidentiary hearing; however, the decision on whether to grant such a request lies solely with the committee.

NOTE. A meeting with an administrator for the purpose of discussion of a grievance is not subject to the provisions of the Open Meetings Law: an individual administrator is not a "formally constituted subunit."

INFORMAL RESOLUTION OF GRIEVANCES.

Lowest Level Resolution.

Problem Arises at Unit/Department Level.

If the problem arises at the unit or department level, academic staff members who are dissatisfied with working conditions or feel their rights have been violated or that they have been dealt with unfairly shall first seek a mutually satisfactory resolution of the problem at the unit or department level.

- If the grievance is not resolved at the unit or department level, the academic staff member shall seek resolution at the next higher administrative level.
- If the grievance is not resolved at the next level, the academic staff member shall proceed to the next higher administrative level, and ultimately may either seek informal resolution from the unit's vice chancellor or the provost, as appropriate, or request a hearing conducted by a hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee.

NOTE. An aggrieved academic staff member may elect to bring a representative, which may be legal counsel, to any meeting at any level to discuss informal resolution.

Problem Arises Above the Unit/Department Level.

If the problem arises above the unit or department level, the academic staff member shall first seek a mutually satisfactory resolution of the problem at the administrative level at which the problem occurs.

- If the grievance is not resolved at that level, the academic staff member shall proceed to the next higher administrative level, and ultimately may either seek informal resolution from the unit's vice chancellor or the provost, as appropriate, or request a hearing conducted by a hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee.

Problem Arises at the Vice Chancellor, Provost or Chancellor Level.

If the problem arises at the vice chancellor's, provost's, or chancellor's level, the academic staff member may either seek a mutually satisfactory resolution of the problem at the appropriate level or request a hearing conducted by a hearing committee appointed by the chairperson of the Academic Staff Mediation Subcommittee.

- If informal resolution is sought but the grievance is not resolved, the academic staff member may request a hearing.

Procedure for Informal Resolution.

In an attempt to reach informal resolution, regardless of the level at which the problem arises, the appropriate individual--administrative head of the operational area, director, chairperson, dean, vice chancellor, provost, or chancellor--meets with the aggrieved academic staff member and attempts to reach a mutually acceptable resolution. This process may necessitate informal discussions with other members of the academic staff.

- During the attempts at informal resolution, the aggrieved academic staff member need not file a written grievance.
- Any informal resolution shall be mutually agreed upon by the aggrieved academic staff member and the official involved.
- Every informal resolution shall be reduced to writing and signed by the academic staff member and the administrator involved; no further action shall be taken on the matter.
- One copy of the signed document shall be retained by the administrator and one given to the academic staff member.

No Informal Resolution.

Request for Hearing.

If an informal resolution cannot be reached, the aggrieved academic staff member may request a hearing from the Academic Staff Mediation Subcommittee.

- A request for a hearing on a grievance shall be in writing and addressed to the chairperson of the Academic Staff Mediation Subcommittee.
- The aggrieved academic staff member shall provide the full particulars of the grievance.
- Any request for a hearing on a grievance shall be honored.

- No academic staff member is entitled to more than 1 hearing on any single grievance.

No Hearing Requested.

If the academic staff member does not request a hearing, the grievance is considered dropped and the matter permanently closed.

HEARINGS.

Required Action.

Notification.

Whenever the chairperson of the Academic Staff Mediation Subcommittee receives a request for a hearing from an academic staff member, the chairperson shall

- provide written notification to the vice chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the matter, which will be passed on to the chairperson of the hearing committee;
- provide written notification that a grievance is in progress to
 - ♦ the aggrieved academic staff member;
 - ♦ the individual(s) against whom the grievance is filed;
 - ♦ the administrative heads of the aggrieved academic staff member's operational area and unit, the chairperson of the unit's personnel committee, and the appropriate executive director and vice chancellor (or the chairperson of the appellant's departmental personnel committee, department chairperson, and dean); and
 - ♦ the provost and chancellor; and
- provide copies of all correspondence to the
 - ♦ aggrieved academic staff member;
 - ♦ individual(s) against whom the grievance is filed; and
 - ♦ hearing committee members.

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Academic Staff Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each division or college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, shall be designated as the chairperson of the committee.

- No individual who was involved in the action or behavior leading to the grievance, or who was involved in an investigation of the grievance, or who is a material witness, or who is a member of the same unit or department as the aggrieved academic staff member, or of the same unit or department as the individual(s) against whom the grievance was filed, may serve on the hearing committee.
- The chairperson of the Academic Staff Mediation Subcommittee, if otherwise qualified, may serve as a member or as chairperson of the hearing committee.
- Reasonable effort will be made to ensure that the members of the hearing committee are acceptable to the parties to the process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the process before the formal appointment.
 - ♦ The decision of whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the academic staff member has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members is made by the committee, excluding the member under challenge.
- If members are disqualified or disqualify themselves, the remaining members consult with the chairperson of the Academic Staff Mediation Subcommittee and appoint other members to serve.

Hearing Date.

The hearing committee shall meet to hear the matter within 20 days of receipt of the request for a hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

Notice.

The academic staff member requesting a hearing and the individual(s) against whom the grievance was filed shall receive written notice of the hearing and of the specific allegations of the grievance, at least 10 days prior to the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the hearing process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 13.02, these policies and procedures, and the guidelines for hearings on grievances which in the following subsection or requested from the chairperson of the Academic Staff Mediation Subcommittee;
- establish appropriate communication with the chancellor, provost, aggrieved academic staff member, individual(s) against whom the grievance was filed, the administrative heads of the aggrieved academic staff member's operational area and unit, or department chairperson, and the appropriate executive director and vice chancellor, or dean, and keep each informed of the proceedings in the hearing;
- keep records of all correspondence among all the principals from the initiation of the request for hearing through the conclusion of the hearing;

- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations, and provide notices to conform with the Open Meetings Law;
- prepare a summary of the evidence and the written report of the committee's findings and recommendations and transmit these materials to the aggrieved academic staff member, the individual(s) against whom the grievance was filed, and to the chancellor, and send copies of the report to the academic staff member's operational area and unit heads, or department chairperson, and the appropriate executive director and vice chancellor, or dean, and to the provost;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the aggrieved academic staff member, the individual(s) against whom the grievance was filed, the chancellor, the provost, the administrative heads of the academic staff member's operational area and unit, or department chairperson, the appropriate executive director and vice chancellor, or dean, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing shall include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;

NOTE. If counsel has been requested by the committee from the chancellor, notice shall include a statement that the committee will have legal counsel present at the hearing.

- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed;

NOTE. The decision on whether to grant a request from an academic staff member for an open evidentiary hearing lies solely with the hearing committee.

- ♦ of whether any party has requested an open evidentiary hearing, and if so that one of the first orders of business will be a vote by the committee on whether to grant the request or move into closed session;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the hearing;
- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that

failure to provide such copies will not preclude an individual from giving testimony;

- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the burden of proof is on the grievant;
- ♦ that the aggrieved academic staff member has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that if the aggrieved academic staff member is not on indefinite appointment and proceedings are not concluded before the expiration of the academic staff member's appointment, the proceedings will terminate at the normal expiration of the appointment unless the academic staff member sends a written request to the chairperson of the Academic Staff Mediation Subcommittee that the proceedings be carried to their conclusion;
- ♦ that if the aggrieved academic staff member is on indefinite appointment and proceedings are not concluded before the academic staff member's retirement or resignation, the proceedings will terminate upon the academic staff member's retirement or resignation unless the academic staff member sends a written request to the chairperson of the Academic Staff Mediation Subcommittee that the proceedings be carried to their conclusion;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the grievance is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the hearing committee will give a written statement of its findings and recommendations to the aggrieved academic staff member, the individual against whom the grievance was filed, the chancellor, the provost, and the administrative heads of the academic staff member's operational area and unit, or department chairperson, and executive director and vice chancellor, or dean; and
- ♦ that the academic staff member's and the chancellor's copies will be accompanied by both a verbatim record of the hearing and a summary of the evidence, unless the academic staff member is represented by counsel, in which case the verbatim record and summary will be sent to counsel.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the parties) and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the hearing are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson will collect all drafts and other documents related to the hearing, except the report, from the members of the committee, from any appointed secretary, and from all other parties except the aggrieved academic staff member and the academic staff member's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report shall be sealed and filed in the office of the chancellor for a period of 5 years, after which they shall be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the grievance is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The process consists of two parts, an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation. Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The burden of proof is on the grievant. The hearing committee makes a verbatim record of the hearing.

Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee prepares a summary of the evidence and writes a draft report of the findings and recommendations of the hearing committee. Each member of the hearing

committee shall sign the final report or file a dissent. The report shall be distributed within 10 days of the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

NOTE. The decision on whether to grant a request from a academic staff member for an open evidentiary hearing lies solely with the hearing committee.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the complaint may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the aggrieved academic staff member;
- the individual(s) against whom the grievance was filed;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the grievance and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings and recommendations.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Academic Staff Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

If the committee has legal counsel, the chairperson may request the advice of counsel on all matters pertaining to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of open meetings, if an open meeting has been requested, and
 - ♦ a request for a motion to conduct the meeting in open session, and a vote on the motion; or
 - ♦ a request for a motion to close the hearing under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the grievant and the grievant's representative(s), if any.
- Introduction of the individual(s) against whom the grievance was filed and the individual's representative(s), if any.
- Reading of the grievance (or if more appropriate, a precis) for the record by the chairperson of the hearing committee.
- Presentation of testimony by the grievant or the grievant's representative but not the testimony of witnesses.
- Questions of the grievant by the individual(s) against whom the grievance was filed or by the individual's representative.
- Presentation of witnesses on behalf of the grievant.
- Questions of the grievant's witnesses by the individual against whom the grievance was filed or by the individual's representative.
- Rebuttal questions of witnesses by the grievant or the grievant's representative.
- Presentation of testimony by the individual(s) against whom the grievance was filed or by the individual's representative, but not the testimony of witnesses.
- Questions of the individual against whom the grievance was filed by the aggrieved academic staff member or the academic staff member's representative.
- Presentation of witnesses on behalf of the individual against whom the grievance was filed.
- Questions of these witnesses by the grievant or the grievant's representative.
- Rebuttal questions of any of these witnesses by the individual against whom the grievance was filed or by the individual's representative.
- Questions of witnesses for both parties by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the individual against whom the grievance was filed or by the individual's representative.
- Questions of committee witnesses by the grievant or the grievant's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.

- Rebuttal or closing comments by the individual against whom the grievance was filed or by the individual's representative.
- Rebuttal or closing comments by the grievant or the grievant's representative.
- Questions of the grievant by members of the hearing committee.
- Questions by members of the hearing committee of the individual against whom the grievance was filed.
- Additional questions, if any, of the grievant (or the individual against whom the grievance was filed) by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and shall conduct a roll call vote on the motion.

Deliberative Meeting.

The hearing committee deliberates on the hearing and writes a summary of the evidence and a report which includes the findings and recommendations of the committee.

Findings.

A finding that the facts are as stated in the grievance is not in itself enough to sustain the grievance. The committee must be convinced that the evidence shows that harm has accrued to the grievant.

Burden of Proof.

The burden of proof is on the grievant to show that harm has accrued to the grievant.

Validity of Grievance.

Decisions on the validity of the grievance shall be determined by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.

Recommendations.

The committee's report and recommendations, which includes support for the recommendations, are sent to the parties as soon as feasible but not later than 10 days following the conclusion of the deliberative session(s). The committee recommends either that

- the grievance or part(s) of the grievance be upheld, and includes recommendations of appropriate action to remedy the situation; or
- the grievance be denied.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a summary of the evidence and a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of deliberations.
- The chairperson provides a verbatim record of the hearing, a summary of the evidence, and a copy of the report to both the grievant and the chancellor, and a copy each of the report to the individual against whom the grievance was filed; the administrative heads of the grievant's operational area and unit, or department chairperson; the grievant's executive director and vice chancellor, or dean; and the provost.

Chancellor's Action.

The recommendations of the hearing committee become the decision of the chancellor within 30 days of the receipt of the committee's report by the chancellor unless the chancellor modifies the recommendations.

- If the chancellor contemplates a decision substantially different from the recommendations of the committee, the chancellor shall afford the committee an opportunity to discuss the report and the chancellor's proposed decision before written notification of decision to the grievant.
- The chancellor sends written notification of decision to the grievant and the chairperson of the hearing committee within 30 days of receipt of the report of the committee.

Possible Board Action.

The decision of the chancellor is final except that the Board may, at the written request of the grievant or the hearing committee, and at its option, grant a review on the record.

SECTION 11

OVERVIEW OF THE PROCESS AND PROCEDURES FOR HEARING OF CHARGES AND NOTICE OF DISMISSAL OF FACULTY UNDER UWSP 4.04

(See Chapters UWS & UWSP 4)

INTRODUCTORY COMMENTS.

Coverage.

These proceedings apply to all allegations, from whatever source, concerning conduct based directly and substantially on a faculty member's actions in carrying out professional responsibilities where such conduct has resulted in substantial or fundamental harm to the university, and which might provide cause for dismissal.

Rights.

The exercise of rights shall not constitute adequate cause for dismissal or other disciplinary action. These are rights guaranteed by

- the United States Constitution;
- the Constitution of the state of Wisconsin;
- Board action;
- System rules, policies, or procedures;
- the Constitution of the Faculty Senate;
- UWSP rules, policies, or procedures; or
- principles of academic freedom as they are generally understood in higher education.

Student and Peer Evaluations.

Regardless of their content, including specific allegations of inappropriate behavior, neither student nor peer evaluations are allegations of inappropriate conduct under Chapters UWS and UWSP 4 or these policies and procedures.

Applicable Documents.

A faculty member against whom allegations of misconduct which might lead to dismissal have been brought or an individual who is contemplating bringing allegations which might lead to dismissal of a faculty member is advised to become familiar with

- Chapters UWSP 1 - 6, the institutional faculty personnel rules;
- departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System faculty personnel rules;
- Chapters 801.11 (1)(c), 227.45, and 227.46 of the Wisconsin statutes; and
- related documents in this handbook.

Counsel.

A faculty member who has been notified that an allegation of misconduct which might lead to dismissal has been received by the chancellor may wish to seek advice from senior faculty familiar with the policies and procedures, and is advised to retain legal counsel. The right to be represented at meetings or hearings by individuals of the

faculty member's choice is guaranteed under Chapters UWS and UWSP 4 and these procedures.

Time Limits.

Termination of Hearing.

Failure to meet any time limits established by these procedures will likely end the proceedings. A faculty member against whom allegations of misconduct have been brought is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the hearing process may be lengthy. The deliberative process in particular may take several months to conclude: the issue is significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of recesses which may occur between sessions.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of that body. In addition, no member may be excluded from meetings of any of the body's subunits unless the rules of the parent body specifically state otherwise.

Personnel Matters.

No faculty member under consideration for any personnel matter (including consideration of filing of a complaint or taking action on a complaint) may be excluded from a department meeting at which the matter is to be considered, even if the meeting is moved into closed session. No faculty member may be excluded from any departmental committee meeting at which the matter is to be considered unless departmental rules specifically state to the contrary.

Right to Open Meeting.

19.85 Wis. Stats.

Under the provisions of the Open Meetings Law, a faculty member has the right to request and receive an open evidentiary hearing for any meeting of a unit or subunit involving consideration of disciplinary action against that individual.

NOTE. A meeting with an administrator for the purpose of discussion or investigation of allegations of charges which might lead to dismissal, even where the end result of the discussion or investigation may be a recommendation for disciplinary action or hearing, is not subject to the provisions of the Open Meetings Law: an individual administrator is not a "formally constituted subunit."

Under the Open Meetings Law, even when departmental policies provide that subunit or committee meetings be restricted to members of the subunit or committee, a faculty member under consideration has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing involving consideration of disciplinary action against that individual.

Departmental Policies.

Normally, departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

Settlement.

Nothing in these procedures or in Chapters UWS or UWSP 4 shall be construed to prevent the settlement of allegations against a faculty member at any time in the proceedings prior to a final decision by the Board.

- Any such settlement consists of an appropriate response, which may include disciplinary action, mutually agreed upon by the faculty member and the chancellor.
- Every settlement shall be reduced to writing and signed by the faculty member and the chancellor; no further action shall be taken on the matter.
- One copy of the signed document shall be retained by the chancellor and one given to the faculty member.

PROCEDURES UPON RECEIPT OF A COMPLAINT.

Action on Complaints.

Unless otherwise provided in these procedures, the chancellor shall act on all complaints or allegations which might lead to dismissal, except that the chancellor may assign a designee to conduct investigations of allegations or complaints which might lead to dismissal.

Charges.

Basis for Charges.

Dismissal of a faculty member may be sought only for cause based directly and substantially on a faculty member's conduct in carrying out professional responsibilities where such conduct has resulted in substantial or fundamental harm to the university.

Complaints to Chancellor.

Whenever any official receives a complaint which might lead to dismissal, the complainant shall immediately be referred to the chancellor for action.

Filing of Charges.

Charges seeking dismissal of a faculty member shall be filed by the chancellor.

Notification of Complaint Required.

Whenever the chancellor receives or initiates a complaint which might lead to dismissal of a faculty member, the chancellor may consult with appropriate administrative personnel or System legal counsel and shall

- promptly send written notification of the allegations to the faculty member;
- afford the faculty member the opportunity to meet promptly to discuss the complaint informally; and
- proceed immediately to an investigation of the charges if the faculty member declines to meet.
 - ♦ Notification normally shall be within 7 working days of the receipt of the complaint;
 - ♦ The chancellor's offer of the opportunity for an informal discussion may be in the notification of the allegations or by telephone.

- ♦ Normally, no meeting with a faculty member on such allegations shall occur before the faculty member has received written notification of the allegations reasonably in advance of the meeting.
- ♦ Normally, the chancellor or a designee shall not proceed with any investigation of allegations before the faculty member has received written notification of the allegations.
- ♦ Accompanying the notification of allegations shall be a copy of these procedures and information as to where to locate other rights under UWS/UWSP 4.

NOTE. A faculty member against whom a complaint is made and who is invited to meet informally on the complaint to respond to the complaint is advised to consult legal counsel.

- Informal discussion with the chancellor may be advisable but a faculty member is not obligated to meet with the chancellor.
- If the faculty member decides to meet informally with the chancellor, the faculty member is advised to bring a representative, which may be legal counsel, to the informal discussion.

Informal Discussion Outcomes.

One of these alternatives will result from the informal discussion--

- the chancellor will determine that the complaint is unjustified: no charges will be filed nor will other action adverse to the faculty member be taken;
If the chancellor determines the complaint is unjustified, a written statement to that effect shall be sent to the faculty member and a copy placed in the faculty member's personnel file.
- the chancellor will determine that the complaint may be justified and either
 - ♦ the chancellor and the faculty member will agree to a mutually satisfactory resolution, which will end the matter; or
 - ♦ the chancellor will proceed to an investigation of the charges; or
 - ♦ the chancellor will proceed to formal filing of charges, which must be accompanied by a statement of the appeal procedures available to the faculty member.

Request for Hearing.

A faculty member who has received a formal statement of charges seeking dismissal has 20 days from the receipt of the charges to request a hearing conducted under the auspices of the Faculty Mediation Subcommittee.

Hearing Outcomes.

Following a hearing on charges for dismissal, the hearing committee issues its report of findings and recommendations. The committee may find that the charges are without foundation or not proven, that the charges are valid but a sanction less than dismissal is warranted, or that the charges are valid and dismissal is an appropriate response on the part of the university.

Termination of Proceedings.

Probationary Faculty.

If the hearing process for a probationary faculty member is not concluded before the term of appointment expires, the proceedings will automatically end at the expiration

of the appointment unless the faculty member sends a written request to the chairperson of the Faculty Mediation Subcommittee that the proceedings continue to their conclusion.

Tenured Faculty.

If the hearing process for a tenured faculty member is not concluded before the faculty member's retirement or resignation, the proceedings will automatically end at the faculty member's retirement or resignation unless the faculty member sends a written request to the chairperson of the Faculty Mediation Subcommittee that the proceedings continue to their conclusion.

Discontinuance.

If the university discontinues proceedings for dismissal against a faculty member who has requested a hearing, the charges are deemed to be withdrawn and without merit.

Settlement.

The proceedings may be discontinued by a settlement reached by mutual agreement between the administration and the faculty member. Any settlement must be reached prior to a final decision by the Board.

Continuation of Duties and Salary.

Suspension.

Unless the chancellor, in consultation with the executive committee of the Faculty Senate, specifically finds that substantial harm may result to the institution if a faculty member whose dismissal is sought continues with normal duties, the faculty member shall not be relieved of those duties pending the final decision of the Board.

Salary.

If a faculty member is suspended before the final decision on dismissal by the Board, the faculty member's salary shall nonetheless be continued until the decision is reached.

FILING A REQUEST FOR HEARING.

Written Request.

Upon receipt of a formal statement of specific charges for dismissal, the faculty member has 20 days in which to request a hearing by the Faculty Mediation Subcommittee.

- Failure to meet the 20 day deadline will likely end the opportunity for a hearing.
- The request shall be in writing and addressed to the chairperson of the subcommittee.
- The request should provide a historical resume of all actions taken to this point.

No Request Filed.

If a faculty member whose dismissal is sought does not file a request for a hearing with the Faculty Mediation Subcommittee, the Board will take appropriate action upon receipt of the statement of charges and the recommendation of the chancellor.

Required Action.

Notification.

If the chairperson determines that the individual requesting a hearing holds a faculty appointment, the chairperson shall

- provide written notification of the request for hearing to the chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the hearing, which will be passed on to the chairperson of the hearing committee;
- provide written notification that the hearing procedure is in progress to the faculty member, the faculty member's department chairperson and dean, the vice chancellor, the chairperson of the Faculty Senate, and the chancellor; and
- provide copies of all correspondence to the
 - ♦ faculty member;
 - ♦ hearing committee members; and
 - ♦ chancellor.

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Faculty Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, shall be designated as the chairperson of the committee.
- No individual who participated in the investigation leading to the filing of charges, or in the filing of charges, or who is a material witness, or who is a member of the same department as the faculty member requesting the hearing may serve on the hearing committee.
- The chairperson of the Faculty Mediation Subcommittee, if otherwise qualified, may serve as either a member or as chairperson of the hearing committee.
- Reasonable effort will be made to ensure that the members of the hearing committee are acceptable to both parties in the hearing process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the hearing before the formal appointment.
 - ♦ The decision of whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the faculty member has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members shall be made by the committee, excluding the member under challenge.
 - ♦ If members are disqualified or disqualify themselves, the remaining members consult with the chairperson of the Faculty Affairs Committee and the chairperson of the Faculty Mediation Subcommittee and appoint other members to serve.

Hearing Date.

The hearing committee shall meet to hear the matter within 20 days of receipt of the request for a hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

Notice. The faculty member requesting a hearing shall receive written notice of the specific charges and of the hearing at least 10 days prior to the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the hearing process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 4.04 through 4.07, the provisions of Chapter 227.45, 227.46, and 801.11 (1)(c) of the Wisconsin statutes, these policies and procedures, and the guidelines for hearings under 4.04 (which may be found in the following subsection or requested from the chairperson of the Faculty Mediation Subcommittee);
- establish appropriate communication with the chancellor, vice chancellor, faculty member, appropriate dean, and department chairperson, and keep each informed of the proceedings in the hearing;
- keep records of all correspondence among all the principals from the initiation of the hearing through its conclusion;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare a summary of the evidence and the written report of the committee's findings and recommendations and transmit these materials to the faculty member and to the chancellor (for transmittal to the Board pursuant to the provisions of UWSP 4.07), and send copies of the report to the faculty member's department chairperson and dean, and to the vice chancellor;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the faculty member, the chancellor, the vice chancellor, the appropriate dean, the department chairperson, the individual(s) who brought the complaint leading to the formal charges, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing shall include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;

NOTE. If counsel has been requested by the committee from the chancellor, notice shall include a statement that the committee will have legal counsel present at the hearing.

- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but the faculty member requesting the hearing, upon timely written request to the chairperson, has the right to request an open evidentiary hearing and any such request shall be honored;
- ♦ of whether the faculty member has requested an open evidentiary hearing;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the hearing;
- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;
- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the burden of proof of the existence of just cause for dismissal is on the administration or its representative;
- ♦ that the faculty member has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that if the faculty member is not tenured and proceedings are not concluded before the expiration of the faculty member's appointment, the proceedings will terminate at the normal expiration of the appointment unless the faculty member sends a written request to the chair-person of the Faculty Mediation Subcommittee that the proceedings be carried to their conclusion;
- ♦ that discontinuance of the proceedings by the university is deemed a withdrawal of the charges and a finding that the charges were without merit;
- ♦ that nothing shall prevent the settlement of the case by mutual agreement of the parties, provided that such settlement is reached prior to a final decision by the Board;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the matter is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;

- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the hearing committee will give a written statement of its findings and recommendations to the chancellor, the vice chancellor, the appropriate dean, the department chairperson, and the faculty member; and
- ♦ that the faculty member's and the chancellor's copies will be accompanied by both a verbatim record of the hearing and a summary of the evidence, unless the faculty member is represented by counsel, in which case the verbatim record and summary will be sent to counsel.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the faculty member) and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the faculty member and the hearing are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson shall collect all drafts and other documents related to the hearing from the members of the committee, from any appointed secretary, and from all other parties except the faculty member and faculty member's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report shall be sealed and filed in the office of the chancellor for a period of 5 years, after which they shall be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The hearing process consists of two parts, an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation. Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The burden of proof on the existence of just cause for dismissal is on the administration. The hearing committee shall make a verbatim record of the hearing.

Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee will prepare a summary of the evidence and write a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee must sign the final report or file a dissent. The report shall be distributed within 10 days of the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law, unless the chairperson of the hearing committee receives from the faculty member a written request for an open evidentiary hearing, in which case all evidentiary sessions will be open. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the hearing may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the faculty member;
- the chancellor or a designee;
- the individual(s) making the complaint upon which charges were based;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the grievance (delineated above) and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are

permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings of fact and decision.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Faculty Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

If the committee has legal counsel, the chairperson may request the advice of counsel on all matters pertaining to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of open meetings, if an open meeting has been requested, or
 - ♦ a request for a motion to close the hearing under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the faculty member, and the faculty member's representative(s), if any.
- Introduction of the chancellor or the chancellor's designee, and the chancellor's or the designee's representative(s), if any.
- Reading of the charges for the record by a member of the administration or its representative.
- Presentation of the administration's case, including testimony from the individual(s) making the complaint upon which the charges are based, but not the testimony of other witnesses.
- Questions of the administration or the individual making the complaint by the faculty member or the faculty member's representative.
- Presentation of witnesses on behalf of the administration.
- Questions of the administration's witnesses by the faculty member or the faculty member's representative.
- Rebuttal questions of any of these parties by the administration or its representative.
- Presentation of testimony by the faculty member or the faculty member's representative but not the testimony of witnesses.
- Questions of the faculty member by the administration or its representative.
- Presentation of witnesses on behalf of the faculty member.
- Questions of faculty member's witnesses by the administration or its representative.

- Rebuttal questions of any of these parties by the faculty member or the faculty member's representative.
- Questions of the faculty member's and the administration's witnesses by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the administration or its representative.
- Questions of committee witnesses by the faculty member or the faculty member's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the administration or its representative.
- Rebuttal or closing comments by the faculty member or the faculty member's representative.
- Questions of the faculty member by members of the hearing committee.
- Questions of the administration by members of the hearing committee.
- Additional questions, if any, of the faculty member or the administration by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and will conduct a roll call vote on the motion.

Deliberative Meeting.

The hearing committee deliberates on the hearing and writes a summary of the evidence and a report which includes the findings and recommendations of the committee.

Findings.

A finding that the facts are as described by the administration is not in itself enough to recommend dismissal or a lesser sanction.

Cause for Dismissal.

To warrant a finding for dismissal, the committee must be convinced by the evidence that substantial or fundamental harm to the institution has resulted directly and substantially from the faculty member's actions in carrying out professional responsibilities, and that dismissal is the most appropriate response by the university.

Burden of Proof.

The burden of proof is on the administration to show that cause exists for dismissal or a lesser sanction.

Validity of Charges.

Decisions on the validity of the charges shall be determined by a majority of the members of the hearing committee. The vote(s) shall be a roll call vote, which shall be recorded.

Recommendations.

The committee's report and recommendations, which includes support for the recommendations, are sent to the chancellor as soon as feasible following the conclusion of the deliberative session(s).

- If the committee finds that the administration has not met the burden of proof or that cause for discipline does not exist, it shall recommend that the charges be found without merit and withdrawn.
- If the committee finds that the administration has met the burden of proof and that dismissal is the most appropriate response, it shall recommend dismissal.
- If the committee finds that the administration has met the burden of proof for cause for discipline but for a sanction less than dismissal, it shall recommend an appropriate sanction other than dismissal.
 - ♦ To warrant a finding for a severe sanction but less than dismissal, the committee must be convinced by the evidence that significant or grievous harm to the institution has resulted directly and substantially from the faculty member's actions in carrying out professional responsibilities, and that a severe sanction but less than dismissal is the most appropriate response by the university.
 - ♦ Severe sanctions less than dismissal include but are not limited to
 - suspension without pay for a specified period;
 - a freeze in salary for a specified period;
 - a reduction in salary;
 - a reduction in rank;
 - reassignment;
 - counseling or other similar rehabilitation; and
 - appropriate compensation and/or service.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a summary of the evidence and a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of deliberations.
- The chairperson provides a verbatim record of the hearing, a summary of the evidence, and a copy of the report to both the faculty member and the chancellor, and a copy each of the report to the vice chancellor, the appropriate dean, and the faculty member's department chairperson.

Chancellor's Action.

The chancellor shall afford the faculty member an opportunity to discuss the report within 20 days after receiving it from the committee. Within 20 days of the meeting with the faculty member (or 30 days from the receipt of the report if the faculty member declines to meet), the chancellor prepares written recommendations for the Board

unless the chancellor's proposed recommendations differ substantially from those of the committee or the chancellor decides on a sanction less severe than dismissal.

Substantial Differences.

If the chancellor's proposed recommendations differ substantially from those of the hearing committee, the chancellor promptly consults the committee and provides it a reasonable opportunity for a written response prior to forwarding the recommendations to the Board.

Dismissal Recommended.

If the recommendation is for dismissal, the chancellor submits it through the president of the System to the Board, along with a copy of the subcommittee's report and recommendations. A copy of the chancellor's recommendation is also sent to the faculty member.

Lesser Sanction.

If the chancellor determines that disciplinary action less severe than dismissal is appropriate, the chancellor may take such action after having met with the faculty member to discuss the record. However, upon written request of the faculty member, the chancellor shall submit the proposed course of action as a recommendation to the Board through the president. Any such recommendation shall also be accompanied by a copy of the hearing committee's report and recommendations.

Possible Board Action.

Refer to UWSP 4.08 for options available to the Board.

No Double Jeopardy.

After notification to the faculty member of the final decision by the chancellor or the board, the faculty member may not again be placed in jeopardy for the same incident(s) of alleged behavior.

SECTION 12

OVERVIEW OF THE PROCESS AND PROCEDURES FOR REVIEW HEARING OF LAYOFF/TERMINATION OF FACULTY FOR FINANCIAL EMERGENCY UNDER UWSP 5.12

(See Chapters UWS & UWSP 5)

INTRODUCTORY COMMENTS.

Applicable Documents.

A faculty member who has received notification of layoff or who is contemplating a request for hearing on layoff or termination is advised to become familiar with

- Chapters UWSP 1 - 6, the institutional faculty personnel rules;
- departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System faculty personnel rules;
- Chapters 227.45 and 227.46 of the Wisconsin statutes; and
- related documents in this handbook.

Counsel.

A faculty member who has received notification of layoff or who is contemplating a hearing on layoff or termination may wish to seek advice from senior faculty familiar with the policies and procedures, and is advised to retain legal counsel. The right to be represented at hearings by individuals of the faculty member's choice is guaranteed under Chapters UWS and UWSP 5.

Time Limits.

Termination of Appeal.

Failure to meet any time limits established by these procedures will likely end the proceedings. A faculty member considering an appeal of notification of layoff or termination is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reason-able time period; nevertheless, the appeal process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of the body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the body specifically state otherwise.

Personnel Matters.

No faculty member under consideration for any personnel matter may be excluded from a department or unit meeting at which the matter is to be considered, even if the meeting is moved into closed session. No faculty member may be excluded

from any departmental or unit committee meeting at which the matter is to be considered unless departmental or unit rules specifically state to the contrary.

Right to Open Meeting.

19.85 Wis. Stats.

Under the provisions of the Open Meetings Law, a faculty member has the right to request and receive an open evidentiary hearing for any meeting of a unit or subunit involving consideration of dismissal for that individual.

NOTE. (1) Although layoff for financial emergency is not considered dismissal under Board rules, it is likely that layoff is dismissal for purposes of the Open Meetings Law.

(2) A meeting with an administrator for the purpose of discussion of possible layoff, even where the end result of the discussion may be a recommendation to lay off, is not subject to the provisions of the Open Meetings Law: an individual administrator is not a "formally constituted subunit."

Under the Open Meetings Law, even when departmental or unit policies provide that subunit or committee meetings be restricted to members of the subunit or committee, any faculty member under consideration has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing involving consideration of dismissal of that individual.

Departmental Policies.

Normally, unit/departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

Declaration of Financial Emergency.

Board.

Before any member of the faculty may receive notification of layoff from the chancellor, the Board, under the provisions of UWSP 5.02, shall have declared a state of financial emergency to exist for UWSP.

Chancellor.

Before a declaration of financial emergency by the Board, the chancellor shall have consulted with the Faculty Advisory Committee as specified in UWSP 5.04 and 5.05; shall have met the requirements of 5.04 and 5.05; and shall have made appropriate recommendations to the president and the Board pursuant to UWSP 5.06.

Department.

After a Board declaration of financial emergency and before notification to any faculty, the tenured members of the affected department(s) shall make recommendations for layoff under the provisions of UWSP 5.07 and 5.08.

Notification.

A faculty member whose position has been recommended for elimination shall already have received prompt written notification from the chancellor. Written notification of layoff or termination shall include

- a summary of the reasons and evidence supporting the declaration of financial emergency;
- reasons and data leading to the selection of the colleges, schools, departments, or programs selected for reductions;

- the basis on which the individual position was identified, and the criteria, data, and reasons supporting the choice;
- the effective date of the layoff; and
- a copy of Chapter UWSP 5 and these policies and procedures.

Effective date of layoff.

Notification of layoff shall be given not less than 12 months prior to the effective date. The effective date shall coincide with the end of the academic year for an academic year appointment and shall be June 30 for an annual appointment.

Termination.

During the notification period and prior to layoff, the chancellor may offer and the faculty member may accept either

- terminal leave and retirement, or
- relocation leave accompanied by resignation.

Acceptance of either ends the faculty member's association with the UW System at the end of the leave period.

Entitlement to review.

A faculty member who has received notification of layoff is entitled to a review before a hearing committee of the Faculty Mediation Subcommittee on whether the layoff decision is appropriate.

- A faculty member who requests a review may not question the existence of a state of financial emergency or the designation of the area(s) in which faculty positions are to be eliminated.
- If a faculty member does not request a hearing, the chancellor's recommendation is considered proper and forwarded to the president of the System and the Board.

FILING REVIEW REQUEST.

Written Request.

Upon receipt of notification of designation for layoff, the faculty member has 20 days in which to request a review hearing by the Faculty Mediation Subcommittee.

- Failure to meet the 20 day deadline will likely end the opportunity for a hearing.
- The request shall be in writing and addressed to the chairperson of the subcommittee.
- As the burden of proof is on the faculty member to establish a *prima facie* case that the decision was improper, the request shall state specifically the grounds upon which the faculty member is seeking to establish the impropriety of the layoff decision.
- The request for review may also include a request for relevant information supplementary to that contained in the letter of notification.

No Request Filed.

If a faculty member notified of layoff does not file a request for hearing with the Faculty Mediation Subcommittee, the Board will take appropriate action under UWSP 5.14 upon receipt of the recommendation of the chancellor.

Required Action.

Notification.

If the chairperson determines that the individual requesting the hearing holds a faculty appointment, the chairperson will

- contact the faculty member to determine that the written request contains all pertinent facts, and to remind the faculty member of the right of access to all evidence upon which the administration intends to rely to support the decision to lay off;
- provide written notification of the request for hearing to the chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the hearing, which will be passed on to the chairperson of the hearing committee;
- provide written notification to the faculty member, the faculty member's department chairperson, the dean, the vice chancellor, the chancellor, and the chairperson of the Faculty Senate that an review hearing is in progress; and
- provide copies of all correspondence to the
 - ♦ faculty member;
 - ♦ hearing committee members; and
 - ♦ chancellor.

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Faculty Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 3.08, 3.08m, 4.04, 5.12, 6.01, 6.02, 10.04, 11.04, or other similar hearing, shall be designated as the chairperson of the committee.
- The following faculty members may not serve on the hearing committee:
 - ♦ anyone who is a member of the University Planning Committee or any of its subcommittees which participated in the consultation regarding declaration of financial emergency;
 - ♦ anyone who is a member of the faculty member's department;
 - ♦ anyone who assisted or consulted with the department regarding individual designations for layoff; and
 - ♦ anyone who is a material witness.
- If qualified, the chairperson of the Faculty Mediation Subcommittee may serve as either a member or as chairperson of the hearing committee.
- Reasonable effort will be made to ensure that the members of the hearing committee are acceptable to both parties in the hearing process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the hearing before the formal appointment.

- ♦ The decision of whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the faculty member has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members shall be made by the committee, excluding the member under challenge.
 - ♦ If members are disqualified or disqualify themselves, the remaining members consult with the chairperson of the Faculty Affairs Committee and the chairperson of the Faculty Mediation Subcommittee and appoint other members to serve.

Hearing Date.

The hearing committee shall meet to hear the matter within 20 days of receipt of the request for a hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. The faculty member requesting a hearing must receive written notice of the hearing at least 10 days prior to the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the hearing process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 5.11 through 5.14, the provisions of Chapter 227.45 and 227.46, these policies and procedures, and the guidelines for hearings (which may be found in the following subsection or requested from the chairperson of the Faculty Mediation Subcommittee);
- establish appropriate communication with the chancellor, vice chancellor, the faculty member, the appropriate dean and department chairperson, and the chairperson of the Faculty Senate, and keep each informed of the proceedings in the hearing;
- keep records of all correspondence among all the principals from the initiation of the hearing through its conclusion;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare a summary of the evidence and the written report of the committee's findings and recommendations and transmit these materials and a verbatim record of the hearing to the faculty member and to the chancellor (for transmittal to the Board pursuant to the provisions of UWSP 5.14), and send copies of the summary and the report to the faculty member's department chairperson and dean, to the chairperson of the Faculty Senate, and to the vice chancellor;
- send a copy of the hearing procedures with each written notification of the hearing, and

- send written notification of the hearing to the faculty member, the chancellor, the vice chancellor, the appropriate dean, the department chairperson, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing shall include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;

NOTE. If counsel has been requested by the committee from the chancellor, notice will include a statement that the committee will have legal counsel present at the hearing.

- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but the faculty member, upon timely written request to the chairperson, has the right to request an open evidentiary hearing and any such request must be honored;
- ♦ of whether the faculty member has requested an open evidentiary hearing;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the hearing;
- ♦ that the faculty member must establish a *prima facie* case that improper factor(s) enumerated in UWSP 5.12 (2)(a), (b), or (c) significantly entered into the decision to lay off or the committee, in deliberative session, must find the decision to have been proper, and adjourn the hearing;

NOTE. Hearings under 5.12 may require 2 evidentiary sessions and 2 deliberative sessions. These are explained later, under "Procedure for Evidentiary Hearing and Deliberative Meeting."

- ♦ that if a *prima facie* case is established, the hearing shall be reconvened and the chancellor or a designee afforded an opportunity to present evidence to support the decision, after which the faculty member may present evidence in rebuttal;
- ♦ that after hearing all the evidence, the committee must make its determination as follows--
 - The committee first determines whether 1 or more improper factors entered into the decision to lay off. Unless the committee is convinced that an improper factor entered significantly into the decision, it must find the decision to have been proper.
 - If the committee finds 1 or more improper factors may have entered into the decision but is nonetheless convinced that the same decision would have been reached had the error(s) not occurred, it must find the decision to have been proper.
 - If the committee is convinced that 1 or more improper factors entered significantly into and affected the decision, it must find the decision to have been improper.

- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;
- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the hearing committee shall give a report of its findings and decision to the chancellor, the vice chancellor, the appropriate dean, the faculty member's department chairperson, the chairperson of the Faculty Senate, and the faculty member; and
- ♦ that the faculty member's and the chancellor's copies shall be accompanied by both a verbatim record of the hearing and a summary of the evidence, unless the faculty member is represented by counsel, in which case the verbatim record and summary shall be sent to counsel.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the faculty member) and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the faculty member and the hearing are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson shall collect all drafts and other documents related to the hearing from the members of the committee, from any appointed secretary, and from all other parties except the faculty member and faculty member's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report shall be sealed and filed in the office of the chancellor for a period of 5 years, after which they shall be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The hearing process consists of an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the initial session of the evidentiary hearing is to provide an opportunity for the faculty member to present evidence that 1 or more improper factors in UWSP 5.12 (2)(a), (b), or (c) entered into the decision to lay off. The faculty member has the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The committee must make a verbatim record of the hearing.

Deliberative Session.

After the faculty member has presented evidence, the hearing committee deliberates on whether the evidence presented constitutes a *prima facie* case that 1 or more improper factors entered into the decision to lay off.

- If the hearing committee finds no case established, it finds the decision to have been proper, reports its findings to the faculty member and the chancellor, and adjourns.
- If the hearing committee finds that improper factors entered into the decision, it reconvenes in a second evidentiary hearing.

Second Evidentiary Hearing Session.

If the committee finds that a *prima facie* case was established, the chancellor or a designee is entitled to present evidence to support the layoff decision.

- Following the administration's presentation, the faculty member may present evidence in rebuttal.
- Following the faculty member's rebuttal presentation, if any, the committee reconvenes in a second deliberative session.

Second Deliberative Session.

The purpose of the second deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee shall

prepare a summary of the evidence and write a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee shall sign the final report or file a dissent. The report shall be distributed as soon as feasible following the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law, unless the chairperson of the hearing committee receives from the faculty member a written request for an open evidentiary hearing, in which case all evidentiary sessions shall be open. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the hearing may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the faculty member;
- the chancellor or a designee;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the hearing (delineated above) and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings of fact and decision.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Faculty Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

If the committee has legal counsel, the chairperson may request the advice of counsel on all matters pertaining to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of open meetings, if an open hearing has been requested, or
 - ♦ a request for a motion to close the hearing under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the faculty member, and the faculty member's representative(s), if any.
- Introduction of the chancellor or the chancellor's designee, and the administration's representative(s), if any.
- Announcement that
 - ♦ the initial session affords the faculty member the opportunity to establish a *prima facie* case that 1 or more improper factors entered into the decision to lay off;
 - ♦ following the faculty member's presentation of evidence and testimony, the hearing will be recessed to a deliberative session; and
 - ♦ depending upon the committee's findings, the hearing will either be
 - reconvened and adjourned following an announcement that no *prima facie* case was established, or
 - reconvened to permit the chancellor or a designee to present evidence in support of the decision.
- Presentation of the faculty member's case by the faculty member or the faculty member's representative, but not the testimony of witnesses.
- Questions of the faculty member by the administration or the administration's representative.
- Presentation of witnesses on behalf of the faculty member.
- Questions of witnesses by the administration or the administration's representative.
- Rebuttal questions of witnesses by the faculty member or the faculty member's representative.
- Presentation by any witnesses who may have been called by the hearing committee.
- Questions of committee witnesses by the administration or the administration's representative.
- Questions of committee witnesses by the faculty member or the faculty member's representative.
- Questions of all witnesses by members of the hearing committee.
- Recess of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date

and time of the session will be included in the motion to recess], and shall conduct a roll call vote on the motion.

Deliberative Meeting: Issue for Determination.

The committee's sole determination at this point is whether the faculty member established a *prima facie* case that 1 or more improper factors entered into the decision to lay off.

No Prima Facie Case Established.

If the committee finds that no *prima facie* case was established, the hearing shall be reconvened and the chairperson will announce the decision, indicate that the committee's report of findings will be forthcoming to the faculty member and the chancellor as soon as feasible, and adjourn the hearing.

The committee will reconvene in deliberative meeting to prepare its report of its findings and recommendation prepared as described below.

Prima Facie Case Established.

If the committee finds that a *prima facie* case was established, the hearing shall be reconvened, the chairperson will announce the decision, and proceed with the second part of the evidentiary hearing.

Determination by Vote.

Decisions on the establishment of a *prima facie* case shall be determined by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.

Second Evidentiary Hearing Session.

- Presentation of the administration's case in support of the layoff decision, but not the testimony of witnesses other than the faculty member (if the faculty member is called by the administration).
- Questions of the administration by the faculty member or the faculty member's representative.
- Presentation of witnesses on behalf of the administration.
- Questions of the witnesses by the faculty member or the faculty member's representative.
- Rebuttal questions of witnesses by the administration or its representative.
- Presentation by any witnesses who may have been called by the hearing committee.
- Questions of committee witnesses by the administration or the administration's representative.
- Questions of committee witnesses by the faculty member or the faculty member's representative.
- Questions of all witnesses by members of the hearing committee.
- Rebuttal or closing comments by the administration or the administration's representative.
- Rebuttal evidence by the faculty member or the faculty member's representative, which may include the calling of additional witnesses or the recall of witnesses previously called.
- If the faculty member calls any witnesses in rebuttal, the administration and then the committee have the opportunity to question those witnesses.

- Rebuttal or closing comments by the faculty member or the faculty member's representative.
- Questions of the administration by members of the hearing committee.
- Questions of the faculty member by members of the hearing committee.
- Rebuttal questions of the administration by members of the hearing committee, if any.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and shall conduct a roll call vote on the motion.

Second Deliberative Session.

The hearing committee shall deliberate on the hearing and shall write a summary of the evidence and a report which includes the findings of law and decision, and the recommendations of the committee.

Findings.

No Case Established.

If the faculty member did not establish a *prima facie* case in the initial part of the hearing, the committee shall find the decision to have been proper and reports this finding to the chancellor, to the faculty member, and the other parties receiving copies of the report (enumerated below).

Case Established.

If the faculty member did establish a *prima facie* case and the hearing moved into the second part of the hearing, the hearing committee shall make its determination as follows--

- The committee shall first consider whether 1 or more improper factors in UWSP 5.12 (2)(a), (b), or (c) entered into the decision to lay off.
 Unless the committee is convinced that 1 or more improper factors did enter significantly into the decision, it shall find the decision to have been proper.
- If the committee believes that improper factors may have entered into the decision but is nonetheless convinced that the same decision would have been reached had the error(s) not occurred, it shall find the decision to have been proper.
- If the committee is convinced that improper factors entered significantly into and affected the decision to lay off, it shall find the decision to have been improper.

Determination of Findings.

Decisions on the validity of the layoff and on any recommendations shall be determined by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.

Decision and Recommendations.

The committee shall send its report of findings, decision, and recommendations, if any, to the chancellor as soon as feasible following the conclusion of the deliberative session(s).

- If the committee finds the decision to lay off to have been proper, it shall so report, normally without recommendation.
- If the committee finds the decision to have been improper, it shall so report and may elect to make a recommendation, not limited because of enumeration, to
 - ♦ discontinue layoff proceedings entirely; or
 - ♦ rescind the notification of layoff for the individual and begin the layoff process anew.

Report.

At an appropriate time in the deliberations, the chairperson shall recess the meeting and shall prepare a summary of the evidence and a draft report. The draft shall be circulated among the members, after which the committee shall reconvene to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee shall sign the report or file a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call, which shall be recorded.
- The report shall be distributed as soon as feasible after the close of deliberations but not later than 20 days following adjournment.
- The chairperson provides a verbatim record of the hearing, a summary of the evidence, and a copy of the report to both the faculty member and the chancellor, and a copy each of the report to the vice chancellor, the appropriate dean, the faculty member's department chairperson, and the chairperson of the Faculty Senate.

Chancellor's Action.

Decision Found Proper.

If the committee has found the decision to have been proper, the chancellor forwards the committee's report to the president of the system and to the Board with a recommendation, and provides a copy of the recommendation to the faculty member.

Board Review.

The faculty member may request a review by the Board. The Board decides whether to grant the review. (Refer to UWSP 5.15 for Board review process.)

Review Not Granted.

If the Board chooses not to grant a review, the recommended findings of fact and decision of the committee must be the decision of the Board.

Decision Found Improper.

If the committee has found the decision to have been improper, the chancellor shall review and give careful consideration to the committee's findings.

Recommendation Accepted.

If the chancellor accepts the committee's findings, the chancellor's decision is final.

Recommendation Not Accepted.

If the chancellor contests the committee's finding that the decision was improper, the chancellor shall forward the verbatim record, the summary of the evidence, and the committee's report of findings and recommendations to the Board review panel (refer to UWSP 5.15).

- The faculty member and chancellor also receive copies of the materials forwarded to the Board and shall have a reasonable opportunity to file written exceptions to the summary, findings, and proposed decision.
- The faculty member and the chancellor are afforded the opportunity to argue orally and in writing before the Board review panel.
- The decision of the Board review panel is final.

SECTION 13

OVERVIEW OF THE PROCESS AND PROCEDURES FOR HEARING OF CHARGES AND NOTICE OF DISMISSAL OF ACADEMIC STAFF UNDER UWSP 11.04

(See Chapters UWS & UWSP 11)

NOTE. Under the provisions of UWSP 11.03 (2) and 11.12, **classroom teaching academic staff** may elect to file appeals of dismissal with either the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee, but may have access to only one subcommittee for each case. For ease of reading, all references in this chapter are to the Academic Staff Mediation Subcommittee only.

Regardless of which subcommittee hears the appeal, the hearing shall be held pursuant to the provisions of Chapter UWSP 11 and these procedures.

ALL ACADEMIC STAFF

INTRODUCTORY COMMENTS.

Coverage.

These proceedings apply to all allegations, from whatever source, concerning conduct based directly and substantially on an academic staff member's actions in carrying out professional responsibilities where such conduct has resulted in substantial or fundamental harm to the university, and which might provide cause for dismissal.

Rights.

The exercise of rights shall not constitute adequate cause for dismissal or other disciplinary action. These are rights guaranteed by

- the United States Constitution;
- the Constitution of the state of Wisconsin;
- Board action;
- System rules, policies, or procedures;
- the Constitution of the Faculty Senate;
- UWSP rules, policies, or procedures; or
- one's professional code of ethics.

Student and Peer Evaluations.

Regardless of their content, including specific allegations of inappropriate behavior, neither student nor peer evaluations are allegations of inappropriate conduct under Chapters UWS and UWSP 11 or these policies and procedures.

Applicable Documents.

An academic staff member against whom allegations of misconduct which might lead to dismissal have been brought or an individual who is contemplating bringing allegations which might lead to dismissal of an academic staff member is advised to become familiar with

- Chapters UWSP 9 - 13, the institutional academic staff personnel rules;
- unit or departmental personnel rules and procedures;

- appropriate sections of the Wisconsin Administrative Code, the UW System academic staff personnel rules;
- Chapters 801.11 (1)(c), 227.45, and 227.46 of the Wisconsin statutes; and
- related documents in this handbook.

Counsel.

An academic staff member who has been notified that an allegation of misconduct which might lead to dismissal has been received by the chancellor may wish to seek advice from senior academic staff or faculty familiar with the policies and procedures, and is advised to retain legal counsel. The right to be represented at meetings or hearings by individuals of the academic staff member's choice is guaranteed under Chapters UWS and UWSP 11 and these procedures.

Time Limits.

Termination of Hearing.

Failure to meet any time limits established by these procedures will likely end the proceedings. An academic staff member against whom allegations of misconduct have been brought is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the hearing process may be lengthy. The deliberative process in particular may take several months to conclude: the issue is significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of recesses which may occur between sessions.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of that body. In addition, no member may be excluded from meetings of any of the body's subunits unless the rules of the parent body specifically state otherwise.

Personnel Matters.

No academic staff member under consideration for any personnel matter (including consideration of filing of a complaint or taking action on a complaint) may be excluded from a unit or department meeting at which the matter is to be considered, even if the meeting is moved into closed session. No academic staff member may be excluded from any unit or departmental committee meeting at which the matter is to be considered unless unit or departmental rules specifically state to the contrary.

Right to Open Meeting.

19.85 Wis. Stats.

Under the provisions of the Open Meetings Law, an academic staff member has the right to request and receive an open evidentiary hearing for any meeting of a unit or subunit involving consideration of disciplinary action against that individual.

NOTE. A meeting with an administrator or a chairperson for the purpose of discussion or investigation of allegations of charges which might lead to dismissal, even where the end result of the discussion or investigation may be a recommendation for disciplinary action or hearing, is not subject to the

provisions of the Open Meetings Law: neither an individual administrator nor a chairperson is a "formally constituted subunit."

Under the Open Meetings Law, even when departmental or unit policies provide that subunit or committee meetings be restricted to members of the subunit or committee, any academic staff member under consideration has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing involving consideration of disciplinary action against that individual.

Unit/Departmental Policies.

Normally, unit/departmental policies will require a written request for an open meeting reasonably in advance of the meeting.

Settlement.

Nothing in these procedures or in Chapters UWS or UWSP 11 shall be construed to prevent the settlement of allegations by mutual agreement between the administration and the academic staff member, with the approval of the chancellor, at any time in the proceedings prior to a final decision by the chancellor, or when appropriate, with the Board's approval prior to a final decision by the Board.

- Any such settlement consists of an appropriate response, which may include disciplinary action, mutually agreed upon by the academic staff member and the chancellor, and, where appropriate, having the approval of the Board.
- Every settlement shall be reduced to writing and signed by the academic staff member and the chancellor; no further action shall be taken on the matter.
- One copy of the signed document shall be retained by the chancellor and one given to the academic staff member.

Charges.

Basis for Charges.

Dismissal of an academic staff member may be sought only for cause based directly and substantially on the academic staff member's conduct in carrying out professional responsibilities where such conduct has resulted in substantial or fundamental harm to the university.

Complaints to Chancellor.

Whenever any official receives a complaint which might lead to dismissal, the complainant and the complaint shall immediately be referred to the chancellor for action.

Filing of Charges.

Charges seeking dismissal of an academic staff member shall be filed by the appropriate chancellor's designee.

INDEFINITE APPOINTMENT ACADEMIC STAFF

Under the provisions of UWSP 11.12, a member of the academic staff whose primary responsibility is as a classroom teacher, with a fixed term appointment of .5 FTE or more, and who has accumulated 7 academic years of service at .5 FTE or more per semester follows the same procedures as academic staff holding indefinite appointments. In this subsection, wherever the phrase

"teaching academic staff" appears, it refers *only to those fixed term personnel*.

PROCEDURES UPON RECEIPT OF A COMPLAINT.

Chancellor's Action on a Complaint.

Whenever the chancellor receives or initiates a complaint against a teaching academic staff member or an academic staff member holding an indefinite appointment and where the complaint might lead to dismissal, before taking any action other than discussing the allegations with a designee or the complainant, the chancellor (or a designee) shall promptly notify the appropriate director or dean of the allegations and ask the administrator to take appropriate action.

In those instances where the immediate supervisor of the academic staff member concerned is a director or dean, the chancellor shall appoint an appropriate administrative officer to carry out the director's or dean's responsibilities under UWSP 11.02 and these procedures.

Notification of Complaint Required; Administrator's Action.

Informal Discussion.

When a director, dean, or other administrator receives from the chancellor notification of allegations of misconduct which might lead to dismissal of a teaching academic staff member or an academic staff member holding an indefinite appointment, the administrator may consult with appropriate administrative personnel or System legal counsel and shall

- promptly send written notification of the allegations to the academic staff member;
 - afford the academic staff member the opportunity to meet promptly to discuss the complaint informally; and
- proceed immediately to an investigation of the charges if the academic staff member declines to meet.
 - ♦ Notification normally shall be within 7 working days of the receipt of the allegations from the chancellor.
 - ♦ The administrator's offer of the opportunity for an informal discussion may be in the notification of the allegations or by telephone.
 - ♦ Normally, no meeting with an academic staff member on such allegations shall occur before the academic staff member has received written notification of the allegations reasonably in advance of the meeting.
 - ♦ Normally, the administrator shall not proceed with any investigation of allegations before the academic staff member has received written notification of the allegations and met or declined to meet with the administrator informally to discuss the allegations.
 - ♦ Accompanying the notification of allegations shall be a copy of these procedures and information as to where to locate other rights under UWS/UWSP 11.

NOTE. An academic staff member against whom a complaint is made and who is invited to meet informally on the complaint or to respond to the complaint is advised to consult legal counsel.

- Informal discussion with the administration may be advisable but an academic staff member is not obligated to meet with the administrator.
- If the academic staff member decides to meet informally with the administrator, the academic staff member is advised to bring a representative, which may be legal counsel, to the informal discussion.

Informal Discussion Outcomes.

One of these alternatives will result from the informal discussion--

- the administrator will determine that the complaint is unjustified: no charges will be filed nor will other action adverse to the academic staff member be taken;
 If the administrator determines the complaint is unjustified, a written statement to that effect shall be sent to the academic staff member and the chancellor, and a copy placed in the academic staff member's personnel file.
- the administrator will determine that the complaint may be justified and either
 - ♦ the administrator and the academic staff member will agree to a mutually satisfactory resolution, which will end the matter; or
 - ♦ the administrator will proceed to an investigation of the charges.

Investigation Outcomes.

One of these alternatives will result from the administrator's investigation--

- the administrator will determine and inform the academic staff member that the complaint is unjustified: no charges will be filed nor will other action adverse to the academic staff member be taken; or
 If the administrator determines the complaint is unjustified, a written statement to that effect shall be sent to the academic staff member and the chancellor, and a copy placed in the academic staff member's personnel file.
- the administrator will determine and inform the academic staff member that the complaint is justified but warrants disciplinary action less severe than dismissal, and the university will proceed under the provisions of Chapter UWSP 13.01; or
- the administrator will determine and notify the academic staff member that the complaint is justified and file formal charges for dismissal against the academic staff member.

Request for Hearing.

A member of the teaching academic staff or an academic staff member who holds an indefinite appointment who has received a formal statement of charges seeking dismissal has 20 days from the receipt of the charges to request a hearing conducted under the auspices of the Academic Staff Mediation Subcommittee.

Hearing Outcomes.

Following a hearing on charges for dismissal, the hearing committee issues its report of findings and recommendations. The committee may find that the charges are without foundation or not proven, that the charges are valid but a sanction less than dismissal is warranted, or that the charges are valid and dismissal is an appropriate response on the part of the university.

Termination of Proceedings.

Indefinite Appointment.

If the hearing process for an academic staff member holding an indefinite appointment is not concluded before the academic staff member's retirement or resignation, the proceedings will automatically end at the academic staff member's retirement or resignation unless the academic staff member sends a written request to the chairperson of the Academic Staff Mediation Subcommittee that the proceedings continue to their conclusion.

Fixed Term Appointment.

If the hearing process for an academic staff member holding a fixed term appointment is not concluded before the expiration of the appointment or the academic staff member's retirement or resignation, the proceedings will automatically end at the expiration of the appointment or the academic staff member's retirement or resignation unless the academic staff member sends a written request to the chairperson of the Academic Staff Mediation Subcommittee that the proceedings continue to their conclusion.

Discontinuance.

If the university discontinues proceedings for dismissal against an academic staff member who has requested a hearing, the charges are deemed to be withdrawn and without merit.

Settlement.

The proceedings may be discontinued by a settlement reached by mutual agreement between the administration and the academic staff member and with the concurrence of the chancellor prior to a final decision by the chancellor, or if appropriate, concurrence of the Board prior to a final decision by the Board.

Continuation of Duties and Salary.

Suspension.

Unless the chancellor, in consultation with the Academic Staff Council, specifically finds that substantial harm may result to the institution if an academic staff member whose dismissal is sought continues with normal duties, the academic staff member shall not be relieved of those duties pending the final decision of the chancellor, or where appropriate, the Board.

Salary.

If an academic staff member is suspended before the final decision on dismissal by the chancellor or Board, the academic staff member's salary shall nonetheless be continued until the decision is reached.

FILING A REQUEST FOR HEARING.

Written Request.

Upon receipt of a formal statement of specific charges for dismissal, a teaching academic staff member or an academic staff member holding an indefinite appointment has 20 days in which to request a hearing by the Academic Staff Mediation Subcommittee.

- Failure to meet the 20 day deadline will likely end the opportunity for a hearing.
- The request shall be in writing and addressed to the chairperson of the subcommittee.
- The request should provide a historical resume of all actions taken to this point.

No Request Filed.

If an academic staff member whose dismissal is sought does not file a request for a hearing with the Academic Staff Mediation Subcommittee, the dismissal will proceed along normal administrative lines and the decision of the chancellor shall be final.

Required Action.

Notification.

If the chairperson determines that the individual requesting a hearing holds a teaching academic staff appointment or an indefinite academic staff appointment, the chairperson shall

- provide written notification of the request for hearing to the chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the hearing, which will be passed on to the chairperson of the hearing committee;
- provide written notification that the hearing procedure is in progress to
 - ♦ the academic staff member;
 - ♦ the administrative heads of the appellant's operational area and unit, the chairperson of the unit's personnel committee, and the appropriate executive director and vice chancellor (or the chairperson of the appellant's departmental personnel committee, department chairperson, and dean); and
 - ♦ the chairpersons of the Academic Staff Council and the Faculty Senate; and
 - ♦ the chancellor; and
- provide copies of all correspondence to the
 - ♦ academic staff member;
 - ♦ hearing committee members; and
 - ♦ chancellor.

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Academic Staff Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each division or college.

- Normally, at least 3 of the appointed members shall have had either
 - ♦ previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02

- or other similar hearing, shall be designated as the chairperson of the committee.
- No individual who participated in the investigation leading to the filing of charges, or in the filing of charges, or who is a material witness, or who is a member of the same unit or department as the academic staff member requesting the hearing may serve on the hearing committee.
- The chairperson of the Academic Staff Mediation Subcommittee, if otherwise qualified, may serve as either a member or as chairperson of the hearing committee.
- Reasonable effort will be made to ensure that the members of the hearing committee are acceptable to both parties in the hearing process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the hearing before the formal appointment.
 - ♦ The decision of whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the academic staff member has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members shall be made by the committee, excluding the member under challenge.
 - ♦ If members are disqualified or disqualify themselves, the remaining members consult with the chairperson of the Academic Staff Council and the chairperson of the Academic Staff Mediation Subcommittee and appoint other members to serve.

Hearing Date.

The hearing committee shall meet to hear the matter within 20 days of receipt of the request for a hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

Notice. The academic staff member requesting a hearing shall receive written notice of the specific charges and of the hearing at least 10 days prior to the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the hearing process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 11.04 through 11.07, the provisions of Chapter 227.45, 227.46, and 801.11 (1)(c) of the Wisconsin statutes, these policies and procedures, and the guidelines for hearings under 11.04 (which may be found in the following subsection or requested from the chairperson of the Academic Staff Mediation Subcommittee);
- establish appropriate communication with the chancellor, provost, academic staff member, appropriate executive director and vice chancellor, or dean, and unit administrative head, or department chairperson, and keep each informed of the proceedings in the hearing;
- keep records of all correspondence among all the principals from the initiation of the hearing through its conclusion;

- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare a summary of the evidence and the written report of the committee's findings and recommendations and transmit these materials to the academic staff member and to the chancellor, and send copies of the report to the academic staff member's unit head or department chairperson, executive director and vice chancellor, or dean, and to the provost;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the academic staff member, the chancellor, the provost, the appropriate executive director and vice chancellor, or dean, the unit head or department chairperson, the individual(s) who brought the complaint leading to the formal charges, and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing shall include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;

NOTE. If counsel has been requested by the committee from the chancellor, notice shall include a statement that the committee will have legal counsel present at the hearing.

- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but the academic staff member requesting the hearing, upon timely written request to the chairperson, has the right to request an open evidentiary hearing and any such request shall be honored;
- ♦ of whether the academic staff member has requested an open evidentiary hearing;
- ♦ that both parties have a right to copies of all documentary evidence relevant to the hearing;
- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;
- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;

- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that the burden of proof of the existence of just cause for dismissal is on the administration or its representative;
- ♦ that the academic staff member has the right to a verbatim record of the hearing, which may be a sound recording, at no cost;
- ♦ that if the proceedings are not concluded before the retirement or resignation of the academic staff member, the proceedings will terminate at the academic staff member's retirement or resignation unless the academic staff member sends a written request to the chairperson of the Academic Staff Mediation Subcommittee that the proceedings be carried to their conclusion;
- ♦ that discontinuance of the proceedings by the university is deemed a withdrawal of the charges and a finding that the charges were without merit;
- ♦ that nothing shall prevent the settlement of the case by mutual agreement of the parties and the agreement of the chancellor, provided that such settlement is reached prior to a final decision by the chancellor, or where appropriate, approval of the Board prior to a final decision by the Board;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the hearing committee will give a written statement of its findings and recommendations to the chancellor, the provost, the appropriate executive director and vice chancellor, or dean, the unit head or department chairperson, and the academic staff member; and
- ♦ that the academic staff member's and the chancellor's copies will be accompanied by both a verbatim record of the hearing and a summary of the evidence, unless the academic staff member is represented by counsel, in which case the verbatim record and summary will be sent to counsel.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the academic staff member) and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the academic staff member and the hearing are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or faculty governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson shall collect all drafts and other documents related to the hearing from the members of the committee, from any appointed secretary, and from all other parties except the academic staff member and academic staff member's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report shall be sealed and filed in the office of the chancellor for a period of 5 years, after which they shall be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The hearing process consists of 2 parts, an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the evidentiary hearing is to determine the facts of the situation. Both parties may provide evidence at the evidentiary hearing and both parties have the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The burden of proof on the existence of just cause for dismissal is on the administration. The hearing committee shall make a verbatim record of the hearing.

Deliberative Meeting.

The purpose of the deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee will prepare a summary of the evidence and write a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee must sign the final report or file a dissent. The report shall be distributed within 10 days of the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law, unless the chairperson of the hearing committee receives from the academic staff member a written request for an open evidentiary

hearing, in which case all evidentiary sessions will be open. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the hearing may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the academic staff member;
- the chancellor or a designee;
- the individual(s) making the complaint upon which charges were based;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the grievance and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings of fact and decision.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Academic Staff Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

If the committee has legal counsel, the chairperson may request the advice of counsel on all matters pertaining to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either

- ♦ explanation of limitations of open meetings, if an open meeting has been requested, or
 - ♦ a request for a motion to close the hearing under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the academic staff member, and the academic staff member's representative(s), if any.
- Introduction of the chancellor or the chancellor's designee, and the chancellor's or the designee's representative(s), if any.
- Reading of the charges for the record by a member of the administration or its representative.
- Presentation of the administration's case, including testimony from the individual(s) making the complaint upon which the charges are based, but not the testimony of other witnesses.
- Questions of the administration or the individual making the complaint by the academic staff member or the academic staff member's representative.
- Presentation of witnesses on behalf of the administration.
- Questions of the administration's witnesses by the academic staff member or the academic staff member's representative.
- Rebuttal questions of any of these parties by the administration or its representative.
- Presentation of testimony by the academic staff member or the academic staff member's representative but not the testimony of witnesses.
- Questions of the academic staff member by the administration or its representative.
- Presentation of witnesses on behalf of the academic staff member.
- Questions of academic staff member's witnesses by the administration or its representative.
- Rebuttal questions of any of these parties by the academic staff member or the academic staff member's representative.
- Questions of the academic staff member's and the administration's witnesses by members of the hearing committee.
- Presentation by any witnesses who may have been called by the hearing committee and questions of these witnesses by members of the hearing committee.
- Questions of committee witnesses by the administration or its representative.
- Questions of committee witnesses by the academic staff member or the academic staff member's representative.
- Additional questions, if any, of witnesses by members of the hearing committee.
- Rebuttal or closing comments by the administration or its representative.
- Rebuttal or closing comments by the academic staff member or the academic staff member's representative.
- Questions of the academic staff member by members of the hearing committee.
- Questions of the administration by members of the hearing committee.
- Additional questions, if any, of the academic staff member or the administration by members of the hearing committee.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and will conduct a roll call vote on the motion.

Deliberative Meeting.

The hearing committee deliberates on the hearing and writes a summary of the evidence and a report which includes the findings and recommendations of the committee.

Findings.

A finding that the facts are as described by the administration is not in itself enough to recommend dismissal or a lesser sanction.

Cause for Dismissal.

To warrant a finding for dismissal, the committee must be convinced by the evidence that substantial or fundamental harm to the institution has resulted directly and substantially from the academic staff member's actions in carrying out professional responsibilities, and that dismissal is the most appropriate response by the university.

Burden of Proof.

The burden of proof is on the administration to show that cause exists for dismissal or a lesser sanction.

Validity of Charges.

Decisions on the validity of the charges shall be determined by a majority of the members of the hearing committee. The vote(s) shall be a roll call vote, which shall be recorded.

Recommendations.

The committee's report and recommendations, which includes support for the recommendations, are sent to the chancellor as soon as feasible following the conclusion of the deliberative session(s).

- If the committee finds that the administration has not met the burden of proof or that cause for discipline does not exist, it shall recommend that the charges be found without merit and withdrawn.
- If the committee finds that the administration has met the burden of proof and that dismissal is the most appropriate response, it shall recommend dismissal.
- If the committee finds that the administration has met the burden of proof for cause for discipline but for a sanction less than dismissal, it shall recommend an appropriate sanction other than dismissal.
 - ♦ To warrant a finding for a severe sanction but less than dismissal, the committee must be convinced by the evidence that significant or grievous harm to the institution has resulted directly and substantially from the academic staff member's actions in carrying out professional responsibilities, and that a severe sanction but less than dismissal is the most appropriate response by the university.
 - ♦ Severe sanctions less than dismissal include but are not limited to
 - suspension without pay for a specified period;

- a freeze in salary for a specified period;
- a reduction in salary;
- a demotion in title;
- reassignment;
- counseling or other similar rehabilitation; and
- appropriate compensation and/or service.

Report.

At an appropriate time in the deliberations, the chairperson recesses the meeting and prepares a summary of the evidence and a draft report. The draft is circulated among the members, after which the committee reconvenes to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee signs the report or files a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.
- The report shall be distributed not later than 10 days following the close of deliberations.
- The chairperson provides a verbatim record of the hearing, a summary of the evidence, and a copy of the report to both the academic staff member and the chancellor, and a copy each of the report to the provost; the appropriate executive director and vice chancellor, or dean; and the academic staff member's unit head or department chairperson.

Chancellor's Action.

The chancellor shall afford the academic staff member an opportunity to discuss the report within 20 days after receiving it from the committee. Within 20 days of the meeting with the academic staff member (or 30 days from the receipt of the report if the academic staff member declines to meet), the chancellor shall provide the academic staff member with a written decision, which shall be final unless the Board, at the request of the academic staff member, grants a review on the record.

Substantial Differences.

If the chancellor's proposed decision differs substantially from the recommendations of the hearing committee, the chancellor shall promptly consult the committee and provide it a reasonable opportunity for a written response prior to rendering a final decision.

Dismissal Recommended.

If the recommendation is for dismissal, the chancellor must specify the effective date of dismissal. If the Board grants review and concurs in the decision to dismiss, the Board shall specify the effective date of dismissal in its decision.

Lesser Sanction.

If the chancellor determines that disciplinary action less severe than dismissal is appropriate, the chancellor may take such action after having met with the academic staff member to discuss the record.

Possible Board Action.

Refer to UWSP 11.10 for options available to the Board.

No Double Jeopardy.

After notification to the academic staff member of the final decision by the chancellor or the board, the academic staff member may not again be placed in jeopardy for the same incident(s) of alleged inappropriate behavior.

PROBATIONARY ACADEMIC STAFF AND FIXED TERM ACADEMIC STAFF WHOSE PRIMARY RESPONSIBILITY IS OTHER THAN CLASSROOM TEACHING

NOTE. Although the term "fixed term" is used throughout this subsection, the proceedings apply only to those fixed term academic staff whose primary responsibilities are other than classroom teaching. Classroom teaching academic staff are covered in the previous subsection.

PROCEDURES UPON RECEIPT OF A COMPLAINT.

Chancellor's Action.

Whenever the chancellor receives or initiates a complaint against an academic staff member holding a probationary or fixed term appointment and where the complaint might lead to dismissal, before taking any action other than discussing the allegations with a designee or the complainant, the chancellor (or a designee) shall promptly notify an appropriate administrative officer of the allegations and ask the administrator to take appropriate action.

Notification of Complaint Required; Administrator's Action.

Informal Discussion.

When an administrator receives from the chancellor notification of allegations of misconduct which might lead to dismissal of an academic staff member holding a probationary or a fixed term appointment, the administrator may consult with appropriate administrative personnel or System legal counsel and shall

- promptly send written notification of the allegations to the academic staff member;
- afford the academic staff member the opportunity to meet promptly to discuss the complaint informally; and
- proceed immediately to an investigation of the charges if the academic staff member declines to meet.
 - ♦ Notification normally shall be within 7 working days of the receipt of the allegations from the chancellor.
 - ♦ The administrator's offer of the opportunity for an informal discussion may be in the notification of the allegations or by telephone.
 - ♦ Normally, no meeting with an academic staff member on such allegations shall occur before the academic staff member has received written notification of the allegations reasonably in advance of the meeting.
 - ♦ Normally, the administrator shall not proceed with any investigation of allegations before the academic staff member has received written notification of the allegations and met or declined to meet with the administrator informally to discuss the allegations.

- ♦ Accompanying the notification of allegations shall be a copy of these procedures and information as to where to locate other rights under UWS/UWSP 11.

NOTE. An academic staff member against whom a complaint is made and who is invited to meet informally on the complaint or to respond to the complaint is advised to consult legal counsel.

- Informal discussion with the administration may be advisable but an academic staff member is not obligated to meet with the administrator.
- If the academic staff member decides to meet informally with the administrator, the academic staff member is advised to bring a representative, which may be legal counsel, to the informal discussion.

Informal Discussion Outcomes.

One of these alternatives will result from the informal discussion--

- the administrator will determine that the complaint is unjustified: no charges will be filed nor will other action adverse to the academic staff member be taken;

If the administrator determines the complaint is unjustified, a written statement to that effect shall be sent to the academic staff member and the chancellor, and a copy placed in the academic staff member's personnel file.

- the administrator will determine that the complaint may be justified and either
 - ♦ the administrator and the academic staff member will agree to a mutually satisfactory resolution, which will end the matter; or
 - ♦ the administrator will proceed to an investigation of the charges.

Investigation Outcomes.

One of these alternatives will result from the administrator's investigation--

- the administrator will determine and inform the academic staff member that the complaint is unjustified: no charges will be filed nor will other action adverse to the academic staff member be taken; or

If the administrator determines the complaint is unjustified, a written statement to that effect shall be sent to the academic staff member and the chancellor, and a copy placed in the academic staff member's personnel file.

- the administrator will determine and inform the academic staff member that the complaint is justified but warrants disciplinary action less severe than dismissal, and the university will proceed under the provisions of Chapter UWSP 13.01; or
- the administrator will determine and notify the academic staff member that the complaint is justified and file formal charges for dismissal, including the effective date of dismissal, against the academic staff member.

Any formal charge must also be accompanied by the proffer of an opportunity for a hearing before the academic staff member's executive director (or vice chancellor, if there is no executive director for the unit) or dean.

Request for Administrative Hearing.

An academic staff member who holds a probationary or fixed term appointment and who has received a formal statement of charges seeking dismissal has 20 days from the receipt of the charges to request a hearing before the appropriate vice chancellor or dean.

Hearing Agent.

In those instances where the academic staff member's immediate supervisor is an vice chancellor or dean, and was involved in bringing or investigating the complaint, the chancellor shall appoint another administrator to conduct the administrative hearing.

Hearing Procedure.

A hearing before the vice chancellor or dean shall provide the academic staff member the opportunity to present evidence and argument concerning the allegations. Normally, this hearing will not include testimony from witnesses but the administrator may elect to hear the individual bringing the complaint and the individual conducting the investigation into the complaint.

Hearing Outcomes.

Following the hearing, the administrator determines the validity of the allegations and acts on one of these options--

- the administrator will determine and inform the academic staff member that the complaint is unjustified: no charges will be filed nor will other action adverse to the academic staff member be taken; or
- the administrator will determine and inform the academic staff member that the complaint is justified but warrants disciplinary action less severe than dismissal, and render a written decision which may include an appropriate disciplinary response; or
- the administrator will determine and notify the academic staff member that the complaint is justified and dismiss the academic staff member.

Dismissal shall be effective upon receipt of the written notice of dismissal unless a different dismissal date is specified by the administrator.

No Administrative Hearing Requested.

If the academic staff member has not requested a hearing, the effective date of dismissal shall be as specified in the original statement of charges.

Request for Appeal Hearing.

An academic staff member who holds a probationary or fixed term appointment and who has received a formal statement of dismissal has 20 days from the receipt of the statement to request an appeal hearing conducted under the auspices of the Academic Staff Mediation Subcommittee.

Hearing Outcomes.

Following an appeal hearing on the dismissal, the hearing committee issues its report of findings and recommendations. The committee may find that the charges are without

foundation or not proven, that the charges are valid but a sanction less than dismissal is warranted, or that the charges are valid and dismissal is an appropriate response on the part of the university.

Termination of Proceedings.

If the hearing process for an academic staff member holding a probationary or fixed term appointment is not concluded before the academic staff member's appointment expires, the proceedings will automatically end at the expiration of the academic staff member's appointment unless the academic staff member sends a written request to the chairperson of the Academic Staff Mediation Subcommittee that the proceedings continue to their conclusion. Continuation of the process shall not be construed as an extension of the term of appointment.

Discontinuance.

If the university discontinues proceedings for dismissal against an academic staff member who has requested a hearing, the charges are deemed to be withdrawn and without merit.

Settlement.

The proceedings may be discontinued by a settlement reached by mutual agreement between the administration and the academic staff member and with the concurrence of the chancellor prior to a final decision by the chancellor, or if appropriate, concurrence of the Board prior to a final decision by the Board.

Continuation of Duties and Salary.

Suspension.

Unless the chancellor, in consultation with the Academic Staff Council, specifically finds that substantial harm may result to the institution if an academic staff member whose dismissal is sought continues with normal duties, the academic staff member shall not be relieved of those duties pending the final decision of the chancellor, or where appropriate, the Board.

Salary.

If an academic staff member is suspended before the final decision on dismissal by the chancellor or Board, the academic staff member's salary shall nonetheless be continued until the decision is reached.

Expiration of Appointment.

Where an academic staff member's appointment has expired and following an appeal, the chancellor (or where appropriate, the Board) finds on behalf of the academic staff member, salary lost during the period shall be restored pursuant to the provisions of UWSP 11.11 (6).

FILING A REQUEST FOR HEARING.

Written Request.

Upon receipt of a formal statement of dismissal, an academic staff member holding a probationary or fixed term appointment has 20 days in which to request a hearing by the Academic Staff Mediation Subcommittee.

- Failure to meet the 20 day deadline will likely end the opportunity for a hearing.
- The request shall be in writing and addressed to the chairperson of the subcommittee.
- The request should provide a historical resume of all actions taken to this point.

No Request Filed.

If an academic staff member who has received notice of dismissal is does not file a request for a hearing with the Academic Staff Mediation Subcommittee, the dismissal is effective upon the date specified in the letter of dismissal.

Procedures.

The process, procedures, and guidelines for the hearing are identical to those for academic staff holding an indefinite appointment, described earlier in this section.

SECTION 14

OVERVIEW OF THE PROCESS AND PROCEDURES FOR REVIEW HEARING OF LAYOFF/TERMINATION OF ACADEMIC STAFF FOR REASONS OF BUDGET OR PROGRAM UNDER UWSP 12.05

(See Chapters UWS & UWSP 12)

INTRODUCTORY COMMENTS.

Applicable Documents.

An academic staff member contemplating a request for hearing on layoff or termination is advised to become familiar with

- Chapters UWSP 9 - 13, the institutional academic staff personnel rules;
- unit or departmental personnel rules and procedures;
- appropriate sections of the Wisconsin Administrative Code, the UW System academic staff personnel rules;
- Chapters 227.45 and 227.46 of the Wisconsin statutes; and
- related documents in this handbook.

Counsel.

An academic staff member who has received notification of layoff or termination or who is contemplating a hearing on layoff or termination may wish to seek advice from senior academic staff or faculty familiar with the policies and procedures, and is advised to retain legal counsel. The right to be represented at hearings by individuals of the academic staff member's choice is guaranteed under Chapters UWS and UWSP 12.

Time Limits.

Termination of Appeal.

Failure to meet any time limits established by these procedures will likely end the proceedings. An academic staff member considering an appeal of notification of a decision to lay off is urged to review these procedures and to act promptly.

Length of Process.

The time limits are intended to ensure action within a reasonable time period; nevertheless, the appeal process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions.

Presence at Meetings.

No Exclusions.

Under the provisions of 19.89 of the Open Meetings Law, no member of a governmental body may be excluded from any meeting of the body. In addition, no member may be excluded from meetings of the body's subunits unless the rules of the body specifically state otherwise.

Personnel Matters.

No academic staff member under consideration for any personnel matter may be excluded from a department or unit meeting at which the matter is to be considered, even if the meeting is moved into closed session. No academic staff member may

be excluded from any departmental or unit committee meeting at which the matter is to be considered unless departmental or unit rules specifically state to the contrary.

Right to Open Meeting.

19.85 Wis. Stats.

Under the provisions of the Open Meetings Law, an academic staff member has the right to request and receive an open evidentiary hearing for any meeting of a unit or subunit involving consideration of dismissal for that individual.

NOTE. (1) Although layoff for financial emergency or reasons of program is not considered dismissal under Board rules, it is likely that layoff is dismissal for purposes of the Open Meetings Law.

(2) A meeting with an administrator for the purpose of discussion of possible layoff, even where the end result of the discussion may be a recommendation to lay off, is not subject to the provisions of the Open Meetings Law: an individual administrator is not a "formally constituted subunit."

Under the Open Meetings Law, even when departmental or unit policies provide that subunit or committee meetings be restricted to members of the subunit or committee, any academic staff member under consideration has the right to request and receive an open meeting for the portion of the meeting that constitutes an evidentiary hearing involving consideration of dismissal of that individual.

Unit/Departmental Policies.

Normally, unit/departamental policies will require a written request for an open meeting reasonably in advance of the meeting.

Consultation Prior to Layoff.

Chancellor.

Before any member of the academic staff may receive notification of layoff by the chancellor under the provisions of UWSP 12, the chancellor shall have consulted with and sought the advice of the Academic Staff Council as specified in UWSP 12.01 and in the paragraphs below headed "Academic Staff Council."

Justification.

The chancellor shall have provided to the Council all of the evidence and justification to support contemplated layoffs, including evidence that alternatives have been exhausted. These alternatives include but are not limited to

- increases in fees;
- retraining;
- nonrenewal of fixed term or probationary academic staff prior to layoff of indefinite appointment academic staff;
- reassignment; and
- other methods of budget reduction.

Academic Staff Council.

Consultation.

Before any member of the academic staff may receive notification of layoff and following consultation with the chancellor, the Academic Staff Council shall have met the requirements of UWSP 12.01 (4). The Council shall have

- reviewed the documentation provided by the chancellor;
- consulted with the personnel of the affected budget area or program;
- consulted, as appropriate, with other appropriate personnel;
- consulted with the Faculty Senate or a designated Senate committee;
- determined whether alternatives have been exhausted;
- provided an opportunity for the affected areas to give their advice to the Council as specified below ("Affected Unit/Department"); and
- provided its written advice concerning the contemplated layoffs, and the rationale for that advice, to the chancellor.

Failure to Act.

If the Council chooses not to respond under these provisions, the chancellor shall determine the individuals to be affected, using such advice as deemed of value.

Affected Unit/Department.

Consultation.

Before any member of the academic staff may receive notice of layoff, before the Academic Staff Council sends its advice and recommendations to the chancellor, and following consultation with the Academic Staff Council, the affected areas shall make recommendations to the Council for layoffs under the provisions of UWSP 12.03 and these procedures.

- Recommendations from an affected academic department shall be made by the tenured faculty of the department, in consultation with other departmental faculty and academic staff and other appropriate personnel.
- Recommendations from an affected support unit shall be made by supervisory personnel and indefinite appointment academic staff of the affected operational area(s), in consultation with other personnel in the unit and other appropriate personnel.

Failure to Act.

If the affected unit or department does not respond, the Council shall make its recommendations to the chancellor using such advice as deemed of value.

Notification.

General.

An academic staff member whose position has been recommended for elimination shall receive prompt written notification from the chancellor. Written notification of layoff or termination shall include

- reasons and data leading to the selection of the divisions, units, operational areas, colleges, schools, departments, or programs selected for reductions;
- the basis on which the individual position was identified, and the criteria, data, and reasons supporting the choice;
- the effective date of the layoff; and
- a copy of Chapter UWSP 12 and these policies and procedures.

Effective Date of Layoff.

Indefinite Appointment.

Notification of layoff for academic staff with indefinite appointment must be given not less than 12 months prior to the effective date, unless there are compelling reasons to the contrary (*i.e.*, almost immediate cutoff of funds). The effective

date shall normally be the end of the academic year for an academic year appointment and June 30 for an annual appointment.

Probationary Appointment.

Notification of layoff for academic staff with probationary appointments must be given not less than 3 months prior to the end of the appointment in the 2nd year, and 12 months thereafter, unless there are compelling reasons to the contrary (*i.e.*, almost immediate cutoff of funds). The effective date shall normally be the end of the academic year for an academic year appointment and June 30 for an annual appointment.

Fixed Term Appointment, Half-time or More with 7 Years of Service.

Notification of layoff for academic staff with fixed term appointments of .5 FTE or more and who have accumulated 7 years of service at .5 FTE or more per semester must be given not less than 9 months prior to the end of the appointment in the 8th through 10th years, and 12 months thereafter, unless there are compelling reasons to the contrary (*i.e.*, almost immediate cutoff of funds). The effective date shall normally be the end of the academic year for an academic year appointment and June 30 for an annual appointment.

Fixed Term Appointment, Half-time or More with Less than 7 Years.

Notification of layoff for academic staff with fixed term appointments of .5 FTE or more with less than 7 years of service at .5 FTE per semester must be given not less than 3 months prior to the end of the appointment in the first 2 years, and 6 months before the end of the appointment during the 3rd through 7th years, unless there are compelling reasons to the contrary (*i.e.*, almost immediate cutoff of funds). The effective date shall normally be the end of the academic year for an academic year appointment and June 30 for an annual appointment.

Fixed Term Appointment, Less than Half-time.

Notification of layoff for academic staff with fixed term appointments of less than .5 FTE must be given not less than 3 months prior to the end of the appointment in the first 2 years, and 6 months before the end of the appointment thereafter, unless there are compelling reasons to the contrary (*i.e.*, almost immediate cutoff of funds). The effective date shall normally be the end of the academic year for an academic year appointment and June 30 for an annual appointment.

Termination, Indefinite and Probationary Appointments.

During the notification period and prior to layoff, the chancellor may offer and the academic staff member on an indefinite or a probationary appointment may accept either

- terminal leave and retirement;
- relocation leave accompanied by resignation; or
- alternate employment at UWSP.

Acceptance of either of the first 2 alternatives ends the academic staff member's association with the UW System at the end of the leave period.

Entitlement to Review.

An academic staff member on indefinite appointment, or on probationary appointment, or on fixed term appointment with at least 3 years of service at UWSP, and who has received notification of layoff is entitled to a review before a hearing

committee of the Academic Staff Mediation Subcommittee on whether the layoff decision is appropriate.

Presumption of Good Faith.

An academic staff member who requests a review, and the committee conducting the hearing, shall presume that the decision to curtail the affected program was made in good faith and for proper reasons. However, if the academic staff member shows that the chancellor's decision to layoff is contrary to the advice of the Academic Staff Council, the chancellor or a designee must present evidence to support the decision.

Hearing Not Requested.

If an academic staff member does not request a hearing, the chancellor's recommendation is considered proper and the layoff is effective on the date specified in the notification.

Nonrenewal Not Layoff.

Nonrenewal, or a decision not to reappoint fixed term academic staff, regardless of reasons, is not a layoff under these policies and procedures.

Layoff Proceeds.

A request for a hearing does not forestall the actual layoff if the effective date is reached prior to the conclusion of an appeal.

FILING REVIEW REQUEST.

Request for Supporting Data.

Upon receipt of notification of designation for layoff, the academic staff member eligible for a hearing under "Entitlement to Review" (immediately above) has 20 days in which to request data related to the decision to layoff. Failure to meet the 20 day deadline will likely end the opportunity for a review hearing.

Written Request.

The request for data shall be in writing and shall be addressed to the chancellor.

Request Honored.

Any request from an eligible academic staff member who has received notification of designation for layoff shall be honored, and the material provided to the academic staff member within 15 days of receipt of the written request.

Available Information.

The academic staff member may request and shall receive upon request

- a written statement of the reasons for the decision to layoff;
- a summary of the reasons and data leading to the selection of the various units or programs in which reductions are to be made;
- a statement of the basis upon which the individual was selected, including if and how seniority was determined and applied, or if seniority was not the basis, the data and reasons supporting the choice;
- the effective date of layoff; and
- a copy of Chapter UWSP 12, these policies and procedures, and such other information or procedural regulations as the chancellor or Academic Staff Council deems appropriate.

Request for Hearing.

Written Request.

Upon receipt of the supporting data described above, the eligible academic staff member has 20 days in which to request a review hearing by the Academic Staff Mediation Subcommittee.

- Failure to meet the 20 day deadline will likely end the opportunity for a hearing.
- The request shall be in writing and addressed to the chancellor and the chairperson of the subcommittee.
- As the burden of proof is on the academic staff member to establish a *prima facie* case that the decision was improper, the request shall state specifically the grounds upon which the academic staff member is seeking to establish the impropriety of the layoff decision.
- The request for review may also include a request for relevant information supplementary to that contained in the letter of notification.

No Request Filed.

If an academic staff member notified of layoff does not file a request for hearing with the Academic Staff Mediation Subcommittee, the layoff shall be effective upon the date specified in the letter of notification.

Required Action.

Notification.

If the chairperson determines that the individual requesting the hearing holds an academic staff appointment and is eligible for review hearing, the chairperson will

- contact the academic staff member to determine that the written request contains all pertinent facts, and to remind the academic staff member of the right of access to all evidence upon which the administration intends to rely to support the decision to lay off;
- provide written notification of the request for hearing to the chancellor so System legal counsel may be advised a case is pending;
- begin a file of all correspondence concerning the hearing, which will be passed on to the chairperson of the hearing committee;
- provide written notification that a hearing is in progress to the academic staff member; the administrative heads of the academic staff member's operational area and unit, or department chairperson; the appropriate executive director and vice chancellor, or dean; the provost; the chancellor; and the chairpersons of the Academic Staff Council and Faculty Senate; and
- provide copies of all correspondence to the
 - ♦ academic staff member;
 - ♦ hearing committee members; and
 - ♦ chancellor.

Appointment of Hearing Committee.

The chairperson will also appoint a hearing committee composed of a minimum of 5 persons, at least 3 of whom must be members of the Academic Staff Mediation Subcommittee. There will be broad representation from the university but not necessarily a member from each division or college.

- Normally, at least 3 of the appointed members shall have had either

- ♦ previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, or
 - ♦ orientation and training for a hearing procedure.
- One member, who normally shall have had previous experience as a member of a hearing committee under either UWSP 10.04, 11.04, 12.05, 13.01, 13.02 or other similar hearing, shall be designated as the chairperson of the committee.
- The following academic staff members may not serve on the hearing committee:
 - ♦ anyone who is a member of the Academic Staff Council or any of its subcommittees which participated in the consultation regarding layoffs;
 - ♦ anyone who is a member of the academic staff member's department/unit;
 - ♦ anyone who assisted or consulted with the department/unit regarding individual designations for layoff; and
 - ♦ anyone who is a material witness.
- If otherwise qualified, the chairperson of the Academic Staff Mediation Subcommittee may serve as either a member or as chairperson of the hearing committee.
- Reasonable effort will be made to ensure that the members of the hearing committee are acceptable to both parties in the hearing process.
 - ♦ Normally, this will be accomplished by informal contact with the proposed members and the parties to the hearing before the formal appointment.
 - ♦ The decision of whom to appoint is solely that of the chairperson of the subcommittee.
- After the committee is appointed, the academic staff member has the unrestricted right to challenge and remove 1 member from the hearing committee.
- The decision on other challenges to committee members shall be made by the committee, excluding the member under challenge.
 - ♦ If members are disqualified or disqualify themselves, the remaining members consult with the chairperson of the Academic Staff Council and the chairperson of the Academic Staff Mediation Subcommittee and appoint other members to serve.

Hearing Date.

The hearing committee shall meet to hear the matter within 20 days of receipt of the request for a hearing, except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee. The academic staff member requesting a hearing must receive written notice of the hearing at least 10 days prior to the hearing.

Hearing Committee Chairperson's Responsibilities.

Once the hearing committee is appointed, the chairperson of the hearing committee assumes responsibility for the hearing process. The chairperson shall

- conduct the hearing under the provisions of UWS/UWSP 12.04 and 12.05 or 12.06, the provisions of Chapter 227.45 and 227.46, these policies and procedures, and the guidelines for hearings (which may be found in the following subsection or requested from the chairperson of the Academic Staff Mediation Subcommittee);
- establish appropriate communication with the chancellor; the vice chancellor; the academic staff member, the administrative heads of the academic staff member's operational area and unit, or department chairperson; the appropriate executive director and vice chancellor, or dean; and the chairperson of the Faculty Senate, and keep each informed of the proceedings in the hearing;
- keep records of all correspondence among all the principals from the initiation of the hearing through its conclusion;
- appoint a secretary for the hearing committee (normally an associate vice chancellor), and provide for a verbatim transcript of the hearing (usually a sound recording);
- secure appropriate facilities, schedule evidentiary hearings, and provide notices to conform with the Open Meetings Law;
- secure appropriate facilities and schedule and conduct deliberative sessions in which the committee formulates its findings and recommendations;
- prepare a summary of the evidence and the written report of the committee's findings and recommendations and transmit these materials and a verbatim record of the hearing to the academic staff member and to the chancellor, and send copies of the summary and the report to the administrative heads of the academic staff member's operational area or unit, or department chairperson; the appropriate executive director and vice chancellor, or dean; the chairperson of the Faculty Senate; and the provost;
- send a copy of the hearing procedures with each written notification of the hearing, and
- send written notification of the hearing to the academic staff member; the chancellor; the provost; the administrative heads of the academic staff member's operational area and unit, or department chairperson; the appropriate executive director and vice chancellor, or dean; and witnesses asked to appear on behalf of the parties or called by the hearing committee.

Written notification of the hearing shall include statements

- ♦ of the date, time, and place of the hearing;
- ♦ that all parties may be represented by an individual(s) of their choice, which may include legal counsel;

NOTE. If counsel has been requested by the committee from the chancellor, notice will include a statement that the committee will have legal counsel present at the hearing.

- ♦ that normally, by a vote of the committee, the evidentiary hearing and the deliberative sessions will be closed but the academic staff member, upon timely written request to the chairperson, has the right to request an open evidentiary hearing and any such request must be honored;
 - ♦ of whether the academic staff member has requested an open evidentiary hearing;

- ♦ that both parties have a right to copies of all documentary evidence relevant to the hearing;
- ♦ that the academic staff member must establish a *prima facie* case that improper factor(s) enumerated in UWSP 12.05 (5) (a), (b), or (c) significantly entered into the decision to lay off or the committee, in deliberative session, must find the decision to have been proper, and adjourn the hearing;

NOTE. Hearings under 12.05 may require 2 evidentiary sessions and 2 deliberative sessions. These are explained later, under "Procedure for Evidentiary Hearing and Deliberative Meeting."

- ♦ that if a *prima facie* case is established, the hearing shall be reconvened and the chancellor or a designee afforded an opportunity to present evidence to support the decision, after which the academic staff member may present evidence in rebuttal;
- ♦ that after hearing all the evidence, the committee must make its determination as follows--
 - The committee first determines whether 1 or more improper factors entered into the decision to lay off. Unless the committee is convinced that an improper factor entered significantly into the decision, it must find the decision to have been proper.
 - If the committee finds 1 or more improper factors may have entered into the decision, it must nonetheless find the decision to have been proper if it is convinced that
 - ♣ there were legitimate programmatic or budgetary reasons for layoff;
 - ♣ the determination of those reasons was made as prescribed and in accordance with the provisions of 12.01; and
 - ♣ the decision to layoff the academic staff member was in accordance with the provisions of 12.03.
 - The committee shall find the decision to have been improper if the committee believes that 1 or more improper factors entered into the decision and
 - ♣ there were no legitimate programmatic or budgetary reasons for layoff; or
 - ♣ the determination of those reasons was not made as prescribed in or in accordance with the provisions of Chapter UWSP 12.01; or
 - ♣ the decision to lay off the academic staff member was not in accordance with the provisions of UWSP 12.03.
 - In reaching its decision, the committee must presume the decision to curtail the program was made in good faith and for proper reasons, and shall not substitute its judgment or priorities for that of the administration. However, if evidence is presented to show that the chancellor's decision to lay off the individual is contrary to the advice of the Academic Staff Council as provided under UWSP 12.01, the chancellor or a designee shall present

evidence and data in support of the decision to the hearing committee.

- ♦ that all parties, including witnesses, are expected to provide to the hearing committee chairperson sufficient copies of their testimony for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony;
- ♦ that either party may call persons to offer evidence or testimony;
- ♦ that both parties will be sent a list of the names of any persons to be called by either party, or by the hearing committee;
- ♦ that either party may offer testimony from any source;
- ♦ that the hearing committee is not bound by statutory rules of evidence but may hear testimony having reasonable probative value;
- ♦ that both parties have the right, under guidelines established by the chairperson, to question persons offering testimony;
- ♦ that adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made;
- ♦ that any personal notes made during the procedures and retained by a participant are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter;
- ♦ that a quorum for the evidentiary hearing consists of 4 members of the hearing committee;
- ♦ that a quorum for the deliberative sessions consists of 4 members of the hearing committee, except that in an emergency, the chairperson may declare a quorum when only 3 members are present;
- ♦ that the hearing committee shall give a report of its findings and decision to the chancellor; the provost; the administrative heads of the academic staff member's operational area and unit, or department chairperson; the appropriate executive director and vice chancellor, or dean; the chairperson of the Faculty Senate; and the academic staff member; and
- ♦ that the academic staff member's and the chancellor's copies shall be accompanied by both a verbatim record of the hearing and a summary of the evidence, unless the academic staff member is represented by counsel, in which case the verbatim record and summary shall be sent to counsel.

GUIDELINES FOR HEARINGS.

Quorum, Notice, and Confidentiality.

Quorum.

While all 5 members will be present whenever possible, a quorum for the hearing and for meetings of the hearing committee consists of 4 members of the committee.

In an emergency, the chairperson of the hearing committee has the discretion to declare a quorum for deliberative sessions when only 3 members of the hearing committee are present.

Notice.

Notices of meetings shall be sent to the University Newsletter for publication (without identifying the academic staff member) and shall indicate whether the meetings will be open or closed.

Confidentiality.

Committee.

All matters related to the academic staff member and the hearing are maintained in the strictest confidentiality by hearing committee members, except as may be necessary to meet provisions of the Open Meetings Law or other similar statutory, administrative rule, or academic staff governance requirements.

Documents.

Following the conclusion of all deliberations and the submittal of the hearing committee's report, the chairperson shall collect all drafts and other documents related to the hearing from the members of the committee, from any appointed secretary, and from all other parties except the academic staff member and academic staff member's representative(s). All minutes and materials provided by the parties and not forwarded to the chancellor as a part of the report shall be sealed and filed in the office of the chancellor for a period of 5 years, after which they shall be destroyed as permitted under the Public Records Law.

NOTE. Participants are reminded that any personal notes made during the procedures and retained after the hearing are subject to subpoena if the appeal is not resolved at the institutional or System level and becomes a legal matter.

Evidentiary and Deliberative Sessions.

The hearing process consists of an evidentiary hearing and a deliberative meeting.

Evidentiary Hearing.

The purpose of the initial session of the evidentiary hearing is to provide an opportunity for the academic staff member to present evidence that one or more improper factors in UWSP 12.05 (5) (a), (b), or (c) entered into the decision to lay off. The academic staff member has the right to be represented by another individual(s), which may be legal counsel. The hearing committee is not bound by legal rules of evidence. The committee must make a verbatim record of the hearing.

Deliberative Session.

After the academic staff member has presented evidence, the hearing committee deliberates on whether the evidence presented constitutes a *prima facie* case that 1 or more improper factors entered into the decision to lay off.

- If the hearing committee finds no case established, it finds the decision to have been proper, reports its findings to the academic staff member and the chancellor, and adjourns.
- If the hearing committee finds that improper factors entered into the decision, it reconvenes in a second evidentiary hearing.

Second Evidentiary Hearing Session.

If the committee finds that a *prima facie* case was established, the chancellor or a designee is entitled to present evidence to support the layoff decision.

- Following the administration's presentation, the academic staff member may present evidence in rebuttal.

- Following the academic staff member's rebuttal presentation, if any, the committee reconvenes in a second deliberative session.

Second Deliberative Session.

The purpose of the second deliberative meeting is for the hearing committee to reach its conclusions, after which the chairperson of the hearing committee shall prepare a summary of the evidence and write a draft report of the findings and recommendations of the hearing committee. Each member of the hearing committee shall sign the final report or file a dissent. The report shall be distributed as soon as feasible following the close of deliberations.

Closed and Open Sessions.

General Guideline.

Evidentiary hearings and deliberative meetings will normally be closed, as permitted by the Open Meetings Law, unless the chairperson of the hearing committee receives from the academic staff member a written request for an open evidentiary hearing, in which case all evidentiary sessions shall be open. Closed meetings require a majority vote of the hearing committee, by a roll call vote.

Evidentiary Hearings: Who May Attend/Speak.

Closed Hearings.

If the evidentiary hearing is closed, only parties directly involved in the hearing may attend. Those permitted to attend, who may speak when recognized by the chairperson for that purpose, are

- members of the hearing committee;
- the academic staff member;
- the chancellor or a designee;
- representatives for the parties;
- witnesses for the parties;
- individuals specifically called or designated by the hearing committee, which may include legal counsel; and
- an appointed secretary, who need not be a member of the committee.

Open Hearings.

If the evidentiary hearing is open, anyone may attend but only those parties directly concerned with the hearing (delineated above) and recognized for the purpose of speaking by the chairperson of the hearing committee are permitted to speak.

Deliberative Meetings: Who May Attend/Speak.

Only members of the hearing committee, an appointed secretary (who need not be a member of the committee), and the committee's legal counsel (if any) are permitted to attend, and may speak when recognized by the chairperson for that purpose. Only members of the hearing committee participate in determining findings of fact and decision.

Procedure for Evidentiary Hearing and Deliberative Meeting.

Introduction.

A copy of these procedures may be requested from the chairperson of the Academic Staff Mediation Subcommittee or the associate vice chancellor for personnel.

Presiding Officer.

The chairperson of the hearing committee convenes the hearing and serves as presiding officer. The chairperson assumes all the normal responsibilities of a committee chairperson and rules on such questions as may arise on the procedure of the hearing, admissibility of evidence, and all other matters related to the hearing.

If the committee has legal counsel, the chairperson may request the advice of counsel on all matters pertaining to the hearing.

Evidentiary Hearing.

The evidentiary hearing normally proceeds in the order described here, but the chairperson may change the order as circumstances may require.

- Call to order; introduction of members of the committee and of the secretary.
- Explanation of the Open Meetings Law and either
 - ♦ explanation of limitations of open meetings, if an open hearing has been requested, or
 - ♦ a request for a motion to close the hearing under the appropriate section(s) of 19.85 Wis. Stats. [19.85 (a), (b), (c), or (f)], and a roll call vote on the motion.
- Introduction of the academic staff member, and the academic staff member's representative(s), if any.
- Introduction of the chancellor or the chancellor's designee, and the administration's representative(s), if any.
- Announcement that
 - ♦ the initial session affords the academic staff member the opportunity to establish a *prima facie* case that 1 or more improper factors entered into the decision to lay off;
 - ♦ following the academic staff member's presentation of evidence and testimony, the hearing will be recessed to a deliberative session; and
 - ♦ depending upon the committee's findings, the hearing will either be
 - reconvened and adjourned following an announcement that no *prima facie* case was established, or
 - reconvened to permit the chancellor or a designee to present evidence in support of the decision.
- Presentation of the academic staff member's case by the academic staff member or the academic staff member's representative, but not the testimony of witnesses.
- Questions of the academic staff member by the administration or the administration's representative.
- Presentation of witnesses on behalf of the academic staff member.
- Questions of witnesses by the administration or the administration's representative.
- Rebuttal questions of witnesses by the academic staff member or the academic staff member's representative.
- Presentation by any witnesses who may have been called by the hearing committee.
- Questions of committee witnesses by the administration or the administration's representative.

- Questions of committee witnesses by the academic staff member or the academic staff member's representative.
- Questions of all witnesses by members of the hearing committee.
- Recess of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and shall conduct a roll call vote on the motion.

Deliberative Meeting: Issue for Determination.

The committee's sole determination at this point is whether the academic staff member established a *prima facie* case that 1 or more improper factors entered into the decision to lay off.

No Prima Facie Case Established.

If the committee finds that no *prima facie* case was established, the hearing shall be reconvened and the chairperson will announce the decision, indicate that the committee's report of findings will be forthcoming to the academic staff member and the chancellor as soon as feasible, and adjourn the hearing.

The committee will reconvene in deliberative meeting to prepare its report of its findings and recommendation prepared as described below.

Prima Facie Case Established.

If the committee finds that a *prima facie* case was established, the hearing shall be reconvened, the chairperson will announce the decision, and proceed with the second part of the evidentiary hearing.

Determination by Vote.

Decisions on the establishment of a *prima facie* case shall be determined by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.

Second Evidentiary Hearing Session.

- Presentation of the administration's case in support of the layoff decision, but not the testimony of witnesses other than the academic staff member (if the academic staff member is called by the administration).
- Questions of the administration by the academic staff member or the academic staff member's representative.
- Presentation of witnesses on behalf of the administration.
- Questions of the witnesses by the academic staff member or the academic staff member's representative.
- Rebuttal questions of witnesses by the administration or its representative.
- Presentation by any witnesses who may have been called by the hearing committee.
- Questions of committee witnesses by the administration or the administration's representative.
- Questions of committee witnesses by the academic staff member or the academic staff member's representative.
- Questions of all witnesses by members of the hearing committee.

- Rebuttal or closing comments by the administration or the administration's representative.
- Rebuttal evidence by the academic staff member or the academic staff member's representative, which may include the calling of additional witnesses or the recall of witnesses previously called.
- If the academic staff member calls any witnesses in rebuttal, the administration and then the committee have the opportunity to question those witnesses.
- Rebuttal or closing comments by the academic staff member or the academic staff member's representative.
- Questions of the administration by members of the hearing committee.
- Questions of the academic staff member by members of the hearing committee.
- Rebuttal questions of the administration by members of the hearing committee, if any.
- Conclusion of the evidentiary hearing.

If the deliberative meeting does not follow immediately after the evidentiary hearing, the chairperson will request a motion to recess the hearing and to reconvene at the deliberative meeting [if possible, the date and time of the session will be included in the motion to recess], and shall conduct a roll call vote on the motion.

Second Deliberative Session .

The hearing committee shall deliberate on the hearing and shall write a summary of the evidence and a report which includes the findings of law and decision, and the recommendations of the committee.

Findings.

No Case Established.

If the academic staff member did not establish a *prima facie* case in the initial part of the hearing, the committee shall find the decision to have been proper and reports this finding to the chancellor, to the academic staff member, and the other parties receiving copies of the report (enumerated below).

Case Established.

If the academic staff member did establish a *prima facie* case and the hearing moved into the second part of the hearing, the hearing committee shall make its determination as follows--

- ♦ the committee shall first consider whether 1 or more improper factors in UWSP 12.05 (5) (a), (b), or (c) entered into the decision to lay off.

Unless the committee is convinced that an improper factor entered significantly into the decision, it must find the decision to have been proper.

- ♦ If the committee believes 1 or more improper factors may have entered into the decision, it must nonetheless find the decision to have been proper if it is convinced that
 - there were legitimate programmatic or budgetary reasons for layoff;

- the determination of those reasons was made as prescribed and in accordance with the provisions of 12.01; and
- the decision to layoff the academic staff member was in accordance with the provisions of 12.03.
- ♦ The committee shall find the decision to have been improper if the committee believes that 1 or more improper factors entered into the decision and
 - there were no legitimate programmatic or budgetary reasons for layoff; or
 - the determination of those reasons was not made as prescribed in or in accordance with the provisions of Chapter UWSP 12.01; or
 - the decision to lay off the academic staff member was not in accordance with the provisions of UWSP 12.03.
- ♦ In reaching its decision, the committee must presume the decision to curtail the program was made in good faith and for proper reasons, and shall not substitute its judgment or priorities for that of the administration. However, if evidence is presented to show that the chancellor's decision to lay off the individual is contrary to the advice of the Academic Staff Council as provided under UWSP 12.01, the chancellor or a designee shall present evidence and data in support of the decision to the hearing committee.

Determination of Findings.

Decisions on the validity of the layoff and on any recommendations shall be determined by a majority of the members of the hearing committee. The vote shall be a roll call vote, which shall be recorded.

Decision and Recommendations.

The committee shall send its report of findings, decision, and recommendations, if any, to the chancellor as soon as feasible following the conclusion of the deliberative session(s).

- If the committee finds the decision to lay off to have been proper, it shall so report, normally without recommendation.
- If the committee finds the decision to have been improper, it shall so report and may elect to make a recommendation, not limited because of enumeration, to
 - ♦ discontinue layoff proceedings entirely; or
 - ♦ rescind the notification of layoff for the individual and begin the layoff process anew.

Report.

At an appropriate time in the deliberations, the chairperson shall recess the meeting and shall prepare a summary of the evidence and a draft report. The draft shall be circulated among the members, after which the committee shall reconvene to review the draft and make appropriate modifications. After the report has been adopted by the hearing committee, each member of the committee shall sign the report or file a dissent.

- The report shall be adopted by a majority of the members of the hearing committee. The vote shall be a roll call, which shall be recorded.

- The report shall be distributed as soon as feasible after the close of deliberations but not later than 20 days following adjournment.
- The chairperson provides a verbatim record of the hearing, a summary of the evidence, and a copy of the report to both the academic staff member and the chancellor, and a copy each of the report to the provost; the administrative heads of the academic staff member's operational area and unit, or department chairperson; the appropriate executive director and vice chancellor, or dean; and the chairperson of the Faculty Senate.

Chancellor's Action.

Decision Found Proper.

If the committee has found the decision to have been proper, the layoff shall be effective on the date specified in the letter of notification.

Board Review.

The academic staff member may request a review by the Board. The Board decides whether to grant the review.

Decision Found Improper.

If the committee has found the decision to have been improper, the chancellor shall review and give careful consideration to the committee's findings.

Recommendation Accepted.

If the chancellor accepts the committee's findings, the chancellor's decision is final.

Recommendation Not Accepted.

If the chancellor contests the committee's finding that the decision was improper, the chancellor shall afford the academic staff member an opportunity to discuss the report within 20 days after receiving it from the committee. Within 20 days of the meeting with the academic staff member (or of the date of the meeting, if the academic staff member chooses not to attend), the chancellor shall provide the academic staff member with a written decision, which shall be final unless the Board, at the request of the academic staff member, grants a review on the record.

Substantial Differences.

If the chancellor's proposed decision differs substantially from the recommendations of the hearing committee, the chancellor shall promptly consult the committee and provide it a reasonable opportunity for a written response prior to rendering a final decision.

APPROVAL OF CHANGES TO CHAPTER 4C

- Changes to Chapter 4C, Sections 7, 8, 9, 10, 11, 12, 13, and 14, require the approval of Common Council and the Chancellor.

CHAPTER 4D

SECTION 15

SELECTED DOCUMENTS PERTINENT TO PERSONNEL MATTERS

This section contains statutes, policy documents, and interpretations which amplify statutes and policies. Some are local; others are statewide or national in origin.

OPEN MEETINGS LAW, SECTIONS 19.81-19.98, WIS. STATS. (1991-92)

NOTE: The following is a verbatim copy of the statute.

19.81 Declaration of policy.

(1) In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.

(2) To implement and ensure the public policy herein expressed, all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.

(3) In conformance with article IV, section 10, of the constitution, which states that the doors of each house shall remain open, except when the public welfare requires secrecy, it is declared to be the intent of the legislature to comply to the fullest extent with this subchapter.

(4) This subchapter shall be liberally construed to achieve the purposes set forth in this section, and the rule that penal statutes must be strictly construed shall be limited to the enforcement of forfeitures and shall not otherwise apply to actions brought under this subchapter or to interpretations thereof.

19.82 Definitions.

. . .As used in this subchapter:

(1) "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation created under ch. 232; any public purpose corporation, as defined in s. 181.79 (1); a nonprofit corporation operating an ice rink which is owned by the state; or a formally constituted subunit of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. IV or V of ch. 111.

(2) "Meeting" means the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or

duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter.

(3) "Open session" means a meeting which is held in a place reasonably accessible to members of the public and open to all citizens at all times. In the case of a state governmental body, it means a meeting which is held in a building and room thereof which enables access by persons with functional limitations, as defined in s. 101.13 (1).

19.83 Meetings of governmental bodies.

Every meeting of a governmental body shall be preceded by public notice as provided in s. 19.84, and shall be held in open session. At any meeting of a governmental body, all discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in s. 19.85.

19.84 Public notice.

Public notice.

(1) Public notice of all meetings of a governmental body shall be given in the following manner:

(a) As required by any other statutes; and

(b) By communication from the chief presiding officer of a governmental body or such person's designee to the public, to those news media who have filed a written request for such notice, and to the official newspaper designated under ss. 985.04, 985.05 and 985.06 or, if none exists, to a news medium likely to give notice in the area.

(2) Every public notice of a meeting of a governmental body shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof.

(3) Public notice of every meeting of a governmental body shall be given at least 24 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting.

(4) Separate public notice shall be given for each meeting of a governmental body at a time and date reasonably proximate to the time and date of the meeting.

(5) Departments and their subunits in any university of Wisconsin system institution or campus and a nonprofit corporation operating an ice rink which is owned by the state are exempt from the requirements of subs. (1) to (4) but shall provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed written requests for such notice.

(6) Notwithstanding the requirements of s. 19.83 and the requirements of this section, a governmental body which is a formally constituted subunit of a parent governmental body may conduct a meeting without public notice as required by this section during a lawful meeting of the parent governmental body, during a recess in such meeting or immediately after such meeting for the purpose of discussing or acting upon a matter which was the subject of that meeting of the parent governmental body. The presiding officer of the parent governmental body shall publicly announce the time, place and subject matter of the meeting of the subunit in advance at the meeting of the parent body.

19.85 Exemptions.

(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes.

(a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.

(b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

(d) Considering specific applications of probation or parole, or considering strategy for crime detection or prevention.

(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

(ee) Deliberating by the council on unemployment compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.

(eg) Deliberating by the council on worker's compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.

(em) Deliberating under s. 157.70 if the location of a burial site, as defined in s. 157.70 (1)(b), is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.

(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

(h) Consideration of requests for confidential written advice from the ethics board under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

(i) Considering any and all matters related to acts by businesses under s. 560.15 which, if discussed in public, could adversely affect the business, its employees or former employees.

(j) Considering financial information relating to the support by a person, other than an authority, of a nonprofit corporation operating an ice rink which is owned by the state, if the information is exempt from disclosure under s. 23.37 or would be so exempt were the information to be contained in a record. In this paragraph, "authority" and "record" have the meanings given under s. 19.32.

(2) No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

(3) Nothing in this subchapter shall be construed to authorize a governmental body to consider at a meeting in closed session the final ratification or approval of a collective bargaining agreement under subch. IV or V or ch. 111 which has been negotiated by such body or on its behalf.

19.86 Notice of collective bargaining negotiations.

Notwithstanding s. 19.82 910, where notice has been given by either party to a collective bargaining agreement under subch. IV or V of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84 (1)(b). If the employer is not a governmental body, notice shall be given by the employer's chief officer or such person's designee. This section does not apply to a nonprofit corporation operating an ice rink which is owned by the state.

19.87 Legislative meetings.

This subchapter shall apply to all meetings of the senate and assembly and the committees, subcommittees and other subunits thereof, except that:

(1) Section 19.84 shall not apply to any meeting of the legislature or a subunit thereof called solely for the purpose of scheduling business before the legislative body; or adopting resolutions of which the sole purpose is scheduling business before the senate or the assembly.

(2) No provision of this subchapter which conflicts with a rule of the senate or assembly or joint rule of the legislature shall apply to a meeting conducted in compliance with such rule.

(3) No provision of this subchapter shall apply to any partisan caucus of the senate or any partisan caucus of the assembly, except as provided by legislative rule.

(4) Meetings of the senate or assembly the information committee on organization under s. 71.78 (4)(c) or 77.61 (5)(b)3 shall be closed to the public.

19.88 Ballots, votes and records.

(1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting.

(2) Except as provided in sub. (1) in the case of officers, any member of a governmental body may require that a vote be taken at any meeting in such manner that the vote of each member is ascertained and recorded.

(3) The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection to the extent prescribed in subch. II of ch. 19.

19.89 Exclusion of members.

No duly elected or appointed member of a governmental body may be excluded from any meeting of such body. Unless the rules of a governmental body provide to the contrary, no member of the body may be excluded from any meeting of a subunit of that governmental body.

19.90 Use of equipment in open session.

Whenever a governmental body holds a meeting in open session, the body shall make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting. This section does not permit recording, filming or photographing such a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants.

19.96 Penalty.

Any member of a governmental body who knowingly attends a meeting of such body held in violation of this subchapter, or who, in his or her official capacity, otherwise violates this subchapter by some act or omission shall forfeit without reimbursement not less than \$25 nor more than \$300 for each such violation. No member of a governmental body is liable under this subchapter on account of his or her attendance at a meeting held in violation of this subchapter if he or she makes or votes in favor of a motion to prevent the violation from occurring, or if, before the violation occurs, his or her votes on all relevant motions were inconsistent with all those circumstances which cause the violation.

19.97 Enforcement.

(1) This subchapter shall be enforced in the name and on behalf of the state by the attorney general or, upon the verified complaint of any person, by the district attorney of any county wherein a violation may occur. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county.

(2) In addition and supplementary to the remedy provided in s. 19.96, the attorney general or the district attorney may commence an action, separately or in conjunction with an action brought under s. 19.96, to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

(3) Any action taken at a meeting of a governmental body held in violation of this subchapter is voidable, upon action brought by the attorney general or the district attorney of the county wherein the violation occurred. However, any judgment declaring such action void shall not be entered unless the court finds, under the facts of the particular case, that the public interest in the enforcement of this subchapter outweighs any public interest which there may be in sustaining the validity of the action taken.

(4) If the district attorney refuses or otherwise fails to commence an action to enforce this subchapter within 20 days after receiving a verified complaint, the person making such complaint may bring an action under subs. (1) to (3) on his or her relation in the name, and on behalf, of the state. In such actions, the court may award actual and necessary costs of prosecution, including reasonable attorney fees to the relator if he or she prevails, but any forfeiture recovered shall be paid to the state.

19.98 Interpretation by attorney general.

Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances.

OPEN MEETINGS LAW: COMMENTS AND INTERPRETATIONS

These comments and interpretations are from the Attorney-General, System Legal Counsel, or local guidelines. Those marked * are from *Wisconsin Open Meetings Law: A Compliance Guide*, 1993, Department of Justice, Attorney-General James E. Doyle.

The comments are arranged alphabetically; some appear under multiple headings.

Absentee Ballots.

Absentee ballots may not be used for decisions of a governmental body.

Agendas.

No item which has not been announced as part of the meeting agenda may be introduced for action. Every member of the body and the public must be advised of any changes (additions or deletions) at least 2 hours before the meeting.

Miscellaneous Business.

The attorney general has concluded that under very limited circumstances, general subject matter designations such as "miscellaneous business" constitute adequate notice that items not specifically listed may come before the body. Such listings may never be used

- to circumvent the statute;
- when giving more notice and greater specificity is possible;
- where a member of the body is aware, prior to the meeting, of the subject matter; or
- where the matter is of great public concern.

In any of these enumerated circumstances or in any reasonably similar circumstances, the matter should be held over for a subsequent meeting and appropriate notice given.

Reconsideration of a Vote.

Where notice of a pending reconsideration and the specific subject to be reconsidered are not specifically given, a reconsideration may be brought before a body under a general subject designation. However, any discussion or action on a motion to reconsider should be held over for a subsequent meeting and appropriate notice given.

Closed Sessions.

Closed sessions are to be used sparingly and only when necessary to protect the public interest, and only when appropriate under one or more of the exemptions of the statute.*

Convening Closed Meetings.

Section 19.83 requires that every meeting shall be preceded by public notice and shall initially be convened in open session. It provides that all discussion and action, formal or informal, be initiated, deliberated and acted upon in open session except where the meeting has been closed, with announcement made for purposes permitted by Sec. 19.85. If proper notice is given, an open session can be held after a closed session.

Request for a Closed Meeting.

While a closed meeting is permissible under the Open Meeting Law for purposes of a personnel decision (or reconsideration), a faculty or academic staff member has no absolute right to have the meeting closed. [See also "Request for a Closed Session," below]

Vote.

Although there are two differing lower court rulings (one based on previous law on open meetings), there is no definitive court ruling on whether it is appropriate to vote in closed session.*

The advice of the attorney-general is, "a governmental body should vote in open session, unless doing so would compromise the need for the closed session."*

(A vote may be taken in closed session if the vote is an integral part of the purpose for which the closed session was properly called.)

Results of Closed Sessions.

In most cases it is proper for the chief presiding officer to announce the results of the closed session immediately thereafter. This would not result in reconvening in open session within twelve hours after completion of closed session.

Who May Attend Closed Sessions.

Attendance at closed sessions usually should be limited to the members of the governmental body, confidential staff persons, and other nonmembers as may be directly participating in the session or portion of the session.

Those persons necessary for a proper discussion of the subject may attend a closed session at the request of the governmental body. The body has the discretion to excuse persons attending a closed session at any time it believes those persons are no longer necessary for its work.

Convening Closed Meetings.

Section 19.83 requires that every meeting shall be preceded by public notice and shall initially be convened in open session. It provides that all discussion and action, formal or informal, be initiated, deliberated and acted upon in open session except where the meeting has been closed, with announcement made for purposes permitted by Sec. 19.85. If proper notice is given, an open session can be held after a closed session.

Departmental/Unit Decisions.

A departmental or unit vote/decision must be conducted at a duly convened meeting of that department or unit.

Ballots may not be circulated to the members of the department or unit complete, sign, and return them to the department office. Since this would not be within the confines of a duly convened meeting of the department or unit, it cannot constitute an official act of the department or unit.

Exclusion of Members.

No department or unit or committee or other body covered by the Open Meeting Law may exclude any member of that body from any meeting unless the group has specific rules to the contrary. This section [of the statute] also provides that no member of a body may ever be excluded from meetings of subunits of the body unless the body has specific rules to the contrary.

Exemptions to Open Meetings.

Section 19.85 was designed to limit and specify the topics which can be discussed in closed sessions. By having the presiding officer announce the specific exemption which applies, describe the nature of the business to be considered, and then record each member's vote on convening in closed session, it is easier to determine whether there is a violation of the law and who is responsible.

Exemptions Must Be Cited.

Naming the general subject matter of a closed session is not sufficient to comply with Sec. 19.85(1); it is necessary to also name the specific statutory exemption which applies. (The phrase "personnel matters" is insufficient notice.)

Governmental Bodies.

"The definition of 'governmental body' includes a 'state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order.'"*

Subunits.

A "formally constituted subunit" of any governmental body is also a governmental body under the definitions of the law. A subunit is a separate, smaller body of a parent body. A smaller entity which is made up both of members of a parent body and persons not members of the parent body is not a subunit under the law but may nonetheless also be a governmental body.*

UW System Applicability.

Institutional Subunits.

Colleges, schools, departments (or functional equivalents), and all committees or subcommittees of these units, and all committees or subcommittees created by or pursuant to rules and regulations of the Board of Regents are governmental bodies within the meaning of the law.

Faculty Senate.

All groups which have and exercise an authority not vested in the individual members are covered by the terms of the law. This includes the Faculty Senate and all committees and subcommittees thereof.

Exemptions.

Staff meetings, social events, and meetings of appointed advisory bodies, unless provided for in rule, charter or constitution, are not subject to the requirements of the Open Meeting Law.

Mail Ballots.

Advisory.

Mail ballots are permissible if confined to advisory referenda.

Departmental/Unit Decisions.

A departmental or unit vote/decision must be conducted at a duly convened meeting of that department or unit. Mail ballots may not be used for votes on actions of the department or unit.

Minutes.

The law does not demand detailed minutes but requires only that a record be kept of motions and roll call votes, both in open and closed session.*

Every official meeting of a department/unit or a department or unit committee must be recorded in a formal set of minutes. These minutes must include a record of each motion, the vote on that motion, and, in the event of a roll call vote (or a written ballot), a record of individual votes.

- There should be agreement in advance, preferably recorded in the minutes of the first meeting, or in the departmental or unit personnel rules or constitution, on the distribution of minutes and disposition of the written ballots.
- Department and unit rules should also make clear the effect of an abstention, or a response of "present." [According to *Robert's Rules of Order*, an abstention is not a vote; answering "present" is considered an abstention.]

Motions and Votes Recorded.

The motions and roll call votes of each meeting shall be recorded, preserved, and open to public inspection. Further, any member of the body may require that a vote be taken in such a manner that the vote of each member may be ascertained and recorded.

Open Meeting Defined.

A meeting is open within the meaning of the law if members of the public are free to come and go. There is no legal requirement that such meetings be held in the largest hall on campus. Open meetings should be scheduled where convenient.

Open Meetings: Who May Speak.

An open meeting does not give any member of the audience the right to speak. Only members of the body and persons specifically recognized for that purpose by the presiding officer may speak. In personnel matters, the affected faculty member may request an open meeting but does not thereby gain the right to speak. That option is the prerogative of the body which is meeting.

Personnel Decisions.

Legal requirements and System or UWSP policies concerning open or closed meetings, and the options available to faculty and academic staff for personnel decisions, may be found in Chapters UWSP 3, 4, 5, 6, 10, 11, 12, and 13 of the local personnel policies and procedures, and the procedures adopted under each of those chapters.

Requests for Open Meeting.

When an open session is requested by one or more, but less than all, of the persons under consideration, that portion of the meeting devoted to presentation of all materials for or against each of the candidates requesting the open session must be open.

Discussion of other individuals under consideration should be closed and held after the open portion of the deliberations. A person requesting an open session is not entitled to hear comparable discussion about peers not requesting open sessions.

All Sessions Must Be Open.

If a faculty or academic staff member requests that the evidentiary session of a meeting on renewal or tenure or the evidentiary session of a hearing be open, then the deliberative session must also be open.

Notice of Renewal Consideration.

A department or unit or university committee considering renewal of a contract is exempt from the notice provisions of Sec. 19.84 except that it must give notice to interested persons and members of the news media filing written requests. [Refer also to the section on "Public Notice," below.]

Policy Presumption.

The open meetings law establishes a presumption that all meetings of governmental bodies will be held in open session. There are exemptions but the exemptions are to be invoked sparingly and only when necessary to protect the public interest. The law provides that its provisions are to be liberally construed so as to achieve the highest degree of openness in government.*

Public Notice.

Under Section 19.84 (5), departments/units and their subunits are exempt from the public notice requirements, except that they "shall provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed written requests for such notice." In order to assure compliance with this requirement, departments/units and the subunits are advised to adhere to all requirements of the statute as if they were not exempt.

Meeting Announcements.

The official vehicle for public announcement of all meetings at UWSP is the *University Newsletter*.

Responsibility for Notice.

Those responsible for convening any meeting covered by the Open Meeting Law are to provide electronic mail or other written notice (including group, date, time, place, brief agenda, and whether a closed session is involved) to News Service, Main Building, before 9:00 a.m., Wednesday.

A standing notice may be filed for groups which hold regular meetings.

Deadline Missed.

If the decision to hold a meeting is made after the deadline for the *University Newsletter* has passed, the requirements for public notice may be met by posting an announcement of the meeting, at least 24 hours in advance (in emergencies, at least 2 hours in advance), in a place where those of the public most interested might reasonably be expected to see it.

In addition, written notice is to be filed with News Service, which serves as the office of record for all meetings covered by the Open Meeting Law and will respond to inquiries from the news media and others.

Request for a Closed Session.

While a closed meeting is permissible under the Open Meeting Law for purposes of a personnel decision (or reconsideration), a faculty or academic staff member has no absolute right to have the meeting closed.

A Personnel Committee is a "governmental body" as defined in 19.82 (1), Stats., and thus subject to the open meeting requirement of 19.83. However, Sec. 19.85 (1)(b) permits a governmental body to hold a closed session for the purpose of considering and acting on the grant or denial of tenure for a university faculty member, upon a motion duly made and carried by the governmental body.

The decision to invoke the exemption from the open meetings requirement is a matter for the governmental body itself rather than the faculty member.

Section 19.85 (1)(b) does give the faculty member the right to demand that meetings which are evidentiary hearings be held in open session under some circumstances, but there is no specific statutory right to a closed session. That right to open sessions has been extended through Faculty Senate action to all faculty and academic staff.

The absence of a right in the faculty or academic staff member to demand a closed meeting does not preclude the Personnel Committee from meeting in closed session. Section 19.85 (1)(b) appears to contemplate that tenure deliberations will generally occur in closed meetings. There appears no reason why the Personnel Committee could not or should not vote to honor the faculty or academic staff member's request by convening in closed session.

Requirements.

There are 2 basic requirements of the Open Meetings Law:

- give advance public notice; and
- conduct all business in open session, unless an exemption applies.*

Secret Ballots Not Permitted.

Except for the election of officers, secret ballots may not be taken at any open or closed meeting of a body covered by the terms of the Open Meeting Law.

Taping.

The law gives anyone the right to tape record or videotape open sessions, so long as the recording does not disrupt the meeting.*

NOTE: the provisions of the Open Records Law most likely preclude asking someone who wishes to record a meeting either their name or why they wish to record the meeting.

Violations.

Any action taken in violation of the Open Meeting Law may be voidable, and any member of a governmental body who knowingly attends a meeting held in violation of the law, or who, in an official capacity, otherwise violates the law by some act or omission, may be fined not less than \$25 nor more than \$300 for each such violation.

No person may be found in violation if that person makes or votes in favor of a motion to prevent the violation from occurring.

Voting.

Absentee Ballots.

Absentee ballots may not be used for decisions of a governmental body.

Departmental/Unit Decisions.

A departmental or unit vote/decision must be conducted at a duly convened meeting of that department.

Mail Ballots.

Mail ballots are permissible only if confined to advisory referenda.

Motions and Votes Recorded.

The motions and roll call votes of each meeting shall be recorded, preserved, and open to public inspection. Further, any member of the body may require that a vote be taken in such a manner that the vote of each member may be ascertained and recorded.

Reconsideration of a Vote.

Where notice of a pending reconsideration and the specific subject to be reconsidered are not specifically given, a reconsideration may be brought before a body under a general subject designation. However, any discussion or action on a motion to reconsider should be held over for a subsequent meeting and appropriate notice given.

Results of Closed Sessions.

In most cases it is proper for the chief presiding officer to announce the results of the closed session immediately thereafter. This would not result in reconvening in open session within twelve hours after completion of closed session.

Secret Ballots Not Permitted.

Except for the election of officers, secret ballots may not be taken at any open or closed meeting of a body covered by the terms of the Open Meeting Law.

Vote in Closed Session.

Although there are two differing lower court rulings (one based on previous law on open meetings), there is no definitive court ruling on whether it is appropriate to vote in closed session. "A governmental body should vote in open session, unless doing so would compromise the need for the closed session."*

(A vote may be taken in closed session if the vote is an integral part of the purpose for which the closed session was properly called.)

Written Ballots.

It is not advisable to use written ballots for any vote. However, if written ballots are used, to meet the requirements of the Open Meetings Law, which prohibits any secret ballot except in the election of officers, the ballots must be

- signed by the individual voters at the time of the vote;
- preserved by the presiding officer of the body or treated as a roll call vote and recorded in the minutes of the meeting;
- open to public inspection upon request (whether the vote was taken at an open or closed session); and
- if any member requests that the vote be taken in such a manner that the vote of each member may be ascertained and recorded, written ballots must be treated as a roll call vote.

This does not preclude the use of a written evaluation or a written advisory recommendation where such evaluations or recommendations are signed and used only as information.

- Forms circulated to department members for these purposes should not specifically request a yes or no recommendation on personnel matters such as promotion, retention, or tenure, although the individual responding may choose to make such a recommendation.
- Evaluations of individuals for personnel actions must be available to the individual, and to all members of the committee making the decision.

When Applicable.

The open meetings law applies to all meetings of all governmental bodies.*

What Constitutes Meetings.

(1) One-half the Members. Normally, when half the members of a body are gathered other than for a social event or convention, there is a rebuttable presumption that a meeting is taking place, even if the members are gathered only to hear information on a matter within the authority of the body.*

(2) Negative Quorum. When a number of the body's members sufficient to control the outcome are involved in a gathering, there is a rebuttable presumption of a meeting. For example, if a body has a two-thirds majority rule and one-third of the members are gathered (a so-called negative quorum), there is a rebuttable presumption of a meeting.*

(3) Conference Calls. Telephone conference calls involving a sufficient numbers of members of a body to control the outcome also meet the definition of a meeting.*

Written Ballots.

It is not advisable to use written ballots for any vote. However, if written ballots are used, in order to meet the requirements of the Open Meetings Law prohibiting any secret ballot except in the election of officers, the ballots must be

- signed by the individual voters at the time of the vote;
- preserved by the presiding officer of the body or treated as a roll call vote and recorded in the minutes of the meeting;
- open to public inspection upon request (whether the vote was taken at an open or closed session); and
- if any member requests that the vote be taken in such a manner that the vote of each member may be ascertained and recorded, written ballots must be treated as a roll call vote.

This does not preclude the use of a written evaluation or a written advisory recommendation where such evaluations or recommendations are signed and used only as information.

- Forms circulated to department members for these purposes should not specifically request a yes or no recommendation on personnel matters such as promotion, retention, or tenure, although the individual responding may choose to make such a recommendation.
- Evaluations of individuals for personnel actions must be available to the individual, and to all members of the committee making the decision.

AFFIRMATIVE ACTION POLICY

PURPOSE.

The University of Wisconsin-Stevens Point is committed to a policy of equal employment opportunity and nondiscrimination. The University's Affirmative Action Plan represents both a commitment to hire and promote underrepresented groups, and a positive effort to assure that minorities, women, and persons with disabilities are not underrepresented among our employees.

Objectives.

The objectives of the University include a commitment to prevent and eliminate discrimination or harassment by supervisors, coworkers, or students on the basis of age, race, color, religion, sex, national origin, ancestry, pregnancy, marital status, parental status, sexual orientation, gender identity/expression, disability, political affiliation, arrest record, membership in the National Guard, state defense force and/or any other reserve component of the military forces of the United States or of this state, or other protected class status. Such harassment is unlawful in the state of Wisconsin.

RESPONSIBILITY.

Program Development.

The responsibility for the development of an effective affirmative action program on this campus is assigned to the Affirmative Action Director.

Program Implementation.

Administrative personnel are responsible for implementation of the affirmative action/equal employment program and for enforcement in their area of responsibility. Affirmative action programs will be monitored and management performance in this program will be evaluated as is performance of other administrative objectives.

Discriminatory Practices.

Each administrative officer of the University is responsible for eliminating discriminatory practices where they exist and for assuring that applicants and employees are not denied access to employment, training, transfers, or promotions based upon age, race, color, religion, sex, national origin, ancestry, marital status, pregnancy, parental status, sexual orientation, gender identity/expression, disability, political affiliation, arrest record, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, or other protected class status.

Compliance.

Federal, state, and gubernatorial laws and orders regulate affirmative action and equal employment opportunity practices in the State of Wisconsin. The University of Wisconsin-Stevens Point is committed to complying with these rules and acknowledges equal employment opportunity as a legal responsibility. In addition, this commitment is institutionalized and incorporated into the *University Handbook*, institutional policy, administrative evaluations, and University structure and procedures.

Related Policies.

Additional policies which further describe and support the University's commitment to a discrimination- and harassment-free environment are the "Sexual Harassment Policy," the "Discrimination-free Environment Policy," and the various policies and procedures

for dealing with allegations and complaints of harassment or discrimination under Chapters UWS and UWSP 3, 4, 6, 10, 11, and 13.

APPLICATION.

The University is committed to an affirmative action/equal opportunity program to assure that all employees are treated fairly.

Equal Employment Opportunity.

The University is committed to equal employment opportunity for all persons, regardless of race, creed, ancestry, religion, color, sex, national origin, age, disability, arrest record, marital status, pregnancy, parental status, political affiliation, sexual orientation, gender identity/expression, or membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, or other protected class status.

General Principle.

All classified, unclassified, and student positions are open to both sexes, persons with disabilities, and members of minority groups.

Employment Considerations.

The individual's ability and willingness to do the job are the only considerations, and jobs may not be restricted

- to members of one race, color, religion, creed, age, sex, or national origin for reasons such as the preferences of coworkers, employers, clients, or customs;
- because a job has been traditionally limited to members of one sex or race;
- by an assumption that members of one sex or race are less able to do a particular job--such as assemble parts, type, operate machinery, serve as lead worker--without regard to the applicant's actual abilities.

Affirmative Action Needed.

Affirmative action efforts for women, racial/ethnic minorities, persons with disabilities and Vietnam Era and disabled veterans are required when necessary to ensure equal opportunity and to overcome the effects of past discrimination. When deemed necessary, affirmative action will affect all employment practices, including but not limited to recruiting, hiring, transfer, layoff, termination, retention, promotion, certification, and testing.

Disability Accommodation.

Reasonable accommodations for persons with disabilities are provided to ensure equal access to employment in accordance with federal and state regulations.

Retaliation Prohibited.

Retaliation against an employee who files a discrimination complaint is also a form of discrimination and will not be tolerated.

Equal Educational Opportunity.

Under the provisions of 36.12 (1) Wis. Stats., "No student may be denied admission to, participation in, or the benefits of, or be discriminated in any service, program, course or facility of the system or its institutions or centers because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status."

Students' Rights.

The University of Wisconsin-Stevens Point affirms the right to equal opportunity in education. All campus programs and activities are equally available to all students. In its educational programs, activities, and employment practices, the University does not discriminate on the basis of age, race, color, religion, sex, national origin, ancestry, pregnancy, marital status, parental status, sexual orientation, gender identity/expression, disability, political affiliation, arrest record, membership in the National Guard, state defense force and/or any other reserve component of the military forces of the United States or this state.

Religious Accommodations.

In response to an employee's or student's request, reasonable accommodations are provided for religious practices.

Student Complaints.

Students wishing to file a discrimination complaint with the University of Wisconsin-Stevens Point should do so with the Affirmative Action Director within 300 days of the alleged violation.

AFFIRMATIVE ACTION PLAN.

UWSP's Affirmative Action Plan requires that the campus, including each department/unit, affirm its commitment to implement all federal, state and University of Wisconsin System equal employment opportunity and affirmative action laws, executive orders, rules, regulations and policies.

Such laws and regulations include but are not limited to

- Equal Pay Act of 1963;
- Title VII of the Civil Rights Act of 1964;
- Age Discrimination in Employment Act of 1967;
- Sections 503 and 504 of the Rehabilitation Act of 1973;
- Executive Order 11246;
- Title IX of the Education Amendments of 1972;
- Section 402 of the Vietnam Veterans Readjustment Act of 1974;
- Wisconsin Statutes Chapter 230;
- Wisconsin Fair Employment Act;
- Executive Order 28; and
- University of Wisconsin System Equal Employment Opportunity and Affirmative Action Policy.

COMPLAINTS OF DISCRIMINATION OR HARASSMENT.

Filing a Complaint.

Persons wishing to file a complaint alleging discrimination or harassment are advised to lodge their complaint with the Affirmative Action Director, or with the Director of Personnel Services if the complaint concerns a member of the classified staff.

Complaints alleging discrimination may also be lodged with the chancellor or provost, or any vice chancellor, dean, executive director, director of a unit, or department chairperson.

Procedures.

Faculty.

Complaints alleging discrimination or harassment by a member of the faculty will be handled under the provisions of either Chapters UWS/UWSP 6, 3, or 4, as appropriate. These procedures are delineated in the *University Handbook*.

Academic Staff.

Complaints alleging discrimination or harassment by a member of the academic staff will be handled under the provisions of either Chapters UWS and UWSP 13, 10, or 11, as appropriate. These procedures are delineated in the *University Handbook*.

Classified Staff.

Complaints alleging discrimination or harassment by a member of the classified staff will be handled under the provisions of the union contract or institutional work rules, as appropriate. These procedures are available from the Personnel Office.

Students.

Complaints alleging discrimination or harassment by a student will be handled according to the provisions of Chapters UWS/UWSP 14, student conduct procedures. These procedures are delineated in the brochure entitled *Community Rights and Responsibilities*.

CONSENSUAL AND FAMILIAL RELATIONSHIP POLICY

DEFINITIONS.

As used in this policy statement:

Instructor.

“Instructor” means all those who teach at UWSP, including faculty, coaches, teaching academic staff, and graduate students with teaching responsibilities.

Sexual Relations.

A person engages in “sexual relations” when the person causes contact with any body part of any person with the intent to arouse or gratify the sexual desire of any person. The term “person” includes not only the one doing the contacting but also the one being contacted. “Contact” means intentional touching, either directly or through clothing.

Familial Relationship.

The term “familial relationship” means an evaluative relationship with one’s spouse, child, parent, sibling, or anyone qualifying as a “dependent” under the Internal Revenue Code.

INTRODUCTION AND BACKGROUND

The University of Wisconsin-Stevens Point has only limited authority to regulate the private lives of its employees and students. The University has even less interest in formalizing regulations concerning the private lives of its employees and students, except insofar as the University has a duty to protect the rights of employees and students and to define professional/ethical standards for its employees.

The University also recognizes that all individuals entering into consensual relationships must accept responsibility for their actions.

Nonetheless, certain consensual relationships are of concern to the University.

Consensual relationships of concern to the University of Wisconsin-Stevens Point are those sexual relationships in which the parties appear to have consented, but where there is a definite power differential between the parties and where there is the appearance of bias on the part of an instructor or supervisor.

Codes of ethics for most professional associations forbid improper professional-client relationships. University policy and general ethical principles preclude professional individuals from evaluating the work or academic performance, or from making hiring, salary or similar financial decisions concerning family members. The same principles apply to romantic/sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate, or prospective employee.

RELATIONSHIPS AND CORRESPONDING REGULATIONS.

Consensual Sexual Relationships with a Student in One's Class.

These relationships with a non-spousal student in an instructor's class are not permitted. Violation of this regulation will subject an instructor to appropriate disciplinary action by the Vice Chancellor, including, but not limited to, reprimand, suspension, or dismissal. The University feels that the instructor/student relationship is one where a great fiduciary duty is imposed upon the instructor (one which is equivalent to doctor/patient or attorney/client) and where this prohibition is as appropriate as the prohibition imposed in other professions.

Consensual Sexual Relationships with a Student Not in One's Class.

These relationships are often problematic and should be avoided. The potential conflict of interest, bias, power differential, and appearance of impropriety problems are obvious. Further, there is the possibility that the student may subsequently enroll in the instructor's class, resulting in the difficult choice of putting the relationship on hold or facing disciplinary action.

Consensual Sexual Relationships with an Employee under One's Supervision.

These relationships are of concern to the University (and all other employers) because of conflict of interest and abuse of power differential problems. If such a situation develops, the supervisor should work with his or her supervisor to remedy the problem (e.g. by having one or both of the couple transferred.).

Familial Relationships.

The situation where one is in an evaluative position (such as a supervisor or instructor) with a family member is to be avoided if at all possible. The supervisor or instructor must consult with his or her dean/chair/supervisor before accepting such a responsibility. Together they should act to avoid the situation (e.g. by transferring an employee, having a student take another section of a course or take the course by independent study, correspondence, etc.).

SEXUAL HARASSMENT POLICY STATEMENT

PURPOSE.

Sexual harassment is recognized as a violation of civil rights laws, U.S. Equal Opportunity Commission Rules and by the civil law courts. The University of Wisconsin-Stevens Point is committed to providing its faculty, staff, and students with a sexual harassment-free environment.

The Chancellor, the Faculty Senate, and the Board of Regents of the University of Wisconsin System approved the following policy statement:

Sexual harassment is impermissible and unprofessional conduct, subject to disciplinary action in accordance with applicable due process requirements, including, but not limited to reprimand, temporary suspension, expulsion, or discharge of the harassing individual.

DEFINITION.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when

- submission to such conduct is made either as an implicit or explicit condition of an individual's employment, career advancement, grades, or academic achievement; or
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working environment.

COMPLAINTS.

Persons wishing to file a complaint alleging sexual harassment are advised to lodge their complaint with the Special Assistant to the Chancellor for Affirmative Action.

Complaints alleging sexual harassment may also be lodged with the chancellor or provost, or any vice chancellor, dean, executive director, director of a unit, or department chairperson.

DISCRIMINATION-FREE ENVIRONMENT POLICY

PURPOSE.

UWSP will

- foster an environment of respect for the dignity and worth of all students, employees, and guests of the University;
- provide an environment which is conducive to the free and open exchange of ideas; and
- strive to eliminate bias, prejudice, discrimination, and harassment in all forms and manifestations.

DISCRIMINATION.

Discrimination based on an individual's race, gender religion, color, creed, disability, sexual orientation, gender identity/expression, national origin, ancestry, age, marital status, pregnancy, or parental status is demeaning to all students, employees, and guests; impairs the process of education; and violates individual rights.

COMPLAINTS.

Students, faculty, academic staff, classified staff, prospective employees, prospective students, or visitors who believe they have been the target of discrimination on the basis of race, gender, religion, color, creed, disability, sexual orientation, gender identity/expression, national origin, ancestry, age, marital status, pregnancy, or parental status in employment or as a UWSP student should report it to the Special Assistant to the Chancellor for

Affirmative Action/Equity--Room 210, Main Building, ext. 2002-- (within 300 days of the alleged violation) for action under Section 36.12 (1), Wis. Stats., and Title IX of the Education Act, 1972.

Complaints alleging discrimination or harassment may also be lodged with the chancellor or provost, or any vice chancellor, dean, executive director, director of a unit, or department chairperson. These individuals and campus service providers (*i.e.*, Counseling Center personnel, Health Service care providers, Residence Hall Directors) should normally refer complainants to the Affirmative Action Office for resolution.

EDUCATIONAL PROGRAMMING.

To promote UWSP's goal of creating a discrimination-free educational environment, the chairperson of the Affirmative Action Committee shall annually appoint a nine-member subcommittee for educational programming on discriminatory harassment.

Membership.

- Three members, at least two of whom shall be classified staff, shall be members of the Affirmative Action Committee;
- three members shall be members of the University Affairs Committee; and
- three student members shall be appointed by the Student Government Association.

The Affirmative Action Director or a designee shall serve as a consultant to the subcommittee.

Duties.

The subcommittee shall recommend educational programs for employees and students on:

- the nature of sexual and discriminatory harassment;
- means of working to eliminate sexual and discriminatory harassment;
- ways to increase sensitivity to harassment; and
- methods of publicizing the procedures to combat and eliminate sexual and discriminatory harassment on the campus.

PUBLICATION.

This policy shall be included in the Community Rights and Responsibilities booklet and the University Handbook.

INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS

PURPOSE

The Institutional Review Board is established as an independent peer group to advise the Chancellor in the planning, evaluation, implementation and coordination of UWSP's programs concerning research on human subjects as well as review all human subjects research conducted at UWSP. The IRB has the authority to review, approve, disapprove, or require changes for approval in research activities involving human subjects.

RESPONSIBILITIES

The Board shall review all research involving human subjects, whether funded or not, to insure compliance with Department of Health and Human Services (DHHS) Guidelines on Research Involving Human Beings (45 CFR 46), and UW System principles concerning research on human beings as subjects.

MEMBERSHIP

The Board shall consist of at least seven persons appointed by the Vice Chancellor. At least three of the members shall have experience conducting human subjects research. At least one member of the board will be a community representative with no formal connection to the university.

MEETINGS

1. The Board will be scheduled to meet on a regular basis at least monthly during the academic year to transact business. Unless otherwise provided, meetings will be conducted according to the current edition of Robert's Rules of Order. Regularly scheduled meetings may be cancelled if there is no business.
2. An agenda and accompanying review materials will be distributed to Board members within the week preceding the meeting.
3. Principal investigators, or their designated representatives, may be present during the meeting to provide additional information or to answer questions at the time the protocol is reviewed. Visitors may speak at Board meetings after recognition by the chairperson or upon request of a Board member.

QUORUM

A quorum of the Board will consist of a majority of the membership.

OFFICERS AND MINUTES

1. The chairperson of the board is appointed by the Vice Chancellor. The chairperson will be responsible for communicating official actions of the Board to appropriate individuals and will preside over Board meetings. In the absence of the chairperson, a designated member of the board will perform these functions.
2. An official record of each meeting will be maintained. The official minutes will reflect the attendance, motions of the Board, and votes, noting negative votes and abstentions. The official minutes will include any statement members of the Board may wish to be officially recorded. A copy of the minutes shall be forwarded to the Vice Chancellor and to University Archives. Additional copies will be forwarded to interested parties upon request. The official minutes will be subject to correction and/or approval and the original of all records will be retired to the University Archives at the conclusion of each academic year.

VOTING

1. Except for cases covered in (2) below, all motions must receive a number of affirmative votes equal to the legal quorum for adoption. The chairperson is eligible to vote on all matters, except as provided in (4) below.
2. Voting will take place in Board meetings by those members present. Because of the importance of discussion in the Board's review and approval processes, absentee votes may not be taken. Any Board member who anticipates being absent from a meeting and who wishes to participate in voting on a given protocol may request in writing to the chairperson in advance of the meeting that consideration of the protocol be deferred in accordance with (3) below. Any member who anticipates being absent from a meeting may submit written information to be presented at the meeting on protocol(s) for the Board to consider in its review of the protocol(s).
3. Any member of the Board, on any given motion, may request that the protocol being voted on be deferred for consideration at a special meeting or at the next regularly scheduled Board meeting. Members will be sent a special notice informing them of the deferral action, and the date, place, and time of the meeting for reconsideration. Deferral for reconsideration can be made only once for each protocol.
4. No member of the Board shall be involved in either the initial or continuing review or approval of an activity in which the member has a conflicting interest except to provide information requested by the Board. A conflict of interest exists if a person (i) is written into the proposal or project as a participant or (ii) signs the proposal transmittal form in a capacity other than a representative of the Chancellor or Board of Regents. Any member may voluntarily abstain from voting due to a conflict of interest even if the member does not fall within these definitional categories of "conflict of interest."
5. All meetings shall comply with the provisions of the Open Meeting Law, Sections 19.81-19.98, Wisconsin Statutes.

WORKPLACE VIOLENCE

REPORTING GUIDELINES

Acts of violence are prohibited by law. The University of Wisconsin - Stevens Point is committed to providing faculty, staff and students with an environment that is safe, secure and free from violence, and other forms of aggressive behavior; one which is based upon civility, respect and the free expression of ideas.

To promote an atmosphere that encourages learning and productive employment, quick responsive action will be taken if violence or the threat of violence arises. This includes any direct, conditional or implied threat, intentional act, or other conduct that reasonably arouses fear, hostility, intimidation or the apprehension of harm.

Violence and threats of violence are always prohibited on campus, especially whenever:

- the act, behavior, or communication is abusive and could cause another person physical, emotional, or psychological harm;

- the act, behavior, or communication damages or threatens to damage property of the university or of an individual.

All members of the university community should report any act of violence, potential violence, threatening, aggressive or disruptive behavior to a supervisor, department chair, Student Rights and Responsibilities Office (if students are involved), the Personnel Office or University Police and Security Services. These resource people can help ensure that your concerns are properly reported and investigated. The employee who receives such a report is obligated to channel the complaint through the appropriate university procedures.

Examples of campus violence include, but are not limited to:

- threats of harm to a person or their property;
- intentional damage to university or private property;
- brandishing a weapon or an object that appears to be a weapon;
- threatening or directing abusive language toward another person;
- stalking as defined by Wisconsin statute;
- physical attacks on another person such as slapping, punching, pushing or intimidating gestures;
- domestic conflicts that extend into the workplace.

Any person who exhibits violent, aggressive or threatening behavior will be held accountable for their actions under university policy and rules, as well as local, state and federal laws. Violators are subject to disciplinary action, including suspension or dismissal, and may be subject to criminal prosecution.

This policy does not replace any current disciplinary or formal grievance process established in agreements with collective bargaining units and governance groups. Nor does the use of this process cause an employee to forfeit the right to file a grievance. If an employee is represented by a bargaining unit, he/she may request the assistance of a union representative at any step in this process.

REPORTING PROCEDURES

Employee Responsibilities:

- Remove yourself from the threat as soon as possible.
- Contact University Police and Security Services at ext. 3456 if there is a threat of danger of physical violence.

- Call 911 if there is a medical emergency.
- Immediately notify your supervisor, department chair, dean, or residence hall director if you are a victim of, or a witness to, an act of violence or other violation(s) of this policy.
- Document the incident as soon as possible.

Department Responsibilities:

- Contact University Police and Security Services at ext. 3456 if there is a threat of danger or physical violence.
- Call 911 if there is a medical emergency.
- Obtain written statements from witnesses.
- Investigate or arrange to investigate the complaint.
- Interview witnesses, gather facts, and assess the situation.
- Determine if the complaint can be resolved within the unit without disciplinary action or if other action should be taken.
- If resolved within the unit, take whatever action is deemed appropriate.
- If disciplinary or other action is considered, confer with the Personnel Office, the appropriate division head, or the Student Rights and Responsibilities Office (if students are involved) to determine the appropriate course of action.

RESEARCH MISCONDUCT POLICY

STANDARDS OF CONDUCT

Researchers are expected to retain appropriate documentation for their research and adhere to accepted ethical standards appropriate to their academic discipline.

DEFINITION OF RESEARCH MISCONDUCT

Misconduct is intentional falsification of data, plagiarism, or other practices that deviate from common research practice within the academic community for proposing, conducting, or reporting research. Honest errors and differences in interpretation of data are not considered misconduct. Misconduct is prohibited at UWSP, and may be cause for discipline or dismissal.

REPORT OF RESEARCH MISCONDUCT

Research collaborators, colleagues, and anyone who has reason to believe that research misconduct has occurred has the responsibility of reporting the misconduct. Retaliation because of good faith reporting of misconduct is prohibited. However, individuals found to

have brought allegations of a frivolous or malicious nature shall be subject to the same range of disciplinary action as individuals found guilty of violating this policy.

PROCEDURE FOR PROCESSING RESEARCH MISCONDUCT ALLEGATIONS

1. Allegations shall be reported in writing to the dean of the appropriate college. The accused individual shall be informed in writing by the dean within 10 days (a) what allegations have been made, (b) the identity of the accuser, and (c) that an initial inquiry into the allegations may result in a subsequent investigation.
2. The dean of the college shall undertake a prompt and discreet inquiry. All matters pertaining to the inquiry shall be kept in strict confidence. The inquiry consists of information gathering and preliminary fact-finding to determine whether a more extensive investigation is warranted. The inquiry shall be completed within 60 days from the time the written allegations were received by the dean.
3. If the inquiry concludes that the allegation of misconduct is unsubstantiated, and an investigation is not warranted, then the reasons and supporting documentation for this conclusion shall be reported to the Chancellor. If the Chancellor concurs with the conclusion that an investigation is not warranted, then no further action shall be taken in the matter. The conclusion of the dean and Chancellor, as well as all supporting documentation from the inquiry, shall be recorded and the record maintained confidentially for a period of three years following termination of the inquiry.
4. If the inquiry finds reasonable cause to believe the allegations are neither frivolous nor misguided, the individual against whom the allegation was made shall be provided a copy of the report of the dean's inquiry. The matter shall then be referred to an ad hoc committee appointed by the dean for formal investigation. Committee members shall be individuals who are knowledgeable in the researcher's area of study, but who are not involved with the research in question nor in competition with the accused. It may be advisable in certain situations to invite researchers from other institutions to participate in the investigation. The investigation shall be initiated within 30 days of the completion of the inquiry. If the research in question has been supported by extramural funds, the institution may be required to notify the funding agency that a formal investigation is underway.
 - A. The ad hoc committee shall determine whether misconduct has occurred and assess its extent and consequences.
 - B. If the ad hoc committee finds the charges to be true, then the dean shall follow normal governance procedures (UWSP Chapters 4, 6, 11, or 13) to invoke an appropriate penalty, ranging from reprimand to dismissal.
 - C. A copy of the committee's report shall be provided to the individual under investigation. The dean shall afford the individual under investigation an opportunity to discuss the matter with the committee and himself/herself prior to any action taken under Section 4(B) above. The individual under investigation may reply in writing to the Committee. Any reply will be appended to the committee report.
 - D. Appropriate agencies and journals shall be notified by the Office of Academic Affairs in the event that misconduct is verified by the ad hoc committee.

- E. If misconduct is not verified by the ad hoc committee, extensive efforts shall be made to restore the reputation of the accused individual.

FACULTY LEAVES WITHOUT PAY

DEFINITION

A leave without pay (LWOP), for the purposes of this policy, is defined to include any reduction in appointment which is requested by the individual and for which no salary is received from University of Wisconsin sources. The leave is considered to be of a temporary nature for the purposes indicated below. This definition does not include leaves for faculty development, illness, sabbatical purposes, or political activity.

POLICIES GOVERNING ALL LWOP

Office Space

Faculty members on leave are entitled to office space in their departments as long as such space is available. If a temporary replacement is hired for a faculty member on leave and there is no extra office space available in the department, then the member on leave may be required to relinquish his/her office.

Use of Facilities

Faculty members on leave may use University facilities and equipment related to their academic field and their usual University responsibilities. If shortages of facilities or equipment arise, faculty members actively teaching in the given semester have priority over those on leave of absence.

Duration

Normally, the maximum length of time for which a leave will be granted is one year. The leave may be renewed annually, but only with the approval of the department.

Procedures and Dates for Request and Renewal of Leaves

Normally requests for, and renewal of, leaves that involve a faculty member's return to formal schooling to obtain an advanced degree should be submitted by March 1 for the following academic year. Requests for, and renewal of, all other leaves should be submitted by May 1 for the following academic year, and October 1 for the second semester. Consideration of all leaves and renewals shall begin at the department level.

TYPES OF LEAVES AND ASSOCIATED POLICIES

Full Leaves

Full leaves entail a total severance of all duties for a period of not less than one semester.

Individuals on full leaves for one semester or longer may not be members of the Senate nor may they serve on Senate committees.

Individuals on full leaves may participate in departmental governance as specified by the department's by-laws, so long as they comply with appropriate provisions of the statutes of the State of Wisconsin.

Education Leaves

These leaves may be requested by individuals not holding the terminal degree for time to pursue a terminal degree at a recognized institution of higher education within a specified program.

Salary: The individual will not be advanced a year on the salary schedule, but may opt to be considered for merit.

Seniority: Such leaves shall not count toward seniority under UWSP 5.08.

Professional Leaves

These leaves may only be granted with the concurrence of the department. They are defined as leaves for any purpose related to an individual's duties at the University. They may include, but are not limited to: teaching at another institution; research at another institution; work outside an educational institution related to duties at UWSP; work not clearly related to duties at UWSP but deemed appropriate by the department.

Salary: The individual will be advanced one year on the salary schedule, and may opt to be considered for merit.

Seniority: Such leaves shall count toward seniority under UWSP 5.08.

Non-Professional Leaves

Persons may be granted LWOP upon recommendation of their department for purposes not related to their employment at UWSP or to their professional duties. Persons on non-professional LWOP do not advance in either seniority or on the salary schedule during the period on leave but may opt to be considered for merit.

Partial Leaves

A person on partial leave remains on campus during part of the leave period and participates in the normal activities associated with full-time employment, though to a lesser extent. Consequently, no special policies need apply.

Salary: The individual on partial leave shall advance one full year on the salary schedule while on partial leave.

Seniority: Covered by UWSP 5.08(2).

Governance: The individual on partial leave shall continue to have the same rights and responsibilities to both his/her department and to the University in governance matters.

HAYES-HILL TITLING ADVISORY COMMITTEE OPERATIONAL PROCEDURES & POLICIES

NOTE. This document has been put into a format similar to the rest of the *Handbook*. With the exception of the section on appeals, modified to conform to existing grievance procedures and policies, no other changes were made from the original, copies of which are available from the Personnel Office.

GENERAL INFORMATION.

Charge and Role.

The Hayes-Hill Titling Advisory Committee (HHTAC) is appointed by the Chancellor. HHTAC advises the Chancellor and the Cabinet on the ongoing administration of the Hayes-Hill personnel system, including review of

- requests for new positions to ensure assignment of the appropriate title and salary grade;

- requests to upgrade positions or promote academic staff to ensure that Hayes-Hill requirements are met; and
- requests to move filled or vacant positions from classified to academic staff appointment and from academic staff to classified appointment to ensure that provisions of Unclassified Personnel Guideline #7, "Designation of Positions as 'Academic Staff' Under s. 36.09, Wis. Stats., UWS 9-14, Wis. Admin. Code and Regent Policy Document 75-3," are met.

A primary goal of HHTAC is to ensure that the system is applied fairly and equitably across the campus.

Membership.

- The Vice Chancellor for Academic Affairs and the Vice Chancellors for Business Affairs, and Student Affairs shall each recommend at least one individual to the Chancellor to serve on HHTAC; in addition, the Academic Staff Council shall recommend at least one individual to the Chancellor.
- The Chancellor will appoint at least one person for each cabinet-level division from among those recommended by the respective cabinet officers, and one from among those recommended by the Academic Staff Council. The Affirmative Action Officer or his/her designee will also be a member of the committee. HHTAC will elect its chair from among its members.
- No member of HHTAC may also be a member of the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee.
- All members of HHTAC serve as resource personnel; persons with any questions related to Hayes-Hill matters are invited and encouraged to contact one of the members for consultation.

Meetings.

- All meetings of the HHTAC shall conform to the provisions of 19.81-19.98 of the Wisconsin Statutes (1985-86), the Open Meetings Law, as appropriate.
- Regularly scheduled meetings are normally held twice each month. Dates, time and location of meetings are available from any committee member.
- Minutes shall be distributed to all members of HHTAC, the Chancellor, the members of the Academic Staff Council, the Special Assistant to the Chancellor for Affirmative Action, and anyone requesting a copy.
- Individuals have the right of access to all materials submitted to HHTAC except as otherwise provided by law to protect privacy rights of employees.

Scope of Responsibility.

For individuals or positions covered by Hayes-Hill categories, which includes all academic staff and some faculty, personnel actions involving

- titling for a new position prior to announcing the position;
- titling for a replacement position prior to announcing the position;
- changes in position description which might cause change in Hayes-Hill titling;
- assignment of title or changes in title;
- assignment of grade or changes in grade; and
- promotion or demotion

must be presented to the HHTAC for review and response before proceeding.

PROCEDURES AND POLICIES.

New and Replacement Positions.

Submittal Procedure.

- Copies of position description questionnaires [a sample, Appendix A of the original HHTAC document, may be obtained from the Personnel Office] for new positions, and for replacement positions should be submitted to HHTAC for assignment of title, grade, and salary range minimum and maximum at least thirty days prior to advertising the position.

To help expedite procedures, units may submit materials required by HHTAC and materials required by the Affirmative Action Office to both simultaneously, simply omitting the Hayes-Hill title in the materials submitted to AAO and providing it after HHTAC action.

- ♦ Unit supervisors submitting position description questionnaires are asked to include an organizational chart of the unit with the request, and shall include a recommended title or titles.

The page asking for recommended title added to the position description questionnaire and used at UWSP during the initial campus Hayes-Hill titling implementation will continue to be used with questionnaires for all future actions [a sample, Appendix B of the original HHTAC document, may be obtained from the Personnel Office].

- ♦ Where there may be questions concerning whether a change in the position description is significant and might warrant a change in Hayes-Hill title, supervisors are urged to contact any member of HHTAC for consultation.
- For all actions, completed position description questionnaires shall be sent to the Chair of HHTAC. The Chair will place items on the HHTAC meeting agenda.

Position Description Questionnaire Review Procedure.

- Normally, HHTAC will review Position Description Questionnaires at a regularly scheduled meeting and within thirty days of their receipt.
- HHTAC will review the questionnaire and compare the duties and responsibilities to the titling manual. HHTAC will conduct a point count for positions that require it.
 - ♦ Where HHTAC agrees with a recommended title or action, its response will be recorded in the HHTAC minutes and, a notice of HHTAC action shall be sent to all those signing-off on items submitted to HHTAC as well as to the regular distribution.
 - ♦ Where HHTAC disagrees with a recommended title or action, the Chairperson of HHTAC or a designee will contact both the individual involved and the immediate supervisor of the position to attempt to reconcile differences.
 - Where resolution occurs, HHTAC's response will be recorded in the HHTAC minutes and, a notice of HHTAC action shall be sent to all those signing-off on items submitted to HHTAC as well as to the regular distribution.

- Where such informal contact does not lead to resolution, both the individual and the supervisor of the position shall be invited to attend an HHTAC meeting for reconsideration.
 - ♣ Where resolution occurs, HHTAC's response will be recorded in the HHTAC minutes and, a notice of HHTAC action shall be sent to all those signing-off on items submitted to HHTAC as well as to the regular distribution.
 - ♣ If differences remain, HHTAC shall forward its recommendation to the appropriate administrative officer, and to the Chancellor.

If the supervisor of the position disagrees with HHTAC's recommended title he/she can appeal to the Chancellor who shall make a final decision.
- For positions requiring a point count for titling, members of HHTAC will perform a point count of the position at a regularly scheduled meeting.
 - ♦ Once consensus is reached, the Chair will notify the Supervisor in writing of the point count and the impact on the employees title and grade. The supervisor will be asked to share that information with the employee.
 - ♦ If the supervisor and employee agree with the point count results and the final titling decision may be made locally (i.e. does not need UW-System approval), HHTAC's decision is communicated to all affected parties.
 - ♦ If the supervisor and/or employee disagree with the point count, they will be invited to meet with HHTAC to review the point count to insure that it accurately reflects the position.
 - ♦ If agreement cannot be reached on a titling decision that may be made locally, the supervisor or employee may appeal to the Chancellor, who shall make a final decision.
 - ♦ When the final decision must be made by UW System personnel, the returned decision is communicated by the chair of HHTAC to all parties.
 - ♦ If the supervisor or employee disagree with the point count result of a titling decision, made by UW System Personnel, either or both may appeal to the Associate Vice President - Office of Human Resources.

Promotion.

Role and Responsibility.

With regard to promotion, the function of HHTAC is to review materials prior to final approval for promotion in the professional and program manager titles to ensure that Hayes-Hill criteria have been met.

Promotion Criteria

Professional Titles - (A search and screen is not necessary in such actions.)

Submittal Procedure

It is the responsibility of the employee to understand how and when a promotion may be appropriate and to initiate the process. As part of the annual and supplemental reviews, the employee is encouraged to clarify with their immediate supervisor whether the UW-System and institutional criteria for promotion have been met. If the employee has additional questions on promotions, they are encouraged

to speak with the Associate Vice Chancellor for Personnel and Budget, Director of Personnel Services and/or members of HHTAC.

It is the employee's responsibility to request, in writing, recommendation(s) supporting their promotion from their immediate supervisor and any other officer in the line preceding the appropriate Cabinet Officer.

Policy in the University Handbook on academic staff promotions (Chapter 1, "Primary Unclassified Personnel Policies and Procedures", Section 4, "Implementation Procedures and Guidelines for Personnel Rules and Policies for Academic Staff") provides that a supervisor who receives a request for promotion shall:

- "review the request and accompanying materials within 15 days of receipt of the request;
- within 20 days of receipt of the request, afford the academic staff member making the request an opportunity to present additional materials or oral testimony on the academic staff member's behalf;
- act on the request in a reasonable time and shall provide written notification of decision, which shall normally be within 15 days of the meeting with the academic staff member (or from the date of informing the academic staff member of the opportunity if the academic staff member decides not to meet with the supervisor) but may be up to 90 days after receipt of the request if the supervisor decides that an additional performance review involving a questionnaire is appropriate."

The employee must file a request for promotion with their Cabinet Officer (i.e. Provost/Vice Chancellor for Academic Affairs, Vice Chancellor for Business Affairs, Vice Chancellor for Student Affairs, and with HHTAC through its Secretary, the Director of Personnel Services. If possible, recommendations from the immediate supervisor and any other officer in the line preceding the appropriate Cabinet Officer should accompany the request for promotion.

Application Deadline

To be considered for promotion on July 1, the employee must submit their request to the appropriate Cabinet Officer and HHTAC by February 1.

If the supervisor(s) recommendations do not accompany the employee's request for consideration of promotion and are not received by February 15, the HHTAC's Secretary will request a recommendation from the supervisor(s) by March 1.

Requests for consideration of promotion will not be reviewed in that cycle if they are received by the officials identified above after February 1 OR if the file, though received by February 1, does not have recommendations from the immediate supervisor as well as any other officer in the line preceding the appropriate Cabinet Officer by March 1.

Notification Date

By April 1, the Chancellor and appropriate Cabinet Officer will notify the employee as well as the appropriate supervisor(s) of the decision on promotion.

Effective Date

Promotions become effective on July 1 of the calendar year in which promotion was approved by the appropriate Cabinet Officer and Chancellor.

Minimum Years of Service

No promotion is acquired solely because of years of service. An employee is first eligible for consideration for promotion from Associate to No Prefix when 1.5 years of experience have been accumulated by January 1 in the year application for promotion is submitted. An employee is first eligible for consideration for promotion from No Prefix to Senior when 6.5 years of experience have been accumulated by January 1 in the year application for promotion is submitted.

Minimum Performance Criteria

For Promotion from Associate to No Prefix:

- Positive annual and supplemental evaluations. Material submitted for promotion must include results of at least one annual evaluation and a supplemental evaluation completed within the past 12 months.
- The UW SYSTEM UNCLASSIFIED TITLE DEFINITIONS BOOK (1/1/94) provides that an employee at the No Prefix level ". . . performs those duties and responsibilities expected of a fully competent professional. Typically such duties and responsibilities require knowledge and skills gained only through considerable experience. A fully competent professional works independently in applying the approaches, methods and techniques of his or her profession, and is active in developing or assisting in the development of new approaches to resolving problems." (page 56)

For Promotion from No Prefix to Senior:

- Positive annual and supplemental evaluations. Material submitted for promotion must include results of annual evaluations and a supplemental evaluation completed within the past 12 months.
- The UW SYSTEM UNCLASSIFIED TITLE DEFINITIONS BOOK (1/1/94) provides that an employee at the Senior level ". . . performs program functions at a level of proficiency typically requiring extensive experience (e.g. a minimum of at least seven years of professional experience) and advanced knowledge and skills. At this level, the professional has a consistent record of exemplary performance. A Senior professional is expected to develop new approaches, methods or techniques to resolve problems with little or no expert guidance and to cope independently with new, unexpected or complex situations. At this level, a professional can be expected to guide or train other professionals or to oversee their work." (page 56)

For Promotion from Senior to Distinguished:

- Positive annual and supplemental evaluations. Material submitted for promotion must include results of annual evaluations and a supplemental evaluation completed within the past 12 months.

- The REVIEW PROCESS FOR CANDIDATES FOR THE DISTINGUISHED PREFIX - University of Wisconsin - Stevens Point (11-18-92) provides the criteria an employee must meet for movement to this prefix/title.
- Promotion to this level is not part of a natural career progression track.

A copy of the UW SYSTEM UNCLASSIFIED TITLE DEFINITIONS BOOK (1/1/94) and REVIEW PROCESS FOR CANDIDATES FOR THE DISTINGUISHED PREFIX - University of Wisconsin - Stevens Point (11-18-92) are available from HHTAC committee members or the Reserve Desk of the University Library.

Salary Increases

For promotion from Associate to No Prefix

- The salary increase shall move the employee's base salary up to the minimum of the pay grade to which the employee is promoted or 7% of the employee's current base salary, whichever is greater, on the effective date of the promotion.
- A salary increase beyond 7%, other than to the minimum of a pay grade, shall require approval of the Chancellor.

For promotion from No Prefix to Senior

- The salary increase shall move the employee's base salary up to the minimum of the pay grade to which the employee is promoted or 9% of the employee's current base salary, whichever is greater, on the effective date of the promotion.
- A salary increase beyond 9%, other than to the minimum of a pay grade, shall require approval of the Chancellor.

Bi-annual salary increase review

- The percentage increase in base salary associated with promotion to No Prefix and to Senior will be reviewed in January of each odd-numbered year. Any recommendations for change will be made jointly by HHTAC and the Academic Staff Council and forwarded to the Chancellor for approval with an effective date of July 1 of that calendar year.

Program Manager Titles - (A search and screen is not necessary in such actions.)

Assignment to a Level

Program Manager positions are assigned to one of three levels (I, II or III). The level assigned to a particular position is based upon application of the title evaluation rating system (i.e. point count of the position description). It is not determined on the basis of minimum experience or performance level of the employee in the position.

Effective Date

The effective date for a promotion in the Program Manager titles is the first of the month prior to the date HHTAC receives the request and PDQ for review (e.g., a request received on March 29 would be effective on March 1, if approved).

Salary Increases

Promotion in the Program Manager titles will result in a base pay increase of no less than 5% and no more than 10% on the effective date as defined in b. above, unless a 10% increase does not reach the minimum of the newly assigned pay grade. Then the increase will be sufficient to achieve this requirement.

A salary increase beyond 10%, other than to the minimum of a pay grade, shall require approval of the Chancellor.

Director Titles

A move to or within the Director titles is a promotion and normally requires a search and screen.

Change of Job

A move from one job to another within the same pay grade (e.g. Academic Curator to Cartographer, Information Manager to Instructional Program Manager) is not a promotion, but requires a search and screen.

Review Procedure.

- Normally, HHTAC review will occur at a regularly scheduled meeting and within thirty days of receipt of supporting materials.
- HHTAC will compare the materials submitted by the candidate to the duties and responsibilities as defined in the current titling manual.
 - ♦ Where criteria have been met, HHTAC will forward a positive recommendation to the Chancellor for final action on the promotion.
 - ♦ Where criteria have not been met, a copy of the materials shall be returned to the appropriate recommender with an explanation. A copy of the explanation shall also be sent to the individual recommended for promotion.
- Where HHTAC concludes that Hayes-Hill criteria have not been met and the individual/recommender disagree with HHTAC's conclusion and wishes to pursue the matter, the recommender shall request reconsideration. Normally, a request for reconsideration will include a reason and any appropriate supplementary material/s.
 - ♦ Where, after receipt of a request for reconsideration and review of supplementary materials, HHTAC decides that criteria have been met, HHTAC will so note and inform the appropriate individual/recommender.

A copy of HHTAC's recommendation will be submitted to the Chancellor for final action on the promotion.

- ♦ Where, after receipt of a request for reconsideration and review of supplementary materials, HHTAC continues to believe that criteria have not been met, HHTAC will so note and advise the recommender and the involved individual. The chair of HHTAC will offer both parties the opportunity to meet with HHTAC to attempt to reconcile the differences that continue to exist regarding the promotion.

Appeal to the Academic Staff Mediation Subcommittee or Faculty Mediation Subcommittee.

- The individual/supervisor who is dissatisfied with HHTAC's decision, after reconsideration, has 20 days in which to file a grievance with the Academic Staff Mediation Subcommittee.
 - ♦ Any grievance shall be filed under UWSP 13.02 and related procedures. These materials may be found in the *University Handbook*.
 - ♦ The individual filing a grievance shall simultaneously send a copy of the grievance to the chairperson of HHTAC.
- Classroom teaching academic staff may elect to take grievances under 13.02 either to the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee, but shall have access to only one subcommittee for each case. Regardless of which subcommittee is selected, the hearing procedures to be followed will be those for hearings under 13.02

EMERGENCY HIRING SITUATIONS.

Titling in emergency hiring situations may be authorized by the chair of HHTAC or designee. Report of any such actions shall be submitted to HHTAC for its information and review at its next meeting.

PROCESS FOR DESIGNATING GPR-FUNDED ACADEMIC STAFF POSITION FIXED-TERM

The following process must be followed to seek approval from Academic Staff Council to designate a GPR-funded position as fixed-term:

- Contact Academic Staff Council chair at least 2 weeks prior to the next scheduled meeting. If emergency cases arise during the summer, the employing department must contact the ASC Chair to request a meeting. The meeting will take place as quickly as a quorum can be achieved (within a three week timeframe).
- Provide written documentation outlining the rationale for converting the position from probationary to fixed-term. This documentation must be given to the ASC chair no later than one week prior to the meeting to discuss the request.
- Representation from the unit must attend the meeting in which the request will be discussed. If there is currently an Academic Staff person in the position in question and their status has the potential of being changed, they will be invited to attend the meeting and will also receive all supporting documentation prior to the meeting.

If a position is approved as a fixed term position, a two-year review may be assigned to the position to re-assess the necessity for it to be fixed term. The Academic Affairs Office, in particular the Associate Vice Chancellor for Personnel and Budget, will be responsible for notification to the department that the position must be reviewed.

STUDENT EVALUATION OF INSTRUCTION – EVALUATIVE FORM

The results of this survey will be used in personnel evaluations, and to provide summary data for Student Government Association records, and will be made available to your instructor only after grades have been recorded for the course. Mark the most appropriate response to each statement in the corresponding circles to the right.

Unless you are otherwise instructed, please answer all items on a scale of **1=strongly agree to 5=strongly disagree**.

ITEMS ABOUT THE STUDENT:

1. I completed all assigned tasks before coming to class.
2. I came to this course with a strong interest in learning this material.
3. I sought out the instructor when I needed help with course content.
4. I made a serious effort to attend class regularly.
5. I expect to receive the following grade in this course
1—A or Pass 2—B 3—C 4—D 5—F
6. Why did you enroll in this class? (mark all that apply)
1—GDR/GEP 2—Required for major/minor 3—elective for major/minor 4—general elective
5—recommended by advisor 6—sounded interesting

ITEMS ABOUT THE COURSE:

7. The course objectives and requirements were clear.
8. The course materials and activities were relevant to the course objectives.
9. Based on the course objectives and requirements, the course workload was
Much too low low appropriate high much too high
1 2 3 4 5
10. I learned a lot in this course.
11. Overall, this was a good course.

ITEMS ABOUT THE INSTRUCTOR:

12. The instructor organized the course material well.
13. The instructor demonstrated enthusiasm for the subject matter.
14. The Instructor treated students with courtesy and respect.
15. The instructor encouraged participation in class.
16. The instructor welcomed interaction outside of class for academic support.
17. The instructor provided useful feedback on my performance.

18. Overall, the instructor taught this course effectively.

STUDENT EVALUATION OF ONLINE INSTRUCTION – EVALUATIVE FORM

The results of this survey will be used in personnel evaluations, and to provide summary data for Student Government Association records, and will be made available to your instructor only after grades have been recorded for the course. Mark the most appropriate response to each statement in the corresponding circles to the right.

Unless you are otherwise instructed, please answer all items on a scale of **1=strongly agree to 5=strongly disagree**.

ITEMS ABOUT THE STUDENT:

- 1. I completed all assigned tasks on or before due dates.**
- 2. I enrolled in this course with a strong interest in learning this material.**
- 3. I contacted the instructor when I needed help with course content.**
- 4. I kept up with all assigned readings and activities.**
- 5. I expect to receive the following grade in this course**
1—A or Pass 2—B 3—C 4—D 5—F
- 6. Why did you enroll in this class? (mark all that apply)**
1—General Degree Requirement 2—Required for major/minor 3—elective for major/minor 4—general elective 5—recommended by advisor 6—sounded interesting

ITEMS ABOUT THE COURSE:

- 7. The course objectives and requirements were clear.**
- 8. The course materials and activities were relevant to the course objectives.**
- 9. Based on the course objectives and requirements, the course workload was**

Much too low	low	appropriate	high	much too high
1	2	3	4	5
- 10. I learned a lot in this course.**
- 11. Overall, this was a good course.**

ITEMS ABOUT THE INSTRUCTOR:

- 12. The instructor prepared a well-organized online course.**
- 13. The instructor demonstrated enthusiasm for the subject matter.**
- 14. The instructor helped to foster mutual respect.**
- 15. The instructor encouraged active participation in the course.**
- 16. The instructor responded to my questions in a timely manner.**
- 17. The instructor provided useful feedback on my performance.**
- 18. Overall, the instructor taught this course effectively.**

STUDENT EVALUATION OF INSTRUCTION REPORTING FORM

Instructor's Name _____

Course Number _____ Credit Hours _____ GDR: Y N

Class Size _____ Responses _____

Instructor's prior experience teaching this course: _____ semesters

Question	Median for this Course	Dept. Median for Comparable Courses*
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

*Comparable courses, using the same evaluation form, include the following:

STUDENT EVALUATION OF INSTRUCTION – OPTIONAL DEVELOPMENTAL FORM

• BANK OF SAMPLE STATEMENTS •

A-Strongly Agree	B-Agree	C-Neutral	D-Disagree	E-Strongly Disagree
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INSTRUCTIONAL METHODS

1. Lectures were presented in a way that facilitated note-taking.
2. The instructor provides individual attention when needed.
3. This instructor made effective use of examples and illustrations.
4. The instructor commands the respect of students.
5. Student participation is encouraged during discussion sessions.
6. The questions asked by this instructor stimulated me to think more deeply.
7. The instructor answered questions clearly and concisely.
8. This instructor stresses conceptual understanding.
9. Abstract ideas and theories were presented in a clear manner.
10. The instructor identified the relative importance of topics covered in class.
11. This instructor can sense whether class members are following the lecture or discussion.
12. Class time is used to the maximum benefit of students.
13. The material in this course was presented objectively.
14. This instructor invites critical assessment of the ideas presented in class.
15. The instructor conveys interest and excitement in the subject matter.
16. The instructor speaks clearly and can easily be heard throughout the class.
17. Laboratory exercises helped to clarify the material presented in lecture.

COURSE OBJECTIVES, MATERIALS, AND ORGANIZATION

18. The principal objectives of the course were clearly presented by the instructor.
19. This course met the objectives outlined by the instructor.
20. The course requirements were challenging without being excessively difficult.
21. The instructor used visual aids effectively in this course.
22. The textbook was helpful in meeting course objectives.
23. Laboratory or studio facilities were adequate for the tasks required.
24. The instructor suggests appropriate references for further study.
25. Sufficient time was allotted by the instructor to meet course objectives.
26. Course content matched the course objectives well.
27. The material presented seemed well planned and organized.

ASSIGNMENTS, EXAMINATIONS, AND GRADING

28. The assignments appeared to promote course objectives.
29. The instructor provides assignments which increase understanding of the subject matter.
30. I regularly completed the assignments in this course.
31. Directions and materials provided by the instructor adequately prepared me for assignments.
32. Course exams demanded understanding rather than rote memorization.
33. Examination questions were clearly worded.
34. The number of examinations ensured a fair evaluation.

35. Tests could be completed in the allotted time.
36. Students were given sufficient notice of tests and quizzes.
37. Tests and assignments were graded and returned within a reasonable period of time.
38. Evaluation in this class was directly related to the course objectives.
39. The grading standards seemed fair and reasonable from my perspective.

CLASSROOM CLIMATE AND FACULTY CHARACTERISTICS

40. Students were encouraged to think for themselves.
41. This instructor treats students with courtesy and respect.
42. The instructor was able to develop good rapport with the students.
43. Students felt free to ask questions and express their ideas.
44. My interest in the subject has increased as a result of this instructor.
45. Regular attendance at class was necessary in order to learn the required material.
46. This instructor appears to understand the academic difficulties experienced by students.
47. The instructor made an effort to know students as individuals.
48. This instructor is clearly enthusiastic about teaching.
49. The instructor keeps appointments with students, including scheduled office hours.

• BANK OF SAMPLE OPEN-ENDED QUESTIONS •

1. What were some of the strengths of the instructor?
2. What were some of the weaknesses of the instructor?
3. Is there something that you believe the instructor has done especially well in this course?
4. Is there something that you believe the instructor might have done better?
5. What surprised you most about the course?
6. What were some of the strengths of the course?
7. What were some of the weaknesses of the course?
8. How much intellectual discipline was required in this course?
9. Compare the level of difficulty of this course to others you have had.
10. How much effort have you put into this course compared to other students in the class?
11. In your opinion, how well did the course accomplish its objectives?
12. What was the most significant thing that you did to help fulfill the course objectives?
13. Describe the most significant thing the instructor did to help fulfill the course objectives.
14. Was there a significant factor that interfered with your ability to fulfill the course objectives?
15. Indicate what grade you feel you earned in this course and the reasons for the grade you select.
16. Describe your personal attitude toward this course.

PROCEDURES FOR THE EVALUATION OF NON-INSTRUCTIONAL FACULTY AND CATEGORY A AND C ACADEMIC STAFF

At the University of Wisconsin-Stevens Point we evaluate our employees' performance for five reasons:

1. To enable you to fully understand what's expected of you,
2. To help you assess the quality of your past work,
3. To give you constructive feedback from those with whom you work,
4. To gain information we may use to make accurate personnel decisions on such matters as promotion and retention, and,
5. To encourage you to do your best work.

ANNUAL REVIEW PROCEDURE FOR ACADEMIC STAFF EMPLOYEES WHO ARE MORE THAN 10% OF THE CALENDAR YEAR

Each year, employee performance is evaluated by the person to whom the employee reports according to the following procedure:

Responsible Person(s)	Actions
Person to Whom Employee Reports & Employee	<ul style="list-style-type: none">• Review employee's current position description for accuracy.• Discuss progress toward objectives agreed upon at last review.• Agree upon objectives and priorities to be accomplished during the coming year.
Person to Whom Employee Reports	<ul style="list-style-type: none">• Submits a written evaluation report by May 1 to the Vice Chancellor's Office to be included in the employee's personnel file.• Includes employee's position description, goals and objectives, and the complete record of their evaluation in the annual report signed by supervisor and employee.• Gives the employee a copy of the report.
Employee	<ul style="list-style-type: none">• Responds with written reaction to the evaluation to be included in the employee's personnel file.

SUPPLEMENTAL REVIEW PROCEDURE FOR ACADEMIC STAFF EMPLOYEES WHO ARE MORE THAN 10% OF THE CALENDAR YEAR

In the second and fifth years of employment and every fifth year after that, in addition to the annual review, employees take part in a special evaluation program that has two elements, a questionnaire survey and a self-evaluation instrument according to this procedure:

Responsible Person(s)	Actions
Associate Vice Chancellor for Personnel and Budget	<ul style="list-style-type: none"> • Provides training and orientation of all new hires to whom this procedure applies. • Notifies employees up for supplemental review via campus mail and the persons to whom they report that a supplemental review needs to be done. • Notifies campus of who is being reviewed.
Person to Whom Employee Reports & Employee	<ul style="list-style-type: none"> • Jointly develop survey and a list of survey recipients limited to those who know how the employee is carrying out the day-to-day duties and responsibilities of their job description.
Person to Whom Employee Reports	<ul style="list-style-type: none"> • Completes a copy of the questionnaire. • Distributes copies to those on the recipient list and to those making a special request.
Employee	<ul style="list-style-type: none"> • Does a self-evaluation by completing the questionnaire and providing any other performance information to the person to whom employee reports.
Academic Staff Council	<ul style="list-style-type: none"> • Acts as a resource for those participating in developmental reviews. • Provides guidance on all aspects of the non-instructional academic staff evaluation process, suggesting ways to improve specific individuals' reviews. • Participates in the actual review process when requested by the employee or the person to whom the employee reports.
Person to Whom Employee Reports	<ul style="list-style-type: none"> • Submits a written supplemental review report by May 1 to the Vice Chancellor's Office to be included in the employee's personnel file.
Employee	<ul style="list-style-type: none"> • If unsatisfied with the evaluation, within 15 days after receiving the supplemental review report, writes a request to the person to whom the employee reports, asking that he/she conduct a review of the supplemental review addressing identified concerns.
Person to Whom Employee Reports	<ul style="list-style-type: none"> • Reviews the matter and writes a response to the Employee within 15 days of receipt of the review request.
Employee	<ul style="list-style-type: none"> • If unsatisfied with the review, files a grievance according to the mediation process described in the Faculty Handbook.

Academic Staff Council	<ul style="list-style-type: none"> Assesses the supplemental review process every 4 years. Has access to all review data for purposes of assessing the quality of reviews.
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REVIEW POLICY FOR POSITIONS THAT ARE LESS THAN 10% OF THE CALENDAR YEAR

Any Academic Staff A or C position that is less than 10% of the calendar year, i.e. less than 5.2 weeks or 208 hours per calendar year, is not required to complete an annual review and/or supplemental review unless requested by the employee.

SURVEY DEVELOPMENT PROCEDURE FOR SUPPLEMENTAL REVIEW

The process for collection of data is designed to: (1) allow for a review which is directly tied to the job description of the individual being evaluated and (2) to provide data, which, in the opinion of the employee being reviewed and the person to whom the employee reports, will contribute to the development of the employee. In all cases, confidentiality will be maintained. There are 3 mandatory, 1 optional components involved in this process:

COMPONENT	RATIONALE	MANDATORY/ OPTIONAL
Demographic Information	Provides a context in which the remainder of the information may be interpreted	Mandatory
General questions	Provide an overall assessment of the individual being evaluated. Directors must include all questions as written here; other employees should reword questions to reflect their position descriptions.	Mandatory
Optional questions	Provide additional assessment information. Only select those questions that best address the responsibilities of the position description.	Optional
Open-ended Questions	Provide respondents with opportunities to comment on the strengths of individuals being evaluated, concerns about performance as related to job description, and suggestions for improvement.	Mandatory

SAMPLE SURVEY

Employee should construct individual survey according to guidelines on previous pages. Paper surveys or electronic surveys may be used.

GENERAL INSTRUCTIONS

Attached is a job description for the position held by the person being evaluated. Please consider this carefully and evaluate the individual's performance in relationship to this description.

DEMOGRAPHIC QUESTIONS

Please provide the following information in order to provide a context within which the evaluation data can be interpreted. Please circle the number that best indicates your knowledge of the person you are evaluating.

- 1 = I have regular and frequent contact with this person, know and understand the position very well, and am very familiar with the person's performance.
- 2 = I have regular contact with the person being evaluated and am aware of the person's job performance.
- 3 = I have occasional contact with the person being evaluated and have some knowledge of the person's job performance.
- 4 = I know the person, but I am not knowledgeable about the position. My evaluation is based upon the impression I have of the individual as a person.
- 5 = I know who this person is, but not personally. My evaluation is based upon my contacts with the office in which the person works and how well it functions.
- 6 = I have contact with this person only through UWSP committees outside his/her unit.
- 7 = I have little or no contact with this person and/or office, and, therefore, believe I am unqualified to offer an evaluation.

GENERAL QUESTIONS

Based upon the job description of the individual being evaluated, answer each of the following questions to the best of your knowledge. In the space that follows each item, please provide narrative comments that support your assessment. The comments that you add will contribute substantially to the development of the individual.

Use the following scale in completing your assessment:

- 1. Strongly Agree
- 2. Agree
- 3. Neutral
- 4. Disagree
- 5. Strongly Disagree

Note: please leave blank any questions for which you feel you do not have sufficient information to form an opinion.

This individual:

- 1. Is competent in dealing with personnel matters. _____
Comments:
- 2. Provides strong leadership for the unit. _____

Comments:

3. Communicates information accurately and clearly. _____

Comments:

4. Performs administrative tasks efficiently. _____

Comments:

5. In general, is an effective administrator. _____

Comments:

OPTIONAL QUESTIONS

Please provide your assessment of the performance of this individual as it relates to the criteria listed below. In the space at the conclusion of this list, write any comments that you believe to be appropriate.

Use the following scale in completing your assessment:

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree

Note: please leave blank any questions for which you feel you do not have sufficient information to form an opinion.

LEADERSHIP

This individual:

1. Has the trust and respect of those in the unit
2. Functions effectively under pressure
3. Motivates others to perform to their potential
4. Demonstrates a concern for quality
5. Maintains high standards of ethics, honesty, and integrity
6. Provides effective leadership to the unit in establishment of priorities
7. Supports faculty and academic staff in research activities
8. Supports faculty and academic staff in teaching excellence
9. Promotes high morale
10. Deals with nonproductive behaviors effectively
11. Finds creative solutions to problems
12. Examines alternative solutions to problems
13. Works appropriately toward finding solutions to problems and issues facing UWSP as an institution
14. Creates a positive work environment
15. Conducts meetings effectively
16. Conducts meetings efficiently
17. Utilizes effectively staff member's talents and abilities
18. Makes unpopular decisions when necessary
19. Effectively uses available resources

20. Supports faculty and academic staff in professional development

COMMUNICATION

This individual:

1. Is effective in oral communication
2. Is effective in written communication
3. Communicates expectations clearly
4. Represents the unit to the University positively
5. Represents the unit to the community positively
6. Involves appropriate personnel in decisions which affect them
7. Listens respectfully to individuals
8. Shares appropriate information

ADMINISTRATION

This individual:

1. Demonstrates an awareness of the problems and issues facing UWSP as an institution
2. Effectively carries out Affirmative Action guidelines
3. Accepts responsibility for decisions made and actions taken
4. Bases decisions on relevant evidence and information
5. Follows through on commitments
6. Delegates responsibility appropriately
7. Works well with administrators
8. Processes paperwork effectively and efficiently
9. Understands the requirements of the position
10. Maintains an appropriate balance between attention to details and broader responsibilities

PERSONNEL

This individual:

1. Maintains confidentiality in personal matters
2. Maintains confidentiality in professional matters
3. Skillfully handles difficult situations involving people
4. Effectively helps members of the unit resolve conflicts
5. Skillfully recruits new personnel
6. Helps new faculty/staff make positive transitions to UWSP
7. Acts fairly and objectively in matters having to do with personnel decisions--titling, salary, retention, promotion, appointment type, and tenure

MISCELLANEOUS

This individual:

1. Works for the development and improvement of UWSP as a whole
2. Respects diverse opinions
3. Is sensitive to the needs of others
4. Is sensitive to the interest of others
5. Accepts constructive criticism
6. Responds with respect to differences in race, culture, gender and socio-economic status, and to individuals with disabilities
7. Demonstrates an understanding and respect for students
8. Encourages students to work to their potential
9. Helps students develop responsibility for their conduct

OPEN-ENDED QUESTIONS

1. What are this individual's strengths in performing the duties in the job description?
2. What suggestions can you make for improvement in the individual's job performance?

FACULTY TEACHING LOAD

This policy on faculty teaching load is the recommendation of faculty governance. It is recognized that its full implementation is necessarily dependent upon the availability of adequate financial and physical resources.

This policy does not address time commitments associated with scholarship and service. Performance expectations in all areas of faculty responsibility are provided in the document "Teaching, Scholarship, and Service: Descriptions, Expectations, and Peer Evaluation for Retention, Tenure, and Merit" available from the Office of Academic Affairs as well as department personnel guidelines available from individual department offices.

ACADEMIC YEAR TEACHING LOAD

1. The department chairperson is responsible for establishing individual teaching loads within the department.
2. A full-time teaching load is 24 credit hours or the equivalent.
3. Each faculty member should have a maximum of 3 separate class preparations per semester.
4. Laboratory hours are typically equated to lecture hours on a 3 to 2 ratio. Supervision of student teachers and practica are typically equated to lecture hours on a 2.5 to 1 ratio.
5. There should be a maximum of 18 contact hours per week for each faculty member, except for faculty on temporary appointments.

In addition to the normal teaching assignment, the following are to be considered related activities not to be used as a basis for load reduction:

- Academic advising when the majority of departmental colleagues advise students;
- Maintenance of adequate office hours for student consultation;
- Routine maintenance of equipment used for teaching;
- Preparation of materials used in teaching;
- Participation in professional organizations;
- Study to remain current in one's discipline;
- Scholarship as normally expected of faculty in the department;
- Service as normally expected of faculty in the department.

TEACHING LOAD FOR DEPARTMENT CHAIRPERSONS

1. All department chairs are given an academic year contract plus a half-time summer appointment.

2. The teaching load for department chairs is determined by the dean of the appropriate college. Chairpersons normally teach 12 credits or the equivalent during an academic year.

LOAD RELIEF FOR THE CHAIRPERSON OF FACULTY SENATE

0.50 FTE is assigned to the Chancellor's Office to be used to provide load relief and replacement for the Chairperson of Faculty Senate. The affected department is authorized to hire a 0.50 FTE replacement for the Chairperson when deemed necessary by the department.

POLICY ON COURSE FORMATS AND CREDITS

UWSP follows the guidelines from University of Wisconsin System Academic Planning Statement No. 4 (revised May 11, 1984), Item 3 on the Awarding of Credit. The following statements clarify the policy as used at UWSP:

1. That institutions shall award credit to students successfully completing approved instructional programs, or demonstrating competence or learning equivalent to that provided by such programs as either semester credits or quarter credits.
2. That study leading to one semester credit represents an investment of time by the average student of not fewer than 48 hours for a combination of class contact in lectures and for preparation and study. Alternatively, a student may demonstrate learning that is an equivalent to that established as the expected product of such a period of study.
3. That study leading to one quarter credit is equal to two-thirds of a semester credit.
4. That, in addition to class contact for lectures, at UWSP contact hours and/or learning equivalencies may also include: laboratories, discussion sessions, tutorials, recitations, mediated lectures/discussions, and other instructor-approved experiential learning activities such as field trips, job shadowing, information interviewing and internships.

ALLOCATION OF GPR FUNDED GRADUATE ASSISTANTSHIPS

In determining the allocation of graduate assistant positions, the following criteria will be used:

1. By December 15, Graduate Coordinators or Associate Deans, in consultation with the College Dean, will establish priorities and prepare a justification describing their needs for, and proposed use of, assistantship support during the next academic year. These needs statements will provide the basis for determining the number of assistantships allocated by the Provost. Once allocations are made, the recipient graduate program area will select students to receive assistantship support, decide the length and level of that support within the academic year, and identify faculty to serve as supervisors for the student(s). Except in unusual circumstances, each student will receive at least one half of a full assistantship per semester.
2. The primary consideration in making allocations is ensuring that the assistantship provides a valuable learning experience to the student. Of secondary importance are requests based on the need for faculty assistance, the need to provide financial aid to students, or the need to generate more research and publications. Tasks assigned to graduate

assistants should be related to their professional development and degree program: e.g., working with faculty on projects, research, curriculum, library holdings, and other professional endeavors. These assignments should be geared towards improving the quality of the graduate program.

3. Each graduate program area that applies for assistantships should receive at least one, provided it has more than one full time graduate student in the semester of application.
4. In reviewing all applications for assistantships, a number of factors will be considered by the Provost or his designee:
 - the impact of the assistantship on other graduate programs;
 - the contribution of assistantship to the total university, e.g., public relations and service, potential for attracting extramural funding, assistance to other campus programs;
 - the requirements for research/thesis;
 - the past history/success of assistantships in the program;
 - the graduate SCH production of the area;
 - the number and type of graduate students enrolled in the program, i.e., active versus inactive, full-time versus part-time, out-of-state, out-of-nation (generally, programs with greater numbers of full-time, 9 credits or more, graduate students will be allocated a greater number of assistantships);
 - and the opinion/recommendation of a graduate program review.

INSTRUCTIONAL RESPONSIBILITIES OF GRADUATE ASSISTANTS

(Approved by Graduate Council: 27 March 1991)

INTRODUCTION

Along with specific undergraduate programs, several master's degree programs have been designated as components of the select mission of the University of Wisconsin-Stevens Point. Traditionally for the master's degree, programs involve significant mentorship of the students by the graduate faculty. Graduate students are directed by a major professor, and where appropriate, a graduate committee. These professors provide close supervision of the student's program plan and also provide a teacher/scholar model for the aspiring graduate student to emulate.

Graduate assistantship experiences have been established which enhance this tutoring process. Assistantships provide additional benefits by providing financial support to the student, by providing work/study or "hands on" experiences for the student, and by providing graduate programs with additional human resources to carry out their academic missions.

At the University of Wisconsin-Stevens Point we currently identify three types of graduate assistantships - program or project assistant (PA), research assistant (RA), and graduate assistant (GA). The project assistant category is little used and is primarily reserved for non-research related extramurally supported activities where the assistantship duties are prescribed by the funding source. The research assistant's duties are designed to work with a faculty member on a specific research project directly related to the student's degree.

In this position the student should be able to interact with a faculty member who can serve as a good role model. The RA duties are also usually specified by an external funding source. The graduate assistant's duties have been described in previous policies, approved by the Graduate Faculty.

CURRENT DUTIES ASSIGNED TO GRADUATE ASSISTANTS

University of Wisconsin System interpreted policy does not allow the use of graduate teaching assistants (TA's) on the comprehensive university campuses as the "instructors of record." At UWSP a graduate student may assist with instruction, but may not be the instructor of record. The instructor of record is responsible for class activities, the syllabus, assignments, and, in general, the learning environment and is the person whose name appears in the timetable. The instructor of record is the individual who teaches the academic content of the course, evaluates and grades the students, and structures the course.

The (GA) duties approved by the Graduate Council in 1982 state that graduate assistants "may assist with instruction, paper grading, assisting faculty members in laboratory sections and research projects; development of materials used in the classroom, and assist in departmental libraries, tutorial, and listening centers, etc. Duties should be professionally related to the degree sought." These duties are consistent with those allowable by the UW System and with the policies of other UW comprehensive campuses. Graduate assistants are normally utilized only in disciplines that already have a significant graduate component so that the students' comprehensive experiences are professionally related to their degrees. Most importantly, when graduate students are utilized directly in the classroom they are to **assist** the instructor of record. They are never to be utilized to provide the primary instruction in a class. There are currently graduate assistants in such programs as Soils, Water, Forestry, Biology, and Communication Sciences and Disorders.

Typically, these graduate students at UWSP assist with the laboratory and/or discussion sections of large freshman and sophomore classes that are taught by a faculty member with a terminal degree in the discipline. In fact, during the last review of the College of Natural Resources, the outside consultants recommended that graduate assistants be used both in the classroom and for research purposes. In the former instance, the professor in charge of the class provides the primary instruction and has the responsibility of determining the final student grade in the class.

The assistance provided by a graduate student may, for example, utilize a seminar model. It is common in this model to have the students actually do the majority of the lecturing to a class while the professor in charge may focus on conceptual principles and then analyze the students' presentations. The use of graduate students to supervise an undergraduate class under appropriate controls is a variation of this commonly accepted model.

When graduate students currently assist with instruction, they share the general faculty's responsibility for quality undergraduate teaching. Since these graduate students would be serving an apprenticeship, they should be monitored and receive careful guidance from the department. This guidance may take the form of seminars, conferences, observations by experienced teachers, or other methods designed to develop their instructional skills.

While maintaining the primary commitment to quality undergraduate programs, it is important that each department have the flexibility and freedom to delineate more specifically the duties of the graduate assistants in the context of those policies approved

by the Graduate Council. It is the appropriate responsibility of the chair of the department or the associate dean and the Dean of the College to ensure their programs' quality of instruction for both the graduate and undergraduate students.

The utilization of individuals without a master's degree to assist with instruction understandably causes concern among those who believe a terminal degree is essential to assure quality undergraduate instruction at UWSP. Since the use of graduate assistants in undergraduate classes potentially affects students from many disciplines, it is appropriate that the University develop minimum guidelines for the selection, training, and supervision of graduate students used to assist very directly and substantially with undergraduate instruction, in courses taken by a broad spectrum of students.

In order to differentiate graduate students who assist with instruction and are utilized directly in the classroom from those who provide more general service to the university or indirect instructional assistance (library research, grading of papers, etc.), a new category of assistantships has been proposed. This category is a subset of graduate assistants, would be labeled Instructional Assistants (IA), and is currently being tested as a viable teaching approach in the Division of Communication.

In the spring of 1988, the Graduate Council approved a pilot project submitted by the Division of Communication to the Council. This project was designed as one of the Division's responses to the Graduate Program Review that had just been completed. The project involved the use of graduate students in Comm 101 and had the approval of the Division, the Dean of COFAC, the Dean of Graduate Studies, and the Vice Chancellor. The Graduate Council approved the project as a pilot study for two years and requested that the Undergraduate and Graduate Program Review Committees evaluate the project's impact, success, and deficiencies with respect to graduate and undergraduate education before a policy was constructed. The Council was impressed with the organization and goals of the project. The IA's would receive a training experience of 40 hours prior to the Fall Semester; the IA Coordinator would select the texts, organize the course, construct the syllabus, and formulate assignments. In essence, there would be consistency across sections in Comm 101, and the contact hours would be increased from 2 to 3 with a greater emphasis on formal speaking. The Faculty Senate accepted this as an information item. Subsequently, the chair of the Academic Affairs Committee received a letter and oral requests to submit material to the Faculty Senate which would allow the faculty to approve or disapprove the use of graduate students as IA's. A policy was forwarded from the Academic Affairs Committee in December of 1988 before the initial results from the pilot project were known. The issue was debated, an array of amendments was offered, and the matter was resubmitted to the Academic Affairs Committee. The Chairs of the Academic Affairs Committee and Graduate Council discussed the situation and agreed to develop together a viable policy with the initial results of the pilot project as an appendix and submit this to the Faculty Senate for a vote on whether graduate students may be used under careful supervision as instructional assistants in select undergraduate courses. The following section is the proposed policy for the limited and controlled use of IA's in the classroom.

SELECTION, TRAINING AND SUPERVISION OF INSTRUCTIONAL ASSISTANTS (IA'S)

(Approved by Faculty Senate: 3 May 1989)

Prologue

Efforts must continuously be made by academic units to ensure that the quality of undergraduate instruction at UWSP is maintained and enhanced wherever possible. A program for the utilization of Instructional Assistants should have as its primary goal the increase in the quality of its educational product - the graduates of its baccalaureate and masters' programs. The rationale to develop a program to utilize Instructional Assistants must be the enhancement of quality instruction for the affected undergraduates and of the academic benefit to the graduate students involved. It has long been an irony of higher education that most individuals who teach in a university, government agencies, or businesses have had little or no formal instructional training. Many of our graduate students will be involved in both formal and informal teaching after graduation. It is appropriate, therefore, for them to learn teaching techniques on a campus that prides itself on the quality of its teaching. Teaching techniques could be learned in a class in which the graduate students teach each other or through IA's teaching undergraduates. The latter possibility allows the University to tap into one of its major strengths.

The following policies and procedures are intended to provide broad guidelines for schools and departments or divisions that wish to utilize IA's in their program. Additional specific guidelines at the unit level will have to be developed. It is expected that the criteria for the selection, training, and evaluation of the IA's shall be similar to those utilized by a department when hiring individuals with only the bachelor's degree under other employment categories.

Use of Instructional Assistants

Instructional Assistants shall be used only in freshman and sophomore level classes, not in junior or senior level classes, and not in graduate-only or in graduate/undergraduate classes.

Approval

A plan, specific in nature, to utilize Instructional Assistants in a course(s) for a school or department or division must be approved by the Graduate Council, based on the benefits accruing to the students involved. Graduate students may not be used in the classroom unless an academically rigorous program of selection, training and evaluation has been approved through faculty governance procedures and by the Chancellor.

The IA program plan shall be submitted initially to the Graduate Council and then ultimately through the Senate at least during the first semester prior to the academic year that the IA program is proposed for implementation. Normally the plan will be approved for a two-year trial period. An assessment of the IA program, based on student and faculty evaluations which focus on methodology and content, will be made by the end of the second year by a subcommittee of the Graduate Council and reported to the Senate. If the IA program is recommended to continue, the utilization of IA's will be incorporated into the normal 5 year cycle of undergraduate/graduate program review thereafter.

Coordination

A program for Instructional Assistants shall be supervised by the department chair or associate dean and coordinated by a member of the graduate faculty of the unit involved, who will be responsible for the selection, orientation, training, and evaluation of the graduate student participants. A positive assessment of the IA program will be contingent on the success of these early steps. The IA coordinator, selected by the professionals in the discipline, will have the background, knowledge, expertise, and willingness to provide a viable instructional training experience for the graduate students selected for the IA program.

Selection

The departmental or school IA coordinator and the chair/associate dean shall utilize the graduate student's academic record, experience, letters of reference, and interviews to select individuals to serve as Instructional Assistants. The selection process will include goal statements by the applicants, indicating how the Instructional Assistant experiences will fit into their long range career plans, which should be advanced by the teaching experience received at UWSP. Preference will be given to those graduate students who have had previous teaching experience and/or who can demonstrate a direct benefit derived from the IA experience in their master's program of study and career goals.

Training

Instructional Assistants will attend an academically meaningful program focused on pedagogical methods and techniques as well as course content prior to the beginning of each semester. This training will include a discussion of the course(s), with which each will assist, and focus on the course goals and content, teaching techniques, and evaluation strategies. Having the instructional responsibilities for the course(s), the IA coordinator will ensure that the IA's adhere to such normal teaching practices as having adequate and fixed office hours as well as returning tests and evaluations to their students in a timely fashion.

During the semester, the IA's will meet regularly with the IA coordinator to discuss the instructional strategies utilized in the course(s) being taught. The IA's will be eligible to receive 1-2 graduate credits for the orientation and weekly instructional seminar (i.e. Seminar in Instructional Practices). The conduct of this program as a useful educational experience will be part of the evaluative assessment.

Supervision

The IA coordinator will visit each IA's class at least 3-5 times a semester to provide an evaluation and feedback on each IA's performance. Additionally, for example, someone beside the IA coordinator (a mentor) could also be assigned to each IA as a resource to advise and evaluate the graduate student as an IA. The outcome of these classroom visits, student evaluations, performance in the graduate seminar, and general progress toward the master's degree, will be utilized to determine whether the IA may be

reappointed in subsequent semesters and whether the IA program is a successful academic experience for both the undergraduate and graduate students involved.

SECTION 16

WISCONSIN ADMINISTRATIVE CODE, **CHAPTERS UWS 14, 16 - 22**

(Chapters UWS 1 - 13, and 15 are in
Chapter 4, section 1 of this *Handbook*.)

CHAPTER UWS 14 **STUDENT ACADEMIC DISCIPLINARY PROCEDURES**

UWS 14.01 Statement of principles

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.02 Definitions

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.03 Academic misconduct subject to disciplinary action

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.04 Disciplinary sanctions

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.05 Disciplinary sanction imposed at the discretion of the instructor

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.06 Disciplinary sanction imposed following a report of academic misconduct by the instructor

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.07 Disciplinary sanction imposed following a report of academic misconduct by the investigating officer

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.08 Hearing

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.09 Appeal to the chancellor

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.10 Discretionary appeal to the board of regents

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.11 Settlement

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.12 Effect of discipline within the university system

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.13 Right to petition for readmission

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.14 Investigating officer

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.15 Academic misconduct hearing committee: institutional option

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.16 Notice to students

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.17 Notice to instructors

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.18 Consistent institutional policies

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

NOTE. See ch. UWS 17 for rules on student nonacademic disciplinary procedures.

UWS 14.01 Statement of principles.

The board of regents, administrators, faculty, academic staff and students of the university of Wisconsin system believe that academic honesty and integrity are fundamental to the mission of higher education and of the university of Wisconsin system. The university has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others' academic endeavors. Students who violate these standards must be confronted and must accept the consequences of their actions.

UWS 14.02 Definitions.

In this chapter:

- (1) "Academic misconduct" means an act described in s. UWS 14.03.
- (2) "Academic misconduct hearing committee" means the committee or hearing examiner appointed pursuant to s. UWS 14.15 to conduct hearings under s. UWS 14.08.
- (3) "Chancellor" means the chancellor or designee.
- (4) "Days" means calendar days.
- (5) "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.
- (6) "Disciplinary probation" means a status in which a student may remain enrolled in the university only upon the condition that the student complies with specified standards of conduct for a specified period of time, not to exceed 2 semesters.
- (7) "Disciplinary sanction" means any action listed in s. UWS 14.04 taken in response to student academic misconduct.
- (8) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.

(9) "Hearing examiner" means an individual appointed by the chancellor in accordance with s. UWS 14.15 for the purpose of conducting a hearing under s. UWS 14.08.

(10) "Institution" means any university or center, or organizational equivalent designated by the board.

(11) "Instructor" means the faculty member or instructional academic staff member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.

(12) "Investigating officer" means an individual, or his or her designee, appointed by the chancellor of each institution to carry out certain responsibilities in the course of investigations of academic misconduct under this chapter.

(13) "Student" means any person who is registered for study in an institution for the academic period in which the misconduct occurred.

(14) "Student affairs officer" means the dean of students or student affairs officer designated by the chancellor to carry out duties described in this chapter.

(15) "Suspension" means a loss of student status for a specified length of time, not to exceed 2 years, with resultant loss of all student rights and privileges.

UWS 14.03 Academic misconduct subject to disciplinary action.

(1) Academic misconduct is an act in which a student:

(a) Seeks to claim credit for the work or efforts of another without authorization or citation;

(b) Uses unauthorized materials or fabricated data in any academic exercise;

(c) Forges or falsifies academic documents or records;

(d) Intentionally impedes or damages the academic work of others;

(e) Engages in conduct aimed at making false representation of a student's academic performance; or

(f) Assists other students in any of these acts.

(2) Examples of academic misconduct include, but are not limited to: cheating on an examination; collaborating with others in work to be presented, contrary to the stated rules of the course; submitting a paper or assignment as one's own work when a part or all of the paper or assignment is the work of another; submitting a paper or assignment that contains ideas or research of others without appropriately identifying the sources of those ideas; stealing examinations or course materials; submitting, if contrary to the rules of a course, work previously presented in another course; tampering with the laboratory experiment or computer program of another student; knowingly and intentionally assisting another student in any of the

above, including assistance in an arrangement whereby any work, classroom performance, examination or other activity is submitted or performed by a person other than the student under whose name the work is submitted or performed.

UWS 14.04 Disciplinary sanctions.

(1) The following are the disciplinary sanctions that may be imposed for academic misconduct in accordance with the procedures of s. UWS 14.05, 14.06 or 14.07:

- (a) An oral reprimand;
- (b) A written reprimand presented only to the student;
- (c) An assignment to repeat the work, to be graded on its merits;
- (d) A lower or failing grade on the particular assignment or test;
- (e) A lower grade in the course;
- (f) A failing grade in the course;
- (g) Removal of the student from the course in progress;
- (h) A written reprimand to be included in the student's disciplinary file;
- (i) Disciplinary probation; or
- (j) Suspension or expulsion from the university.

(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of academic misconduct.

UWS 14.05 Disciplinary sanction imposed at the discretion of the instructor.

(1) Where an instructor concludes that a student enrolled in one of his or her courses has engaged in academic misconduct in the course, the instructor for that course may impose one or more of the following disciplinary sanctions, as listed under s. UWS 14.04 (1)(a) through (c):

- (a) An oral reprimand;
- (b) A written reprimand presented only to the student; or
- (c) An assignment to repeat the work, to be graded on its merits.

(2) No disciplinary sanction may be imposed under this section unless the instructor promptly offers to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(3) A student who receives a disciplinary sanction under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both. If the student desires such a hearing, he or she must file a written request with the student affairs officer within 10 days of imposition of the disciplinary sanction by the instructor.

UWS 14.06 Disciplinary sanction imposed following a report of academic misconduct by the instructor.

Where an instructor believes that a student enrolled in one of his or her courses has engaged in academic misconduct and the sanctions listed under s. UWS 14.04 (1)(a) through (c) are inadequate or inappropriate, the instructor may proceed in accordance with this section to impose, subject to hearing rights in s. UWS 14.08, one or more of the disciplinary sanctions listed under s. UWS 14.04 (1)(d) through (h).

(1) Conference with student. When an instructor concludes that proceedings under this section are warranted, the instructor shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(2) Determination by the instructor that no academic misconduct occurred. If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(3) Process following determination by the instructor that academic misconduct occurred.

(a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 14.04 (1)(d) through (h) should be recommended, the instructor shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to request a hearing before the academic misconduct hearing committee; and
4. A copy of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or be mailed to the student by regular first class United States mail at his or her current address, as maintained at the institution. In addition, copies of the report shall be provided to the institution's student affairs officer and to others authorized by institutional procedures.

- (c) A student who receives a written report under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both. If the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the student affairs officer within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

(4) Process following determination by the instructor that disciplinary probation, suspension or expulsion may be warranted.

- (a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that disciplinary probation, suspension or expulsion under s. UWS 14.04(1)(i) or (j) should be recommended, the instructor shall provide a written report to the investigating officer, which shall contain the following:

1. A description of the misconduct; and
2. Specification of the sanction recommended.

- (b) Upon receipt of a report under this subsection, the investigating officer may proceed, in accordance with s. UWS 14.07, to impose a disciplinary sanction.

UWS 14.07 Disciplinary sanction imposed following a report of academic misconduct by the investigating officer.

The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. UWS 14.04 (1)(g) through (j).

(1) Authority of investigating officer. The investigating officer may proceed in accordance with this section when he or she receives information that a student at the institution has engaged in alleged academic misconduct and:

- (a) Some or all of the alleged academic misconduct occurred outside the scope of any course for which the involved student is currently registered;
- (b) The involved student has previously engaged in academic misconduct subject to the disciplinary sanctions listed in s. UWS 14.04 (1)(d) through (j);
- (c) The alleged misconduct would, if proved to have occurred, warrant a sanction of disciplinary probation, suspension or expulsion; or
- (d) The instructor in the course is unable to proceed.

(2) Conference with student. When the investigating officer concludes that proceedings under this section are warranted, he or she shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the investigating officer to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(3) Conference with instructor. An investigating officer proceeding under this section shall discuss the matter with an involved instructor. This discussion may occur either before or after the conference with the student. It may include consultation with the instructor on the facts underlying the alleged academic misconduct and on the propriety of the recommended sanction.

(4) Determination by the investigating officer that no academic misconduct occurred. If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(5) Process following determination by the investigating officer that academic misconduct occurred.

(a) If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 14.04 (1)(g) through (j) should be recommended, the investigating officer shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to a hearing before the academic misconduct hearing committee; and
4. A copy of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or mailed to the student by regular first class United States mail at his or her current address, as maintained at the institution. In addition, a copy of the report shall be provided to the instructor and to the institution's student affairs officer.

(c) A student who receives a written report under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both.

1. Except in cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, if the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the

student affairs officer within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

2. In cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, the student affairs officer shall, upon receipt of the written report under par. (b), proceed under s. UWS 14.08 to schedule a hearing on the matter. The purpose of the hearing shall be to review the determination that academic misconduct occurred and the disciplinary sanction recommended. A hearing will be conducted unless the student waives, in writing, the right to such a hearing.

UWS 14.08 Hearing.

(1) If a student requests a hearing, or a hearing is required to be scheduled under s. UWS 14.07 (5)(c) 2, the student affairs officer shall take the necessary steps to convene the academic misconduct hearing committee and shall schedule the hearing within 10 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the student, instructor or investigating officer, and the members of the hearing committee.

(2) Reasonably in advance of the hearing, the committee shall obtain from the instructor or investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide a copy of ch. UWS 14 to the student.

(3) The hearing before the academic misconduct hearing committee shall be conducted in accordance with the following requirements:

- (a) The student shall have the right to question adverse witnesses, the right to present evidence and witnesses, and to be heard in his or her own behalf, and the right to be accompanied by a representative of his or her choice.
- (b) The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.
- (c) The hearing committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. Any party to the hearing may obtain copies of the record at his or her own expense. Upon a showing of indigency and legal need, a party may be provided a copy of the verbatim record of the testimony without charge.
- (d) The hearing committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.
- (e) The hearing committee may find academic misconduct and impose a sanction of suspension or expulsion only if the proof of such misconduct is clear and convincing. In other cases, a finding of misconduct must be based on a preponderance of the credible evidence.

- (f) The committee may impose a disciplinary sanction that differs from the recommendation of the instructor or investigating officer.
- (g) The instructor or the investigating officer or both may be witnesses at the hearing conducted by the committee, but do not have responsibility for conducting the hearing.
- (h) The decision of the hearing committee shall be served upon the student either by personal delivery or by first class United States mail and shall become final within 10 days of service, unless an appeal is taken under s. UWS 14.09.

UWS 14.09 Appeal to the chancellor.

(1) Where the sanction prescribed by the hearing committee is suspension or expulsion, the student may appeal to the chancellor to review the decision of the hearing committee on the record. In such a case, the chancellor shall sustain the decision of the academic misconduct hearing committee unless the chancellor finds:

- (a) The evidence of record does not support the findings and recommendations of the hearing committee;
- (b) Established procedures were not followed by the academic misconduct hearing committee and material prejudice to the student resulted; or
- (c) The decision was based on factors proscribed by state or federal law regarding equal educational opportunities.

(2) If the chancellor makes a finding under sub. (1), the chancellor may remand the matter for consideration by a different hearing committee, or, in the alternative, may invoke an appropriate remedy of his or her own.

UWS 14.10 Discretionary appeal to the board of regents.

Institutional decisions under ss. UWS 14.05 through 14.09 shall be final, except that the board of regents may, at its discretion, grant a review upon the record.

UWS 14.11 Settlement.

The procedures set forth in this chapter do not preclude a student from agreeing that academic misconduct occurred and to the imposition of a sanction, after proper notice has been given. Required written reports, however, may not be waived.

UWS 14.12 Effect of discipline within the university system.

Suspension or expulsion shall be system-wide in effect.

(1) A student who is suspended or expelled from one institution in the university of Wisconsin system may not enroll in another institution in the system unless the suspension has expired by its own terms or one year has elapsed after the student has been suspended or expelled.

(2) Upon completion of a suspension period, a student may re-enroll in the institution which suspended him or her as if no suspension had been imposed.

UWS 14.13 Right to petition for readmission.

A student who has been expelled may petition for readmission, and a student who has been suspended may petition for readmission prior to the expiration of the suspension period. The petition for readmission must be in writing and directed to the chancellor of the institution from which the student was suspended or expelled. The petition may not be filed before the expiration of one year from the date of the final determination in expulsion cases, or before the expiration of one-half of the suspension period in suspension cases. The chancellor shall, after consultation with elected representatives of the faculty, academic staff, and students, adopt procedures for determining whether such petitions will be granted or denied.

UWS 14.14 Investigating officer.

The chancellor of each institution, in consultation with faculty, academic staff, and student representatives, shall designate an investigating officer or officers for student academic misconduct. The investigating officer shall have responsibility for investigating student academic misconduct and initiating procedures for academic misconduct under s. UWS 14.07. An investigating officer may also serve on the academic misconduct hearing committee for a case, if he or she has not otherwise been involved in the matter.

UWS 14.15 Academic misconduct hearing committee: institutional option.

The chancellor of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a student academic misconduct hearing committee or designation of a hearing examiner to fulfill the responsibilities of the academic misconduct hearing committee in this chapter.

(1) A student academic misconduct hearing committee shall consist of at least 3 persons, including a student or students, and the presiding officer shall be appointed by the chancellor. The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice.

(2) A hearing examiner shall be selected by the chancellor from the faculty and staff of the institution.

UWS 14.16 Notice to students.

Each institution shall publish and make freely available to students copies of ch. UWS 14 and any institutional policies implementing ch. UWS 14.

UWS 14.17 Notice to instructors.

Each institution shall adopt procedures to ensure that instructors are familiar with these policies. Each institution shall provide instructors with copies of ch. UWS 14 and any institutional policies implementing ch. UWS 14 upon employment with the university, and each department chair shall be provided such copies upon assuming the duties of the chair.

UWS 14.18 Consistent institutional policies.

Each institution is authorized to adopt policies consistent with this chapter. A copy of such policies shall be filed with the board of regents and the university of Wisconsin system office of academic affairs.

CHAPTER UWS 16 OTHER APPOINTMENTS

UWS 16.01 Other appointments

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 16.01 Other appointments.

The board may make or authorize appointments of specified terms for student assistants and employees in training, such as residents, interns, post-doctoral fellows or trainees or associates. Appointments made pursuant to this section shall not be subject to the provisions of ss. 36.13 and 36.15, Stats., and chs. UWS 1-15. Policies and procedures for such appointments shall be determined as appropriate by the president or the chancellor of each institution after consultation with appropriate faculty and with appropriate student assistants and employees in training.

CHAPTER UWS 17 STUDENT NONACADEMIC DISCIPLINARY PROCEDURES

UWS 17.01 Policy statement

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.02 Definitions

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am. (4),

Register, June, 1977, No. 258, eff. 7-1-77; am. (4), r.(8), renum. (9) and (10) to be (8) and (9),

Register, February, 1989, No. 398, eff. 3-1-89; am. (1), (4) and (9), cr. (10), (11) and (12),

Register, August, 1989, No. 404, eff. 9-1-89.

UWS 17.03 Right to petition for readmission

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.04 Effect of discipline within the university system

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.05 Systemwide disciplinary authority

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.06 Offenses defined

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; r. (2), renum.(1) and (1) (a) to (e) to be (intro.) and (1) to (6),

Register, February, 1989, No. 398, eff. 3-1-89; am. (intro.), renum. (1),(2) (intro.), (a), (b) and (c), (3), (4), (5) and (6) to be (3),(1) (intro.), (b), (c) and (d), (4), (5), (6) and (7) and am. (1)(intro.), cr. (1) (a) and (2),

Register, August, 1989, No. 404, eff. 9-1-89; r. and recr. (2),

Register, August, 1992, No. 440, eff. 9-1-92; r.(2),

Register, April, 1993, No. 448, eff. 5-1-93.

UWS 17.07 Disciplinary procedure

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am. (1),

Register, February, 1989, No. 398, eff. 3-1-89.

UWS 17.08 Student conduct hearing tribunal: campus option

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.09 Discipline involving suspension or expulsion

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.10 Appeal to the board of regents

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.11 Intermediate appeals; campus option

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.12 Temporary suspension

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 17.13 Procedure for academic misconduct

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76;

r. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 17.14 Notice to students

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

NOTE. See ch. UWS 14 for student academic disciplinary procedures.

UWS 17.01 Policy statement.

The board of regents of the university of Wisconsin system adopts the following policy on the standards and procedures for student discipline in the university system, acknowledging both the need to preserve the orderly processes of the university with regard to its teaching, research, and public service missions, as well as the need to observe the student's procedural and substantive rights.

UWS 17.02 Definitions.

(1) "Chancellor" means the chancellor or designee.

(2) "Investigating officer" means investigating officer or designee.

(3) "Student," for the purpose of this chapter, means any person who is registered for study in any institution in the university for the current academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding academic period or until 14 calendar days have elapsed after the commencement of classes for the next succeeding academic period, whichever occurs first.

(4) "Disciplinary sanction" or "sanction" means any action affecting the status of an individual as a student which is taken by the university in response to student nonacademic misconduct. The term shall include probation, resignation or leave for misconduct, suspension or expulsion, written reprimand, denial of particular university privileges, and other less severe actions not enumerated herein. Disciplinary sanctions shall not include cut-off or revocation of a student's financial aids; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of the student for financial aid. Each institution is authorized to adopt a more explicit listing of sanctions and actions which is consistent with the provisions of this section.

(5) "Probation" means that the student is permitted to remain enrolled in the university only upon condition that he/she comply with all university rules or regulations or with other standards of conduct which the student is directed to observe for the duration of the period of the probation and which may include loss of student privileges except those of attending classes and writing examinations. Probation may not exceed 2 semesters in duration for any given misconduct, except that violation of probationary conditions shall be cause for extension of the probation for more than 2 additional semesters or for suspension or expulsion.

(6) "Suspension" means a temporary loss of student status for a specified period of time, not to exceed 2 years, with resultant loss of all student rights and privileges. Upon completion of suspension, the student shall have the same standing to re-enroll as he/she would have had if no suspension had been imposed.

(7) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.

(8) "Instructor" for the purposes of this chapter means the faculty member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.

(9) "Institution" means any university, or an organizational equivalent designated by the board.

(10) "Days" means calendar days.

(11) "Intentional conduct" means conduct which the student knew or reasonably should have known would result in conduct prohibited by this chapter.

(12) "Members of the university community" means students and employees of the university.

UWS 17.03 Right to petition for readmission.

A student who has been expelled or suspended may petition for readmission. The petition must be in writing and directed to the chancellor of the institution which initiated the charges for which the student was suspended or expelled. Such petition may not be filed before the expiration of one year from the date of the final determination in expulsion cases, or before the expiration of one-half of the suspension period in suspension cases. The chancellor shall after consultation with the elected committee which serves as the faculty's executive arm and with

the elected officers of the principal student organization, adopt procedures for determining whether such petitions will be granted or denied.

UWS 17.04 Effect of discipline within the university system.

Suspension or expulsion shall be system-wide in effect. A student who is suspended or expelled from one institution in the university of Wisconsin system may not enroll in another institution in the system unless the suspension has expired by its own terms or one year has elapsed after the student has been suspended or expelled.

UWS 17.05 Systemwide disciplinary authority.

The investigating officer for the institution at which a student was enrolled at the time that acts in violation of this chapter were alleged to have been committed by the student shall have authority to institute disciplinary proceedings against such student, notwithstanding that the institution against which the acts were alleged to have been committed is not the same institution at which the student was enrolled at the time of the commission of such acts.

UWS 17.06 Offenses defined.

The university may discipline a student in nonacademic matters in the following situations.

(1) For intentional conduct which constitutes a serious danger to the personal safety of other members of the university community or guests. In order to illustrate the types of conduct which this paragraph is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

- (a) A student would be in violation if he or she attacked or otherwise physically abused, threatened to physically injure, or physically intimidated a member of the university community or a guest because of that person's race, sex, religion, color, creed, disability, sexual orientation, gender identity/expression, national origin, ancestry or age.
- (b) A student would be in violation if he/she attacked or threw rocks or other dangerous objects at law enforcement personnel whose services had been retained or called for to protect members of the university community or university property, or if he/she incited others to do so when he/she knew or reasonably should have known that such conduct would result.
- (c) A student would be in violation if he/she sold or delivered a controlled substance as defined by the Wisconsin Uniform Controlled Substance Act(ch. 161, Stats.) or if he/she possessed a controlled substance with intent to sell or deliver. For the purposes of this section "delivery" shall be defined as a delivery prohibited by ch. 161, Stats.
- (d) A student would be in violation if he/she removed, tampered with, or otherwise rendered useless university equipment or property intended for use in preserving or protecting the safety of members of the university community such as fire exit signs, extinguishers, alarms, or hoses, first aid equipment, or emergency telephones, or if he/she obstructed or caused to be inoperable fire escape routes such as stairwells or elevators.

[**NOTE.** (2) was repealed but the remaining subsections were not renumbered.]

(3) For intentional conduct that seriously damages or destroys university property or attempts to seriously damage or destroy university property.

(4) For intentional conduct that obstructs or seriously impairs or attempts to obstruct or seriously impair university-run or university-authorized activities on any campus, including activities either outdoors or inside a classroom, office, lecture hall, library, laboratory, theater, union, residence hall, or other place where a university-run or university-authorized activity is carried on. The kind of intentional conduct referred to is conduct which by itself or in conjunction with the conduct of others prevents the effective carrying on of the activity--a result which the student knew or reasonably should have known would occur. In order to illustrate types of conduct which this paragraph is designed to cover, the following examples are set out. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

- (a) A student would be in violation if he/she participated in conduct which he/she knew or should have known would prevent or block physical entry to, or exit from, a university building, corridor, or room to anyone apparently entitled to enter or leave in connection with a university-run or university-authorized activity.
- (b) A student would be in violation if, in attending a speech or program on campus sponsored by or with permission of the university, he/she engaged in shouted interruptions, whistling, derisive laughter, or other means which by itself or in conjunction with the conduct of others prevented or seriously interfered with a fair hearing of the speech or program, under circumstances where the student knew or reasonably should have known this would occur.
- (c) A student would be in violation if in a classroom he/she used techniques similar to those specified in the preceding paragraph, or filibuster-type tactics or other tactics, which by themselves or in conjunction with the conduct of others, prevented or seriously interfered with the carrying on of the teaching and learning process, under circumstances where the student knew or reasonably should have known this would occur.
- (d) A student would be in violation if he/she intentionally obstructed a university official or employee engaged in the lawful performance of his/her duties.
- (e) A student would be in violation if he or she removed pages from library books or parts of other materials or caused books or materials to be unavailable for use by others by removing them from their proper place without proper authorization or by hiding them in the library so that they are not available in the usual manner to persons wishing to use them.

(5) For unauthorized possession of university property or property of another member of the university community.

(6) For acts which violate the provisions concerning parking, traffic, I.D. cards, university keys, drugs, smoking in unauthorized places, carrying firearms, unauthorized peddling, unauthorized use of sound amplifying equipment, and other subjects covered by the published University of Wisconsin System Administrative Code (ch. UWS 18).

(7) For making a knowingly false statement, either orally or in writing, to any university employe or agent on a university-related matter.

UWS 17.07 Disciplinary procedure.

(1) Investigating officer. The chancellor of each institution, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, shall designate a person as "investigating officer" who shall investigate cases of student conduct alleged to be in violation of s. UWS 17.06. Where it appears that a violation has occurred, the investigating officer shall proceed in accordance with the provisions of this chapter.

(2) Formal adjudication. If the maximum sanction sought by the investigating officer includes suspension or expulsion, the procedures in s. UWS 17.09 shall apply and the investigating officer shall cause a statement of charges to be prepared and served upon the student involved. The statement of charges shall contain:

- (a) A concise summary--giving dates, time, place, and events--of the facts or conduct on which the charge is based.
- (b) A citation to and quotation from the rule(s) alleged to have been violated.
- (c) A statement of the maximum penalty sought by the investigating officer.
- (d) An explanation of the consequences of failure to answer the statement of charges.
- (e) Statements as to whether the university will or will not be represented by counsel and that the student may be represented by a person of his/her choice, including legal counsel, at his/her own expense.
- (f) A copy of this chapter.

(3) Informal adjudication.

- (a) The chancellor shall, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, establish institution regulations for an informal system of adjudication for cases in which the maximum penalty sought by the investigating officer does not include suspension or expulsion except that if adjudication in this manner would result in disqualifying the student for financial aids, the procedures in s. UWS 17.09 shall apply. The informal system shall include the following and such other provisions as are not inconsistent with this chapter:

1. Representation of the student by a person of his or her choice, including legal counsel, at his/her own expense,
2. Written notice to the student of the offense with which he/she is charged, the facts or conduct on which that charge is based, and the penalties which may possibly be imposed,
3. Advance written notice of and an opportunity for a hearing at which the evidence against the student shall be reviewed and at which the student shall have an opportunity to present evidence and argument, including a written statement, to refute the charge, and
4. A written decision which shall include findings of fact and conclusions. The procedures shall also provide for an appeal of the disciplinary decision within the institution.

- (b) If, during informal adjudication, the investigating officer concludes that suspension or expulsion should be sought rather than a lesser sanction, the investigating officer may cause a statement of charges to be served upon the student in accordance with sub. (2), in which event the procedures in s. UWS 17.09 shall apply.

(4) Settlement. Nothing contained in this chapter shall prevent the student, during an investigation of alleged misconduct, during informal adjudication, or after a statement of charges has been served but prior to a hearing provided in accordance with s. UWS 17.09, from submitting a written resignation from the university.

- (a) In the event of such resignation, the investigating officer shall impose such sanction as he deems appropriate consistent with the statement of charges; provided, however, the student may, within 10 calendar days after receiving notice of the imposition of such sanction, request a hearing as provided by s. UWS 17.07.
 - (b) Nothing contained in this chapter shall limit the right of the university and the student during an investigation of alleged misconduct, during informal adjudication, or after a statement of charges has been served, to agree to a disciplinary sanction if the student agrees not to contest the charges (pleads "no contest"). Any such agreement shall be reduced to writing which, when signed by the student, shall conclude the case.

(5) Rights and privileges. Whenever charges or appeals under this chapter are pending, a student under charges, unless temporarily suspended pursuant to s. UWS 17.12, shall continue to have the same rights and privileges accorded other students. However, grades or diplomas may be withheld pending final determination of the charges; a current transcript shall be issued at the request of the student, but it may contain the notation "Disciplinary Charges Pending" on the face thereof.

(6) Service of notice or decisions. Each student shall be responsible for maintaining on file with the office specified by each institution current school and permanent home addresses. Notification of these addresses shall be in writing.

- (a) For service of a statement of charges under sub. (2) and of actions taken pursuant to s. UWS 17.09, copies shall be served in person or by certified, return-receipt-requested mail to both the student's institution and permanent home address. Where service is by mail, the date of service shall be the second day after the day of mailing.
- (b) For informal adjudications pursuant to sub. (3), correspondence and notices may be served in person or by mail to the student's institution address. Where service is by mail, the date of service shall be the second day after the day of mailing.

UWS 17.08 Student conduct hearing tribunal: campus option.

(1) The chancellor shall, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, adopt regulations providing for the establishment of a student conduct hearing tribunal which may be constituted in one of 2 manners as chosen by the student charged:

- (a) A hearing examiner appointed by the chancellor upon the filing of charges under s. UWS 17.07(2) asking suspension or expulsion. The hearing examiner shall be appointed from among qualified personnel of the various state agencies or other qualified residents of the state with experience in conducting hearings. If an examiner is an employee of a state agency other than the university, his/her appointment must be approved by the head of the agency by which he/she is regularly employed and the university shall reimburse such agency for the salary of the examiner and shall pay expenses incidental to his/her duties for the university. The examiner remains the employee of the agency by which he/she is regularly employed. The appointment of the hearing examiner from other state agencies shall be in compliance with ss. 16.24 and 20.901, Stats. (1971). If the examiner is not an employee of a state agency other than the university, appropriate arrangements for compensation and reimbursement for expenses shall be made by the chancellor; or
- (b) A student conduct hearing committee with a membership of at least 3 persons some of whom shall be students [and] whose presiding officer shall be appointed by the chancellor. At any hearing held pursuant to due notice the presiding officer shall constitute a quorum.

(2) Institutional regulations adopted under this section shall provide that, upon the filing of charges under s. UWS 17.07 (2) asking for suspension or expulsion, the student shall be offered the choice of having his/her case heard by a tribunal described by either sub. (1)(a) or (b) above. The student shall be informed in writing of his/her right to choose the type of tribunal at the time charges are filed. At the time a request for a hearing is made under s. UWS 17.09 (1), the student shall also notify the chancellor of his/her choice; in the event timely

notice is not received from the student, the chancellor shall decide which choice shall be used for adjudication of the case.

UWS 17.09 Discipline involving suspension or expulsion.

(1) A student charged in accordance with s. UWS 17.07 (2) has 10 calendar days from the day of service to request a hearing in accordance with this section. The request for a hearing shall be in writing directed to the chancellor and shall also include an answer to the statement of charges which shall specifically admit, deny, or explain each of the facts alleged in the statement of charges unless the student is without knowledge in which case he/she shall so state, such statement being a denial. If an answer is filed which does not specifically admit, deny, or explain every allegation in the statement of charges, those allegations which are not admitted, denied, or explained shall be deemed denied. An answer which denies some or all of the allegations but which does not request a hearing shall be construed as a request for a hearing.

(2) If the student does not file an answer to the statement of charges in accordance with sub. (1), the allegations in the statement of charges shall be accepted as true and the university may proceed to expel, suspend, or impose other punishment on the student unless good cause to the contrary is shown. The sanction imposed may not exceed that specified in the statement of charges. Notice of such action shall be served on the student and become effective upon service in accordance with s. UWS 17.07 (6).

(3) When a request for a hearing is made, the case shall be referred by the chancellor to the student conduct hearing tribunal established in accordance with s. UWS 17.08. Notice of referral to a hearing tribunal shall be sent to the student. The student shall also be notified of the name and address of the person who will present the university's case to the tribunal.

(4)(a) Hearing procedures. In this section, "presiding officer" shall mean the hearing examiner appointed in s. UWS 17.08 (1)(a), or the presiding officer of the student conduct hearing committee, established in s. UWS 17.08(1)(b). "Tribunal" shall mean the hearing examiner appointed in s. UWS 17.08 (1)(a) or the student conduct hearing committee established in s. UWS 17.08 (1)(b).

(b) Duties of the presiding officer.

1. Take custody of the case file and papers.
2. Schedule hearings in accordance with these rules.
3. Issue subpoenas and administer oaths.
4. Rule upon offers of proof and receive relevant evidence.
5. Regulate the course of the hearing, dispose of motions, procedural matters or requests, and, if appropriate or necessary, order the removal of persons who unreasonably obstruct or impair the tribunal's proceedings in its presence, and/or if such persons are students, order the investigating officer to commence disciplinary proceedings.

6. Schedule filing of briefs and proposed findings by the student and the university.
7. Produce a summary of the evidence.
8. Take any other actions necessary to conduct the hearing.

(c) Duties and powers of the tribunal. Individual members of the tribunal:

1. May challenge any ruling by the presiding officer and may, by majority vote, overrule such ruling but such matters unless otherwise convenient should be decided in closed session.
2. Shall, by majority vote, render written findings of fact, decision, and disciplinary sanction which does not exceed that specified by the statement of charge.
3. May examine witnesses.

- (d) Evidence. Evidence having reasonable probative value shall be admitted, but irrelevant, immaterial and unduly repetitious evidence shall be excluded. The presiding officer and the tribunal are not bound by common law or statutory rules of evidence.

(e) Burden of proof. The burden of proof shall be on the university to establish by a preponderance of the credible evidence that conduct violative of university rules occurred.

- (f) Record of the hearings. A record of the testimony and a file of the exhibits shall be made of all hearings conducted in accordance with this section. Either party may, at its own expense, have the record transcribed.

- (g) Procedural rights of the students. The students shall have the right to confront and cross-examine witnesses against him/her, the right to present evidence and to be heard on his/her own behalf, the right to be represented by counsel at his/her own expense, and the right to a transcript of the proceedings at his/her own expense.

- (h) Public hearings. Hearings to receive evidence or hear argument shall be public unless the student whose case is being heard requests a closed hearing or the tribunal determines in extraordinary circumstances that it is necessary to hold a closed hearing, pursuant to s. 66.77 (3) (e), Stats., to avoid unduly damaging the reputation of innocent persons. A record shall be made of the reasons for closing any hearing. The deliberations of the tribunal shall not be public.

- (i) Schedule of hearings. The presiding officer shall schedule the hearing as expeditiously as possible. The hearing shall be held on the date scheduled, except for good cause shown.

- (j) Failure to proceed. Failure of a party to proceed shall constitute default. The tribunal may either dismiss the charges, or, upon a prima facie showing, find that the student committed the conduct alleged.

(k) Decision.

1. The tribunal's decision shall be rendered in writing within 10 calendar days after the close of the hearing, or within 10 calendar days after a written transcript is available if one of the parties requests a transcript pursuant to par. (g), and shall consist of a summary of the evidence, findings of fact, decision, and specification of the disciplinary sanction which does not exceed that specified in the statement of charges.
2. The tribunal's decision shall be served on the student in accordance with s. UWS 17.07 (6) and on the chancellor's office.
3. The tribunal's decision shall become final 10 calendar days after service on the student unless a timely appeal is filed pursuant to s. UWS 17.10 or 17.11.

UWS 17.10 Appeal to the board of regents.

(1) The student or administration may appeal on the record to the committee on student discipline of the board of regents. Said appeal must be filed within 10 calendar days of service upon the party of the decision appealed from and shall consist of written exceptions to the decision's findings of fact, decision, or disciplinary sanction.

(2) Upon receipt of the appeal and written exceptions, the secretary of the board shall transmit the written exceptions to the chairman of the committee and shall cause the person with custody of the decision(s), file, exhibits, and transcript or recording of the hearing(s) to transmit them to the chairman of the committee.

(3) If exceptions are filed under sub. (1), the committee shall afford the parties an opportunity to file briefs and present oral argument.

(4) The committee shall render written findings of fact, decision, and disciplinary sanction which does not exceed that specified by the statement of charges.

(5) The committee's decision shall become final upon service upon the student in accordance with s. UWS 17.07 (6).

(6) The board of regents reserves jurisdiction to review, upon its own motion, any disciplinary action against a student.

UWS 17.11 Intermediate appeals; campus option.

(1) The chancellor of each institution is authorized, but not required by this section, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, to establish appellate tribunals and procedures which are not inconsistent with this chapter for adjudication of appeals from decisions rendered in accordance with s. UWS 17.09. Such tribunals may include review by an all-student, student-faculty, or all faculty committee, and/or review by the chancellor.

(2) An appeal to an appellate tribunal must be filed within 10 calendar days of service upon the party of the decision appealed from and shall consist of written exceptions to the findings of fact, decision, or disciplinary sanction.

(3) The parties shall have an opportunity to file briefs and present oral argument. Appeals shall be heard as soon as practicable but no later than 7 calendar days after the written exceptions are filed in accordance with sub. (2).

(4) A record shall be made of appellate tribunal proceedings.

(5) Appellate decisions shall be rendered within 5 calendar days of the hearing and shall consist of a summary of the evidence, written findings of fact, decision, and disciplinary sanction which shall in no event be more severe than the sanction imposed by the student conduct hearing tribunal.

(6) Appellate decisions shall become final 10 calendar days after service upon the student in accordance with s. UWS 17.07 (6) unless a timely appeal is filed either under this section, if further appeal is available, or under s. UWS 17.10.

(7) The student shall have the right at any time to appeal to the regents in accordance with s. UWS 17.10. Intermediate appellate proceedings shall be terminated immediately upon the appellate tribunal's receipt of notice from the student that an appeal to the regents has been filed.

UWS 17.12 Temporary suspension.

(1) A student may be temporarily suspended by the chancellor pending final action on the charges against him/her if his/her continued presence on campus would constitute a potential for serious harm to himself/herself or to the safety of other members of the university community or of university property. Except as otherwise provided in sub. (3), the student shall be afforded an opportunity for a preliminary hearing prior to imposition of the temporary suspension. In order to illustrate the types of conduct which warrant temporary suspension, the following examples are set forth. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

- (a) A student who was arrested and charged with possession of controlled substances with intent to deliver was discovered to have large quantities of LSD, heroin, methamphetamines, or barbiturates in his/her university dormitory room.
- (b) A student who was arrested for throwing a fire bomb into a university classroom building.
- (c) A student who assaulted another student in the student union was arrested for engaging in conduct regardless of human life.
- (d) A student whose behavior was judged by a psychiatrist to be psychotic, posing a threat to safety of himself/herself or others.

(2) Before a temporary suspension may be imposed, the chancellor shall make an initial evaluation of the reliability of the information received and make such further investigation as circumstances permit. If the chancellor concludes that the conduct alleged warrants temporary suspension of the student, the chancellor shall notify the student of an intention to temporarily suspend the student and, at the earliest practicable opportunity, provide the student with an opportunity to be heard.

(3) The chancellor shall maintain records of all attempts to notify the student in accordance with sub. (2), and, if all reasonable efforts to notify the student are unsuccessful, the chancellor may impose the temporary suspension without a preliminary hearing, provided, however, attempts to notify the student continue, and the student is afforded a preliminary hearing at the earliest practicable opportunity.

(4)(a) The preliminary hearing shall be held as soon as practicable.

(b) At the hearing, the student shall be given a statement of charges as required by s. UWS 17.07 (2)(a) and (b) and a summary of the reason(s) for concluding that the alleged conduct warrants temporary suspension.

(c) The issues shall be limited to consideration of the reliability of the evidence against the student and whether the alleged conduct warrants temporary suspension.

(d) The chancellor's decision may be rendered orally but shall be confirmed in writing, as soon as practicable. The decision must be supported by credible evidence which is sufficient to indicate that there is probable cause to believe that the student engaged in the alleged conduct and that such conduct warrants temporary suspension.

(5) The hearing on the charges as required by s. UWS 17.09 shall be commenced not later than 15 calendar days after the imposition of the temporary suspension unless the student requests a delay of the hearing and continuation of the temporary suspension until a later date.

UWS 17.13 Procedures for academic misconduct.

[Repealed; see Chapter UWS 14.]

UWS 17.14 Notice to students.

Each institution shall publish and make freely available to students, a copy of the foregoing UW system disciplinary code together with an appendix reprinting the UW system administrative code, any amendments to these 2 codes that are made after the board of regents adoption of a disciplinary code, and any provisions that have been adopted by the particular campus pursuant to the campus options allowed by this disciplinary code, and any other supplementary provisions not inconsistent with this code.

CHAPTER UWS 18 CONDUCT ON UNIVERSITY LANDS

UWS 18.01 Jurisdiction

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76.

UWS 18.02 Definitions

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; cr. (5) to (7),

Register, September, 1996, No. 489, eff. 10-1-96.

UWS 18.03 Law enforcement

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am. (2),

Register, November, 1991, No. 431, eff. 12-1-91; correction in (1) made under s. 13.93 (2m) (b) 7., Stats.,

Register, November, 1991, No. 431.

UWS 18.04 Traffic rules

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; corrections made under s. 13.93 (2m) (b) 7., Stats.,

Register, November, 1991, No. 431.

UWS 18.05 Parking rules

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am. (6),

Register, November, 1991, No. 431, eff. 12-1-91; correction in (5) made under s. 13.93 (2m) (b) 7., Stats.,

Register, November, 1991, No. 431.

UWS 18.06 Conduct on university lands

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am. (13), cr. (16m),

Register, December, 1986, No. 372, eff. 1-1-87; reprinted to restore dropped copy in (13),

Register, February, 1987, No. 374; am. (5), (10), (22) (b) and (d), (27) and (28), cr. (10) (b) and (d), (12) (d) and (29) to (41),

Register, November, 1991, No. 431, eff. 12-1-91; correction in (7) (c) made under s. 13.93 (2m) (b) 7., Stats.,

Register, November, 1991, No. 431; am. (1),

Register, September, 1996, No. 489, eff. 10-1-96; corrections in (36) made under s. 13.93 (2m) (b) 7., Stats.,

Register, September, 1996, No. 489.

UWS 18.07 Penalties

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am.

Register, November, 1991, No. 431, eff. 12-1-91.

UWS 18.09 Institutional regulations

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76.

UWS 18.10 Additional statutory provisions regulating conduct on university lands

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am. (1),

Register, November, 1991, No. 431, eff. 12-1-91; correction in (2) made under s. 13.93 (2m) (b) 7, Stats.,

Register, November, 1991, No. 431; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats.,

Register, September, 1996, No. 489.

UWS 18.01 Jurisdiction.

These rules shall regulate conduct on all lands subject to the control of the board of regents of the university of Wisconsin system.

UWS 18.02 Definitions.

For purposes of this chapter:

(1) The "chief administrative officer" means the chancellor of an institution or dean of a campus or their designees.

(2) "Lands" means all real property owned by, leased by, or otherwise subject to the control of the board of regents.

(3) "Board of regents" or "board" means the board of regents of the university of Wisconsin system.

(4) "Building" means any structure, including stadia, on university lands.

(5) "Discharge pollutants into storm sewers" means placing pollutants or water containing pollutants into any storm sewer on or serving university lands.

(6) "Discharge pollutants to storm water" means placing pollutants onto university lands so that they are carried by storm water to waters of the state.

(7) "Pollutants" has the meaning described in s. 147.015 (13), Stats.

UWS 18.03 Law enforcement.

(1) The board may designate peace officers who are authorized to enforce these rules and regulations and to police all lands under the control of the board. These officers shall have all the powers provided in s. 36.11 (2), Stats., except where such powers are specifically limited or modified by the board. These officers may accept concurrent appointments as deputy sheriffs.

(2) Uniformed peace officers shall be identified by an appropriate shield or badge bearing the word "Police" and a number or name plate, which shall be conspicuously worn when enforcing this chapter. Peace officers assigned to non-uniformed duties shall identify themselves with an appropriate badge or police identification card when enforcing this chapter.

(3) Parking attendants are authorized to enforce the parking regulations in s. UWS 18.05.

UWS 18.04 Traffic rules.

(1) No person may operate any motor vehicle (self-propelled vehicle) on any roadway under the control of the board without a valid and current operator's license issued under ch. 343, Stats., except a person exempt under the provisions of s. 343.05, Stats.

(2) No person may operate any motor vehicle on any roadway under the control of the regents unless the same has been properly registered as provided by ch. 341, Stats., unless exempt under the provisions of s. 341.05, Stats.

(3) All provisions of ch. 346, Stats., entitled "Rules of the Road," which are applicable to highways as defined in s. 340.01 (22), Stats., and which are not in conflict with any specific provisions of these regulations, are hereby adopted for the regulation of all vehicular traffic, including bicycles, on all roadways, including those off-street areas designated as parking facilities, under the control of the board and are intended to apply with the same force and effect. All traffic shall obey the posted signs approved by the chief administrative officer regulating such traffic.

(4) All provisions of ch. 347, Stats., entitled "Equipment of Vehicles" which are applicable to highways as defined in s. 340.01 (22), Stats., are hereby adopted for the regulation of all vehicular traffic on the roadways under the control of the board and are intended to apply with the same force and effect, except those provisions of ch. 347, Stats., which conflict with specific provisions of these regulations.

(5) The chief administrative officer may require the registration of all student, faculty, or staff motor vehicles or bicycles on lands under said officer's jurisdiction and may limit or prohibit their use in designated areas during designated hours. Any person who violates institutional regulations promulgated under this subsection may be fined up to \$25.

UWS 18.05 Parking rules.

(1) Parking is prohibited at all times on roads, drives and fire lanes traversing university lands, except that the chief administrative officer is authorized to establish parking areas, parking limits, and methods of parking on the lands under said officer's jurisdiction, and may designate parking areas for specific groups at specific times, providing such areas are properly posted as parking areas. Parking in university parking facilities may be restricted or prohibited as required for reasons of maintenance and snow removal.

(2) Except as provided in sub. (3), parking in university parking areas shall be prohibited during posted times to persons other than those specifically assigned to those areas. Motor vehicles so assigned to any parking areas shall be identified by a valid parking permit affixed to the vehicle in a manner prescribed by the chief administrative officer.

(3) (a) In order to provide parking in university parking facilities for patrons of public university events, motor vehicles may be permitted to park in facilities designated for this purpose by the chief administrative officer. Public events parking shall be for a limited time only, not exceeding 12 hours continuously, and appropriate fees may be established. Otherwise valid permits are voidable during this period.

(b) The chief administrative officer may establish visitor parking lots and set appropriate fees for parking in those lots.

(c) Unrestricted and unassigned parking areas for students, faculty, staff and visitors may be established by the chief administrative officer.

(4) (a) Parking shall be prohibited at all times in areas which must be kept clear for the passage of fire apparatus. These areas shall be designated by standard signs reading "Fire Zone, No Parking at Any Time, Day or Night" or "Fire Lane, No Parking at Any Time, Day or Night."

(b) Parking is prohibited at all times in areas which must be kept clear for vehicles to load and unload. These areas shall be designated by appropriate signs.

(5) Motor vehicles parked in a restricted parking area without a valid permit or motor vehicles parked in a fire zone, fire lane, loading zone, or no parking zone, and unlicensed or partially dismantled motor vehicles may, at the owner's expense, be towed from the restricted parking areas and stored. Towed vehicles, if not claimed after notice to the owner, shall be considered abandoned and shall be disposed of as provided in s. 20.909 (1), Stats.

(6) Any person who violates any of the provisions of this section may be fined up to \$200. Each institution shall establish a schedule of fines, which may include penalties for late payment.

UWS 18.06 Conduct on university lands.

(1) PROHIBITED DUMPING; PROHIBITED DISCHARGES TO STORM WATER.

(a) No person may dump any waste, trash, debris, rubbish, earth or other fill, on any university lands unless authorized by the chief administrative officer.

(b) No person may discharge pollutants to storm water or into storm sewers on or serving university lands, except where authorized by the chief administrative officer and in conformance with state law.

(2) **PROHIBITED ACTS.** No person may remove any shrubs, vegetation, wood, timber, rocks, stone, earth, signs, fences, or other materials from university lands, unless authorized by the chief administrative officer.

(3) **PROHIBITED ACTS.** No person may remove, destroy, or molest any bird, animal or fish life within the boundaries of university lands except as authorized by the chief administrative officer or except when this provision conflicts with a special order of the department of natural resources.

(4) **VANDALISM.** No person may break, tear up, mar, destroy or deface any notice, tree, vine, shrub, flower or other vegetation, or dislocate any stones, or disfigure natural conditions, or deface, alter, destroy or damage in any way any other property, real or personal, within the boundaries of any university lands unless authorized by the chief administrative officer.

(5) **ANIMALS.** The presence of dogs, cats, and other pets is prohibited in all university buildings and in arboretums at all times except as authorized by the chief administrative officer. Dogs specially trained or being specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons, and wearing harnesses or leashes and special capes, shall be exempt from these provisions. The presence of dogs, cats and other pets shall be prohibited on all other university lands unless they are on leash under the control of and accompanied by a person. Any dog, cat or other pet found in violation of this subsection may be impounded and its owner subject to the penalty provisions in s. UWS 18.07.

(6) **LIMITED ENTRANCE.** The chief administrative officer may, by posting appropriate signs, limit or prohibit entrance to university lands, or portions thereof, in order to maintain or preserve an instruction or research area.

(7) **CLOSING HOURS.**

(a) Except as specifically provided in this code, the chief administrative officer may establish closing hours and closed periods for university lands, buildings, or portions thereof. These closing hours and closed periods shall be posted in at least one conspicuous place adjacent to or at the periphery of the area to be closed or, in the case of buildings, on the building.

(b) No person, unless authorized to be present during closed periods, may enter or remain within the designated university lands, buildings, or portions thereof during a closed period established under this section.

(c) For the purpose of par. (b), "person authorized to be present" means a person authorized to be present by an order issued pursuant to par. (a) or s. 36.35 (2), Stats.

(d) No person, except those authorized to be present after the posted closing hour, may enter or remain in any university arboretum or picnic area unless traversing those areas or on park roads at the times the roads are open to the public.

(8) **BICYCLES.** No person may park or store his bicycle in buildings, on sidewalks or driveways, or in motor vehicle parking spaces, except in areas designated for that purpose or in bicycle racks. Bicycles shall be parked so as not to obstruct free passage of vehicles and pedestrians.

(9) **CLIMBING; WALKING ON ROOF.** No person may climb into, out of or on university buildings or maintenance facilities or walk upon the roof of a university building; except when

emergency access to a fire escape is necessary, or for required maintenance, or when authorized by the chief administrative officer.

(10) DANGEROUS WEAPONS.

(a) No person may carry, possess or use any dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer or for law enforcement purposes.

(b) No person may display or portray as real any object that resembles a dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer.

(c) Dangerous weapons in violation of this subsection may be confiscated and removed from university lands by police.

(d) In this subsection, the term "dangerous weapon" has the meaning specified in s. 939.22 (10), Stats.

(11) FIRES. No person may light, build, or use any fires except in such places as are established for this purpose and designated by the chief administrative officer. No person may throw away any cigarette, cigar, pipe ash, or other burning material without first extinguishing it.

(11) KEYS.

(a) No person may duplicate a university key or request the unauthorized duplication of a university key.

(b) No person may transfer any university key from an individual entrusted with its possession to an unauthorized person, or be in unauthorized possession of a university key.

(c) Keys in the possession of unauthorized persons may be confiscated.

(d) No person shall replace without permission, damage, tamper with or vandalize any university lock or security device.

(12) ALCOHOL BEVERAGES.

(a) The use or possession of alcohol beverages is prohibited on all university premises, except in faculty and staff housing and as permitted by the chief administrative officer, subject to statutory age restrictions. The chief administrative officer may generally permit the use or possession of alcohol beverages by promulgating institutional regulations in consultation with appropriate staff and students, or in specific instances by written permission.

(b) No person may procure, sell, dispense or give away alcohol beverages to any person contrary to the provisions of ch. 125, Stats.

(c) In this subsection, "alcohol beverages" means fermented malt beverages and intoxicating liquors containing 0.5% or more of alcohol by volume.

(d) Notwithstanding s. UWS 18.09, institutional regulations developed pursuant to this subsection shall be reported to the president of the system for review and approval.

(14) PICNICKING AND CAMPING. No person may picnic or camp on university lands, except in those areas specifically designated as picnic or camping grounds. No person may violate any rules and regulations for picnicking or camping established and posted by the chief administrative officer. For purposes of this regulation, camping shall include the pitching of tents or the overnight use of campers or camp trailers.

(15) **STRUCTURES.** No person may place or erect any facility or structure upon university lands unless authorized by the chief administrative officer.

(16) **SELLING, PEDDLING AND SOLICITING.**

(a) No person may sell, peddle or solicit for the sale of goods, services, or contributions on any university lands except:

1. When the occupant of a specific university office, or university house, apartment, or dormitory room has given specific permission in advance for a person engaged in that activity to come to that particular office, house, apartment, or dormitory room for that purpose.
2. Sales by an individual of personal property owned or acquired by the seller primarily for his/her own use pursuant to an allocation of space for that purpose by an authorized university official.
3. Hawking newspapers and similar printed matter outside university buildings.
4. Subscription, membership, ticket sales solicitation, fund-raising, selling, and soliciting activities by or under the sponsorship of a university or registered student organization pursuant to a contract with the university for the allocation or rental of space for that purpose.
5. Admission events in a university building pursuant to contract with the university, and food, beverage or other concessions conducted pursuant to a contract with the university.
6. Solicitation of political contributions under ch. 11, Stats., and institutional regulations governing time, place and manner.

(16m) **CAMPAIGNING IN STATE-OWNED RESIDENCE HALLS.**

(a) The residence halls students of each institution, subject to the approval of the chief administrative officer, shall establish policies and procedures assuring that political literature may be distributed and political campaigning may be conducted in state-owned residence halls consistent with the rights of residence halls students, and prescribing the time, place and manner in which these activities may be conducted.

(b) Where appropriate and consistent with the rights of residence halls students, the policies and procedures developed under this subsection shall apply to all residence halls at an institution. Matters to be addressed in institutional policies and procedures shall include at least the following:

1. The hours of the day and the time of year, if any, to which particular activities shall be limited.
2. The locations in residence halls, if any, to which particular activities shall be limited.
3. Any requirement for registering or obtaining permission to enter a residence hall before engaging in a particular activity.

(c) Notwithstanding s. UWS 18.09, institutional policies and procedures developed pursuant to this subsection shall be reported to the board of regents for approval.

(d) Institutional policies and procedures developed pursuant to this subsection shall be available at each residence hall, at the office of each chief administrative officer of an institution, and at the office of the secretary to the board of regents.

(17) **SIGNS.** No person may erect, post or attach any signs, posters, pictures or any item of a similar nature in or on any building or upon other university lands except on regularly established bulletin boards, or as authorized by the provisions of this code or by the chief administrative officer.

(18) **SMOKING.** No person may smoke in any university building except in those areas designated for that purpose.

(19) RECREATIONAL ACTIVITIES.

(a) No person may swim, fish, boat, snowmobile, ride horseback or use any type of all-terrain or off-road vehicle on university lands except in those areas and at times expressly designated by the chief administrative officer and denoted by official signs.

(b) No person may dock, moor, park, or store any boats, boating gear, snowmobiles, or similar equipment on university lands except under conditions specified by the chief administrative officer.

(20) RESTRICTED USE OF UNIONS. No person, except members of the union, university faculty and staff, invited guests, and university-sponsored conference groups, may use union buildings and union grounds except on occasions when, and in those areas where, the buildings or grounds are open to the general public.

(20) UNAUTHORIZED PRESENCE.

(a) No person may be present in any class, lecture, laboratory period, orientation session, examination, or other instructional session or in any room, office, or laboratory without the consent of an authorized university official or faculty member.

(b) A person shall be deemed present without consent in any class, lecture, laboratory period, orientation session, examination, or other instructional session as prohibited by par. (a), if: 1) such person is not then enrolled and in good standing as a member of the instructional session, or 2) such person refuses to provide identification and refuses to leave such session upon request of a member of the university administration or faculty or other person in charge thereof.

(21) PERSONS PROHIBITED FROM ENTERING CAMPUS.

(a) No person, who is in a state of suspension or expulsion from the university under ch. UWS 17, or who takes leave or resigns under charges after being charged by the university under ch. UWS 17, may enter any campus without the written consent of the chief administrative officer.

(b) No person who is convicted of any crime involving danger to property or persons as a result of conduct by him or her on university lands may enter any university lands within 2 years of the effective date of his or her conviction without the written consent of the chief administrative officer.

(c) In granting or denying consent to enter a campus under s. 36.35 (3), Stats., or par. (a) or (b), the following shall be considered:

1. The probability that the offensive conduct will be continued or repeated by the applicant.

2. The need for the applicant to enter university lands, for example, to attend a university disciplinary hearing in which the applicant is being tried or is to be a witness, or to receive treatment in university hospitals.

(d) For the purposes of s. 36.35 (3), Stats., and par. (b), "crime involving danger to property or persons" shall mean any crime defined in ch. 940, Stats. (crimes against life and bodily security); s. 941.12, Stats. (interfering with firefighting); s. 941.13, Stats. (false alarms); s. 941.20, Stats. (endangering safety by use of dangerous weapon); s. 941.21, Stats. (disarming a peace officer); s. 941.23, Stats. (carrying concealed weapon); s. 941.235, Stats. (carrying firearm in public building); s. 941.24, Stats. (possession of switchblade knife); s. 941.26, Stats. (machine guns and other weapons); s. 941.28, Stats. (possession of short-barreled shotgun or short-barreled rifle); s. 941.29, Stats. (possession of firearm); s. 941.295, Stats. (possession of electric weapon); s. 941.30, Stats. (recklessly endangering safety); s.

941.32, Stats. (administering dangerous or stupefying drug); s. 942.37, Stats. (obstructing emergency or rescue personnel); s. 943.01, Stats. (criminal damage to property); s. 943.02, Stats. (arson of buildings; damage of property by explosives); s. 943.03, Stats. (arson of property other than building); s. 943.05, Stats. (placing of combustible materials an attempt); s. 943.06, Stats. (Molotov cocktails); s. 943.10, Stats. (burglary); s. 943.11, Stats. (entry into locked vehicle); s. 943.14, Stats. (criminal trespass to dwellings); s. 943.32, Stats. (robbery); s. 944.20, Stats. (lewd and lascivious behavior); s. 946.41, Stats. (resisting or obstructing officer); s. 947.015, Stats. (bomb scares); s. 167.10, Stats. (fireworks regulated); or attempts to commit any of the above crimes as defined in s. 939.32, Stats.

(22) PICKETING, RALLIES, PARADES, DEMONSTRATIONS AND OTHER ASSEMBLIES.

(a) In order to preserve the order which is necessary for the enjoyment of freedom by members of the university community, and in order to prevent activities which physically obstruct access to university lands or buildings and prevent the university from carrying on its instructional, research, public service, or administrative functions, any picketing, rally, parade, demonstration, other assembly, or congregation of spectators to such activity may be declared unlawful if its participants:

1. Intentionally gather or intentionally remain assembled outside any university building in such numbers, in such proximity to each other or in such fashion as to physically hinder entrance to, exit from, or normal use of the building.

2. Intentionally congregate or assemble within any university building in such fashion as to obstruct or seriously impair university-sponsored or university-authorized activities, or in such fashion as to violate any of the following conditions:

a. No group may be admitted into the private office of any faculty member or other university employee unless invited by the authorized occupant of that office, and then not in excess of the number designated or invited by that person.

b. No group may obstruct or seriously impair passage through corridors, stairways, doorways, building entrances, fire exits, and reception areas leading to offices.

c. No group, not authorized to do so by the person in immediate charge of the room, or by a person designated by the chief administrative officer to approve requests for the use of rooms for meetings, may enter or occupy any university building or part thereof.

d. No group may assemble immediately outside rooms at times when they are normally in use for classes, study, or research.

e. No signs supported by standards or sticks shall be permitted in any assembly in a university building.

3. Intentionally create a volume of noise that unreasonably interferes with university-sponsored or university-authorized activities.

4. Intentionally employ force or violence, or intentionally constitute an immediate threat of force or violence, against members of the university community or university property.

(b) For the purpose of par. (a), "intentionally" means that the participant or spectator knew or reasonably should have known that his/her conduct by itself or in conjunction with the conduct of others would have the prohibited effect.

(c) The chief administrative officer may designate a university official or officials who shall have primary authority to implement par. (a). He/she may prescribe limitations for any picketing, rally, parade, demonstration or other assembly in order that it will meet the requirements of par. (a). When informed of any picketing, rally, parade, demonstration, or other assembly which may not comply with par. (a), the chief administrative officer or the designee may proceed immediately to the site and determine if there is compliance with par. (a). If he/she finds a violation of par. (a), he/she may declare the assembly unlawful or he/she may

prescribe those limitations on numbers, location or spacing of participants in the demonstration which are reasonably necessary to ensure compliance with par. (a). If he/she prescribes limitations, and if his/her limitations are not observed by the assembly, he/she may then declare the assembly unlawful. Any declaration of illegality or prescription of limitations shall be effective and binding upon the participants in the assembly unless and until modified or reversed.

(d) Any participant or spectator within the group constituting an unlawful assembly who intentionally fails or refuses to withdraw from the assembly after it has been declared unlawful under this section shall be subject to immediate arrest and liable to the penalties of s. UWS 18.07.

(24) PROHIBITIONS ON BLOCKING ENTRANCES. No person may intentionally physically block or restrict entrance to or exit from any university building or portion thereof with intent to deny to others their right of ingress to, egress from, or use of the building.

(25) SOUND-AMPLIFYING EQUIPMENT.

(a) In order to permit the use of sound-amplifying equipment on university lands, if needed for the dissemination of ideas to large audiences, but to prevent its use from interfering with university functions which inherently require quiet, the following provisions shall apply:

1. No person may use sound-amplifying equipment on any lands without the permission of the chief administrative officer, except as provided in par. (c).

2. In granting or denying permission, the following principles shall govern:

a. Except in extraordinary circumstances, permission may be granted to use the equipment only during the following hours, 12 noon to 1:30 p.m. and 5:00 p.m. to 7:00 p.m. every day, and only when the equipment is more than 50 feet from and directed away from any classroom building, residence hall, library or building being used as a study hall.

b. An applicant for permission shall have the burden of establishing the need for amplification to communicate with the anticipated audience. In particular, the applicant must show that the audience can reasonably be anticipated to include at least 250 people.

c. An applicant for permission shall have the burden of establishing that the volume and direction of the sound from the equipment will minimize interference with other activities.

3. Any request for the permission required by this section must be submitted in writing to the chief administrative officer at least 24 hours prior to the intended use of the sound-amplifying equipment and must be signed by a student or employee of the institution where the equipment is to be used. The request shall contain:

a. The proposed hours, date and location where the equipment is to be used.

b. The size of the anticipated audience and the reasons why the equipment is needed.

c. A description of the proposed equipment which includes the manufacturer, model number, and wattage.

d. The names of the owner of the equipment and of any person or persons, in addition to the person signing the application, who will be responsible for seeing that the equipment is operated in compliance with the terms of the permit and the provisions of this rule. The chief administrative officer may require the presence of additional persons if said officer believes this is necessary to ensure compliance.

(b) Permits issued by the chief administrative officer shall not be required for the use of university sound-amplifying equipment used with the permission of the university employee having control of the equipment for authorized university classes, research, or meetings in university buildings, or for university sponsored academic, recreational or athletic activities, or for crowd control by authorized university officials.

(c) For the purpose of this section, "sound-amplifying equipment" means any device or machine which is capable of amplifying sound and capable of delivering an electrical input of one or more watts to the loudspeaker.

(26) CONTAINERS IN SPECTATOR FACILITIES. No person may carry or possess any disposable container within the confines of public areas in spectator facilities. As used in this subsection "disposable container" means any bottle, can, or other container designed or used for carrying liquids or solids, but does not include a personally owned container designed for reuse and originally sold or purchased exclusively as a refillable container. The provisions of this section shall not apply to containers used or supplied by authorized concessionaires who are required to dispense beverages to consumers in either paper or plastic containers.

(27) THROWING HARD OBJECTS. No person may, in a manner likely to cause physical harm or property damage, throw, drop, kick, hit or otherwise project any hard object, bottle, can, container, snowball or other item of a similar nature on university lands or within or from within university buildings or facilities.

(28) TICKET SCALPING.

(a) Every ticket or other evidence of the right of entry to any amusement, game, contest, exhibition, or performance given by or under the auspices of the university of Wisconsin system, or an institution or center of the university of Wisconsin system, shall be considered a revocable license to the person to whom the ticket has been issued and shall be transferable only on the terms and conditions prescribed.

(b) No person may buy or sell a ticket or other evidence of the right of entry for more than the price printed upon the face of the ticket.

(29) SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES. No person may skateboard, roller skate, or use roller blades or any other similar wheeled device in or on university buildings, or on sidewalks, roadways or parking areas on university lands, except in areas designated for this purpose by the chief administrative officer.

Note: This section is initially applicable at the time the chief administrative officer first exercises the authority to designate areas for skateboarding, roller skating, roller blading or similar activities.

(30) DISORDERLY CONDUCT. No person may engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance, in university buildings or on university lands.

(31) RETAIL THEFT.

(a) No person may intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant, or property of the merchant, without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise.

(b) In this subsection, "merchant" includes any "merchant" as defined in s. 402.104 (3), Stats., and any vendor or bookstore authorized to sell in university buildings or on university lands.

(32) IMPROPER USE OF UNIVERSITY IDENTIFICATION CARDS.

(a) No person may falsify, alter or duplicate, or request the unauthorized falsification, alteration or duplication, of a university identification card.

(b) No person may knowingly present a false, altered or duplicate university identification card with the intent that such card be relied upon by university employees or agents in connection with obtaining university services, privileges or goods.

(c) No person may knowingly use or permit another person to use a university identification card for the purpose of making a false statement with respect to the identity of the user, and with the intent that such statement be relied upon by university employees or agents in connection with obtaining university services, privileges or goods.

(d) University officials may confiscate false, altered or duplicate university identification cards, or university identification cards used in violation of par. (c).

(33) IMPROPER USE OF TELEPHONES.

(a) No person may make or cause the telephone of another repeatedly to ring with intent to harass any person at the called number.

(b) No person may make repeated telephone calls, whether or not conversation ensues, with intent to harass any person at the called number.

(c) No person may intentionally use an emergency telephone in a university building or on university lands when the person knows or reasonably should know that no emergency exists.

(34) PROVIDING FALSE INFORMATION. No person may knowingly give false information to a university peace officer with the intent to mislead him or her in the performance of his or her duty.

(35) FALSE FIRE ALARMS. No person may intentionally give a false fire alarm, whether by means of a fire alarm system or otherwise.

(36) POSSESSION OF MARIJUANA.

(a) No person may intentionally use or possess marijuana on university lands, except when such use or possession is authorized under ch. 961, Stats. or is permitted under s. 46.60, Stats.

(b) In this subsection, the term "marijuana" has the meaning specified in s. 961.01 (14), Stats.

(37) ISSUING WORTHLESS CHECK UNDER \$500.

(a) No person may issue any check or other order for the payment of money less than \$500 which, at the time of issuance, he or she intends shall not be paid.

(b) In this subsection, prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid, has the meaning and includes the items of proof set forth in s. 943.23, Stats.

(c) This subsection does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

(38) FRAUD IN UNIVERSITY ACCOMMODATIONS OR EATING PLACES.

(a) No person may, after having received any food, lodging or other service or accommodation at any university housing facility or eating place, intentionally abscond without paying for it.

(b) No person may, while in any university housing or lodging facility or eating place, intentionally defraud the university or its employees or agents in charge of the facility or eating place, in any transaction arising out of the relationship as a user of the housing or lodging facility or eating place.

(39) **USE OF CHEATING TOKENS.** No person may obtain the property or services of another by depositing anything which he or she knows is not lawful money or is an unauthorized token in any receptacle used for the deposit of coins or tokens.

(39) **POSSESSION OF FIREWORKS.**

(a) No person may possess or use fireworks on university lands without authorization from the chief administrative officer.

(b) In this subsection, the term "fireworks" has the meaning specified in s. 167.10 (1), Stats.

(41) **PETTY THEFT UNDER \$100.** No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another with a value of under \$100, without consent and with intent to deprive the owner permanently of such property.

UWS 18.07 Penalties.

Unless otherwise specified, the penalty for violating any of the rules in s. UWS 18.06 shall be a forfeiture of not more than \$500, as provided in s. 36.11 (1) (c), Stats.

Note: Violations of the rules in s. UWS 18.06 will be processed in accordance with the citation procedure established in s. 778.25, Stats.

UWS 18.09 Institutional regulations.

Institutional regulations promulgated under ss. UWS 18.04 to 18.06 shall take effect when filed with the secretary of the board.

UWS 18.10 Additional statutory provisions regulating conduct on university lands.

(1) **CONTROLLED SUBSTANCES.** The use or possession of controlled substances as defined in s. 961.01 (4), Stats., is prohibited on all university property with the specific exemptions set forth in ch. 961, Stats., and as permitted under s. 46.60, Stats. The penalty provisions of ch. 961, Stats., chs. UWS 17 and 18 may apply to violations occurring on university lands.

(2) **PERSONS PROHIBITED FROM ENTERING CAMPUSES.** Student convicted of dangerous and obstructive crime. Section 36.35 (3), Stats., provides: "Any person who is convicted of any crime involving danger to property or persons as a result of conduct by him which obstructs or seriously impairs activities run or authorized by an institution and who, as a result of such conduct, is in a state of suspension or expulsion from the institution, and who enters property of that institution without permission of the chancellor of the institution or the chancellor's designee within 2 years, may for each such offense be fined not more than \$500 or imprisoned not more than 6 months, or both."

CHAPTER UWS 19 SICK LEAVE

UWS 19.01 Definition

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 19.02 Persons who earn sick leave

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am. (1) (intro.), (2) (c) and (f), cr. (1) (a) to (d),

Register, May, 1992, No. 437, eff. 6-1-92.

UWS 19.03 Cancellation and reinstatement

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am.

Register, May, 1992, No. 437, eff. 6-1-92.

UWS 19.04 Income continuation insurance

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; r.

Register, May, 1992, No. 437, eff. 6-1-92.

UWS 19.05 Recording and use of sick leave

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

UWS 19.01 Definition.

Sick leave refers to absences of faculty, academic staff and limited appointees of the university of Wisconsin system due to personal illness, injury, disability or pregnancy as well as attendance on a member of the immediate family of the employee whose condition or death requires the employee's direct care, if such absences are being charged against the employee's accumulated sick leave credits.

UWS 19.02 Persons who earn sick leave.

(1) Eligibility.

- (a) All faculty, academic staff, and limited appointees as defined in s. UWS 15.01 (2), shall earn sick leave while in pay status, unless the following conditions apply:

- 1. The employee is not expected to work at least one-third of what is considered full-time employment, or

- 2. The employee's expected duration of employment is less than one year.

- (b) An employee who is not expected to work at least one-third of what is considered full-time employment shall earn sick leave under par. (a) if he or she is subsequently employed within the university of Wisconsin system for at least one year for at least one-third of what is considered full-time employment during the immediately preceding 12-month period.

- (c) Any employee who becomes eligible to earn sick leave under par. (a) shall continue to be eligible to earn sick leave, notwithstanding the requirements of par. (a), unless his or her employment within the university of Wisconsin system is terminated for 12 or more consecutive calendar months or unless the employee receives a benefit that would have the effect of closing his or her retirement account under s. 40.25, Stats.
- (d) In this subsection, "one-third of what is considered full-time employment" means employment within the university of Wisconsin system with the expectation that there will be at least 440 hours of actual performance of duty during an annual earnings period.

(2) Accrual of sick leave.

- (a) As of March 1, 1976, each employee's account shall reflect the accrued balance of unused sick leave earned under the board of regents' sick leave policy adopted on June 8, 1973.
- (b) Employees whose initial appointments are for 9 months or more shall be credited with 22 working days of sick leave which they may draw upon as required consistent with s. UWS 19.01.
- (c) In addition to sick leave credited under par. (b), after 1.5 years of service, each employee shall earn additional non-lapsing sick leave at the rate of 1 day per month for persons holding annual basis appointments and at the rate of 6 days per semester or 4 days per quarter for persons who hold academic year basis appointments, with a maximum annual accumulation limited to not more than 12 days.
- (d) Unused sick leave shall accumulate from year to year in the employee's sick leave account pursuant to s. 36.30 (1), Stats.
- (e) An employee utilizing paid sick leave shall continue to accumulate sick leave credits during the period of the sick leave absence.
- (f) An employee does not accumulate sick leave credits while on an unpaid leave of absence.
- (g) Part-time employees have an initial entitlement, earn and are charged sick leave in the same proportion as their appointment bears to a full-time appointment.

NOTE. Consistent with general leave accounting principles within the UW system, the reference to "year" in this section refers to the academic year for academic year-basis appointees, and to the fiscal year for annual basis appointees.

UWS 19.03 Cancellation and reinstatement.

If the employee terminates employment with the university of Wisconsin system other than through retirement or death, unused sick leave shall be terminated but shall be reinstated if the employee is reappointed to any position within the system within 3 years.

UWS 19.04 Income continuation insurance.

[Repealed.]

UWS 19.05 Recording and use of sick leave.

Each department or equivalent unit shall maintain records of each employee's sick leave entitlement and use.

**CHAPTER UWS 20
NONRESIDENT TUITION DETERMINATION PROCEDURES AND APPEALS**

UWS 20.01 Minimum requirements

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

UWS 20.02 Finality of decisions

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

UWS 20.30 Students transferring between institutions

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

UWS 20.01 Minimum requirements.

(1) The chancellor of each institution in the university of Wisconsin system which classifies students for tuition purposes under s. 36.27(2), Stats., shall develop and file with the secretary of the board of regents procedures for determination of classifications and provide for appeals from classifications of non-residency which shall, at minimum, provide for the following:

- (a) Designation of authorized personnel to make initial determinations of residency for tuition purposes;
- (b) A mechanism for reconsideration of an initial determination of non-residency when a petitioner has new or different information to present concerning resident status which was not available at the time of the initial determination or which was available but, for good reason shown, the petitioner did not know about at the time of the initial determination;
- (c) A mechanism for appeal from an initial determination of non-residency to a designated person or body at the institution;
- (d) Appeal procedures, which shall include:

- 1. A time limit of 14 calendar days for filing an appeal from date of notification of classification from the initial determination, or, if a reconsideration is requested, from the date of notification of that classification;

2. Notice to the petitioner of the appeal hearing which shall:
 - a. Be served at least 10 days before the hearing date either by personal service or by mailing;
 - b. Specify the time and place of the hearing and the body or person hearing the appeal; and
 - c. State that the hearing is a class 3 proceeding under ch. 227, Stats., is for the purpose of determining petitioner's residency status for tuition purposes under the authority conferred on the board of regents of the university of Wisconsin system by s. 36.27, Stats., and is conducted under authority conferred on the institution by ch. UWS 20.
3. A right of personal appearance at an appeal;
4. A right of a petitioner to have assistance, including private legal counsel, in making a personal appearance at an appeal hearing;
5. A time limit for issuing a written decision of 30 calendar days following the appeal hearing;
6. Observing applicable statutory requirements concerning open and closed hearings;
7. A stenographic, electronic or other record of the hearing. This record shall be transcribed and a copy of the written transcription provided to the petitioner at no cost in the event judicial review of the appeal decision is sought under ch. 227, Stats.; a copy of the written transcription shall otherwise be provided to the petitioner upon payment of a reasonable compensatory fee.

UWS 20.02 Finality of decisions.

Decisions by the appeal person or body of an institution in the university of Wisconsin system concerning residence classification for tuition purposes shall be final in the university of Wisconsin system. The decisions shall note that it is subject to judicial review within 30 days after service of the decision, pursuant to s. 227.16, Stats.

UWS 20.03 Students transferring between institutions.

A decision that a student is a resident for tuition purposes at one institution in the university of Wisconsin system shall require that the student be treated as a resident for tuition purposes in other institutions in the university of Wisconsin system, if the student transfers to another institution in the university of Wisconsin system and has maintained substantially the same determining factors.

CHAPTER UWS 21 USE OF UNIVERSITY FACILITIES

UWS 21.01 Declaration of policy

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

UWS 21.02 Definitions

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

UWS 21.03 Use of facilities by organizations associated with an institution

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

UWS 21.04 Use of facilities by persons or organizations not associated with an institution

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

UWS 21.06 Institutional procedures

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

UWS 21.05 Access to public events held at university facilities

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

UWS 21.01 Declaration of policy.

It is the policy of the board of regents that the facilities of the university are to be used primarily for purposes of fulfilling the university's missions of teaching, research and public service. University facilities are not available for unrestricted use for other purposes. In order to preserve and enhance the primary functions of university facilities, the board of regents adopts this chapter to govern the use of university facilities.

UWS 21.02 Definitions.

In this chapter:

- (1) "Board of regents" or "board" has the meaning given under s. UWS 1.02.
- (2) "Chancellor" means the chief executive officer of a university, the university of Wisconsin centers, or the university extension.
- (3) "Facilities" or "university facilities" means the publicly owned or leased buildings and grounds which are subject to the custody and control of the board.
- (4) "Institution" has the meaning given under s. UWS 1.06.
- (5) "Organization associated with an institution" means that an organization is an officially recognized staff or student group, or an administrative or academic unit, or a state agency.
- (6) "Staff" means all employees of the university of Wisconsin system.
- (7) "Student" means any person who is registered for study in an institution of the university of Wisconsin system for the current academic period.
- (8) "University" has the meaning given under s. UWS 1.07.

UWS 21.03 Use of facilities by organizations associated with an institution.

(1) The chancellor of each institution, or his or her designee, shall permit organizations associated with that institution to use university facilities for events for staff and students, if he or she determines that:

(a) The proposed use will not interfere with or detract from the teaching, research and public service missions of the institution;

(b) The institution has appropriate facilities available for the proposed use; and

(c) The organization has complied with institutional procedures adopted under s. UWS 21.06.

(2) The chancellor of each institution, or his or her designee, may permit organizations associated with that institution to use university facilities for public events if he or she determines that:

(a) The proposed use will not interfere with or detract from the teaching, research and public service missions of the institution;

(b) The institution has appropriate facilities available for the proposed use; and

(c) The organization has complied with institutional procedures adopted under s. UWS 21.06.

(3) The organizations using university facilities under this section may be required to reimburse the institution for the costs, if any, incident to the use of the facilities.

(4) Organizations using university facilities under this section may be required to pay rental charges for use of the facilities if the use is revenue producing.

UWS 21.04 Use of facilities by persons or organizations not associated with an institution.

(1) The chancellor of each institution, or his or her designee, may permit persons, or organizations not associated with that institution, to use university facilities at his or her institution if he or she determines that:

(a) The proposed use is under the sponsorship or at the invitation of an organization associated with the institution;

(b) The proposed use will not interfere with or detract from the teaching, research and public service missions of the institution, or the use of the facilities by organizations associated with the institution;

(c) The institution has appropriate facilities available for the proposed use; and

(d) The person or organization has complied with institutional procedures adopted under s. UWS 21.06.

(2) Persons or organizations using university facilities under this section must reimburse the institutions for the costs, if any, incident to the use of the facilities.

(3) Persons or organizations using university facilities under this section may be required to pay rental charges for use of facilities if the use is revenue producing.

UWS 21.05 Access to public events held at university facilities.

(1) It is the policy of the board to ensure maximum access to public events held in university facilities, consistent with the legally recognized rights and interests of performers, lecturers, artists and speakers.

(2) Where a person or organization has secured the use of university facilities for a public event, any contemplated restriction or condition on access to the event must be made known prior to the event, and must be embodied in a written agreement with the institution, which agreement shall be open to public inspection. However, such agreements may not deny or restrict access to university facilities in a manner contrary to other applicable laws or regulations or on any basis prohibited by law.

UWS 21.06 Institutional procedures.

The chancellor of each institution, in consultation with appropriate staff and students, shall develop procedures for the administration of this chapter which shall, at a minimum, include the following:

(1) Procedures for securing permission to use university facilities;

(2) A schedule of the costs and rental fees, if any, assessed for the use of facilities; and

(3) A description of any institutional limitations concerning the time of availability and manner of the use of institutional facilities.

CHAPTER UWS 22 ACCOMMODATION OF RELIGIOUS BELIEFS

UWS 22.01 Declaration of policy

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

UWS 22.02 Definitions

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

UWS 22.03 Accommodation of religious beliefs

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

UWS 22.01 Declaration of policy.

It is the policy of the board of regents that students' sincerely held religious beliefs shall be reasonably accommodated with respect to all examinations and other academic requirements. The board of regents adopts this chapter in order to ensure that all institutions of the university of Wisconsin system have in place appropriate mechanisms for ensuring the reasonable

accommodation of students' sincerely held religious beliefs, and for appeals related to these matters.

UWS 22.02 Definitions.

In this chapter:

- (1) "Board of regents" or "board" has the meaning given under s. UWS 1.02.
- (2) "Chancellor" means the chief executive officer of a university, the university of Wisconsin centers, or the university extension.
- (3) "Examination or other academic requirement" means any course requirement established by an instructor which will be considered in awarding the student's grade in the course.
- (4) "Institution" has the meaning given under s. UWS 1.06.
- (5) "Instructor" has the meaning given under s. UWS 14.02 (11).
- (6) "Student" means any person who is registered for study in an institution of the university of Wisconsin system for the current academic period.

UWS 22.03 Accommodation of religious beliefs.

(1) A student shall be permitted to make up an examination or other academic requirement at another time or by an alternative method, without any prejudicial effect, where:

- (a) There is a scheduling conflict between the student's sincerely held religious beliefs and taking the examination or meeting the academic requirements; and
- (b) The student has notified the instructor, within the first three weeks of the beginning of classes (within the first week of summer session and short courses), of the specific days or dates on which he or she will request relief from an examination or academic requirement.

(2) Instructors may schedule a make-up examination or other academic requirement before or after the regularly scheduled examination or other academic requirement.

(3) Instructors shall accept, at face value, the sincerity of students' religious beliefs.

(4) Student notification of instructors and requests for relief under sub. (1) shall be kept confidential.

(5) Complaints of failure to provide reasonable accommodation of a student's sincerely held religious beliefs as required by this rule may be filed under institutional complaint and grievance procedures adopted pursuant to Chs. UWS 6 and 13.

(6) The chancellor of each institution shall, through appropriate institutional publications (to include at a minimum the timetable and catalog), provide notification to students and instructors of the rules for accommodation of religious beliefs, and of the procedure and

appropriate office for filing complaints.

SECTION 17

UNIVERSITY OF WISCONSIN AND UNIVERSITY OF WISCONSIN-STEVENS POINT **CHAPTER 17** **NONACADEMIC STANDARDS AND DISCIPLINARY PROCEDURES**

The University of Wisconsin “Student Nonacademic Disciplinary Procedures,” Chapter UWS 17 of the Wisconsin Administrative Code, Rules of the Board of Regents of the University of Wisconsin System, were adopted in January, 1976, and revised September, 1996, September, 2009, September 2013* (Pending UWSP Faculty Senate approval). Additional statements for the University of Wisconsin-Stevens Point are indicated in **BOLDFACE** type. These added statements, in conjunction with Chapter UWS 17, constitute Chapter UWSP 17.

17.01 Policy statement. The missions of the University of Wisconsin System and its individual institutions can be realized only if the university’s teaching, learning, research and service activities occur in living and learning environments that are safe and free from violence, harassment, fraud, theft, disruption and intimidation. In promoting such environments, the university has a responsibility to address student nonacademic misconduct; this responsibility is separate from and independent of any civil or criminal action resulting from a student’s conduct. This chapter defines nonacademic misconduct, provides university procedures for effectively addressing misconduct, and offers educational responses to misconduct. The University of Wisconsin System is committed to respecting students’ constitutional rights. Nothing in this chapter is intended to restrict students’ constitutional rights, including rights of freedom of speech or to peaceably assemble with others.

17.02 Definitions. In this chapter:

17.02(1) “Chief administrative officer” means the chancellor of an institution or dean of a campus or their designees.

17.02(2) “Clear and convincing evidence” means information that would persuade a reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than “preponderance of the evidence.”

17.02(3) “Days” means calendar days.

17.02(4) “Delivered” means sent by electronic means to the student’s official university email address and, in addition, provided by any of the following methods:

- (a) Given personally.
- (b) Placed in the student’s official university mailbox.
- (c) Mailed by regular first class United States mail to the student’s current address as maintained by the institution.

17.02(5) “Disciplinary file” means the record maintained by the student affairs officer responsible for student discipline.

17.02(6) “Disciplinary probation” means a status in which a student may remain enrolled in the university only upon the condition that the student complies with specified standards of conduct or other requirements or restrictions on privileges, for a specified period of time, not to exceed two years.

17.02(7) “Disciplinary sanction” means any action listed in s. UWS 17.10(1) taken in response to student nonacademic misconduct.

17.02(8) “Expulsion” means termination of student status with resultant loss of all student rights and privileges.

17.02(9) “Hearing examiner” means an individual, other than the investigating officer, appointed by the chief administrative officer in accordance with s. UWS 17.06(2) for the purpose of conducting a hearing under s. UWS 17.12

17.02(10) “Institution” means any university, or an organizational equivalent designated by the board, and the university of Wisconsin colleges.

17.02(11) “Investigating officer” means an individual, or his or her designee, appointed by the chief administrative officer of each institution, to conduct investigations of nonacademic misconduct under this chapter.

17.02(12) “Nonacademic misconduct hearing committee” or “committee” means the committee appointed pursuant to s. UWS 17.07 to conduct hearings under s. UWS 17.12.

17.02(13) “Preponderance of the evidence” means information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than “clear and convincing evidence” and is the minimum standard for a finding of responsibility under this chapter.

17.02(14) “Student” means any person who is registered for study in an institution for the academic period in which the misconduct occurred, or between academic periods, for continuing students.

17.02(15) “Student affairs officer” means the dean of students or student affairs officer designated by the chief administrative officer to coordinate disciplinary hearings and carry out duties described in this chapter.

17.02(16) “Suspension” means a loss of student status for a specified length of time, not to exceed two years, with resultant loss of all student rights and privileges.

17.02(17) “University lands” means all real property owned by, leased by, or otherwise subject to the control of the board of regents of the University of Wisconsin System.

17.03 Consistent institutional policies. Each institution is authorized to adopt policies consistent with this chapter. A copy of such policies shall be filed with the board of regents and the University of Wisconsin System office of academic affairs.

17.04 Notice to students. Each institution shall publish ch. UWS 17 on its website and shall make ch. UWS 17 and any institutional policies implementing ch. UWS 17 freely available to students through the website or other means.

17.05 Designation of investigating officer. The chief administrative officer of each institution shall designate an investigating officer or officers for allegations of student nonacademic misconduct. The investigating officer shall investigate student nonacademic misconduct and initiate procedures for nonacademic misconduct under s. UWS 17.11.

17.06 Non-academic misconduct hearing examiner.

17.06(1) The chief administrative officer of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the designation of a student nonacademic misconduct hearing examiner to fulfill the responsibilities of the nonacademic misconduct hearing examiner in this chapter.

17.06(2) A hearing examiner shall be selected by the chief administrative officer from the faculty and staff of the institution, pursuant to the policies adopted under sub. (1).

17.07 Non-academic misconduct hearing committee.

17.07(1) The chief administrative officer of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a student nonacademic misconduct hearing committee to fulfill the responsibilities of the nonacademic misconduct hearing committee in this chapter.

17.07(2) A student nonacademic misconduct hearing committee shall consist of at least three persons, including at least one student or students, except that no such committee shall be constituted with a majority of members who are students. The presiding officer shall be appointed by the chief administrative officer. The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice.

17.08 Nonacademic misconduct occurring on or outside of university lands.

17.08(1) MISCONDUCT ON UNIVERSITY LANDS. Except as provided in s. UWS 17.08(2), the provisions contained in this chapter shall apply to the student conduct described in s. UWS 17.09 that occurs on university lands or at university-sponsored events.

17.08(2) MISCONDUCT OUTSIDE OF UNIVERSITY LANDS. The provisions contained in this chapter may apply to the student conduct described in s. UWS 17.09 that occurs outside of university lands only when, in the judgment of the investigating officer, the conduct adversely affects a substantial university interest. In determining whether the conduct adversely affects a substantial university interest, the investigating officer shall consider whether the conduct meets one or more of the following conditions:

- (a) The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.

- (b) The conduct indicates that the student presented or may present a danger or threat to the health or safety of himself, herself or others.
- (c) The conduct demonstrates a pattern of behavior that seriously impairs the university's ability to fulfill its teaching, research, or public service missions.

17.09 Conduct subject to disciplinary action. In accordance with s. UWS 17.08, the university may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct:

17.09(1) DANGEROUS CONDUCT. Conduct that endangers or threatens the health or safety of oneself or another person.

17.09(2) SEXUAL ASSAULT. Conduct defined in s. 940.225, Stats.

17.09(3) STALKING. Conduct defined in s. 940.32, Stats.

17.09(4) HARASSMENT. Conduct defined in s. 947.013, Stats.

17.09(5) HAZING. Conduct defined in s. 948.51, Stats.

17.09(6) ILLEGAL USE, POSSESSION, MANUFACTURE, OR DISTRIBUTION OF ALCOHOL OR CONTROLLED SUBSTANCES. Use, possession, manufacture, or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law or university policy.

17.09(7) UNAUTHORIZED USE OF OR DAMAGE TO PROPERTY. Unauthorized possession of, use of, moving of, tampering with, damage to, or destruction of university property or the property of others.

17.09(8) DISRUPTION OF UNIVERSITY-AUTHORIZED ACTIVITIES. Conduct that obstructs or impairs university-run or university-authorized activities, or that interferes with or impedes the ability of a person to participate in university-run or university-authorized activities.

17.09(9) FORGERY OR FALSIFICATION. Unauthorized possession of or fraudulent creation, alteration, or misuse of any university or other governmental document, record, key, electronic device, or identification.

17.09(10) MISUSE OF COMPUTING RESOURCES. Conduct that involves any of the following:

- (a) Failure to comply with laws, license agreements, and contracts governing university computer network, software, and hardware use.
- (b) Use of university computing resources for unauthorized commercial purposes or personal gain.
- (c) Failure to protect a personal password or university-authorized account.
- (d) Breach of computer security, invasion of privacy, or unauthorized access to computing resources.

For more information regarding Information Technology policies, please refer to the following Web site: <http://www.uwsp.edu/it/about/policies/>.

17.09(11) FALSE STATEMENT OR REFUSAL TO COMPLY REGARDING A UNIVERSITY MATTER. Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter.

17.09(12) VIOLATION OF CRIMINAL LAW. Conduct that constitutes a criminal offense as defined by state or federal law.

17.09(13) SERIOUS AND REPEATED VIOLATIONS OF MUNICIPAL LAW. Serious and repeated off-campus violations of municipal law.

17.09(14) VIOLATION OF CH. UWS 18. Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.

17.09(15) VIOLATION OF UNIVERSITY RULES. Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.

17.09(16) NONCOMPLIANCE WITH DISCIPLINARY SANCTIONS. Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.

17.10 Disciplinary sanctions.

17.10(1) The following are the disciplinary sanctions that may be imposed for nonacademic misconduct, in accordance with the procedures of ss. UWS 17.11 to 17.13, are any of the following:

- (a) A written **warning or** reprimand.
- (b) Denial of specified university privileges.
- (c) Restitution.
- (d) Educational or service sanctions, including community service.
- (e) Disciplinary probation.
- (f) Imposition of reasonable terms and conditions on continued student status.
- (g) Removal from a course in progress.
- (h) Enrollment restrictions on a course or program.
- (i) Suspension.
- (j) Expulsion.

17.10(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of nonacademic misconduct.

17.10(3) Disciplinary sanctions shall not include the termination or revocation of student financial aid; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of a student for financial aid.

17.11 Disciplinary procedure. (1) The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. UWS 17.10(1).

17.11(2) CONFERENCE WITH STUDENT. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the student in person, by telephone, or by electronic mail to offer to discuss the matter with the student. The purpose of this discussion is to permit the investigating officer to review with the student the basis for his or her belief that the student engaged in nonacademic misconduct, and to afford the student an opportunity to respond. If the student does not respond to the investigating officer's offer to discuss the matter, the investigating officer may proceed to make a determination on the basis of the available information.

17.11(3) DETERMINATION BY THE INVESTIGATING OFFICER THAT NO DISCIPLINARY SANCTION IS WARRANTED. If, as a result of a discussion under sub. (2), or review of available information, the investigating officer determines that nonacademic misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action.

17.11(4) PROCESS FOLLOWING DETERMINATION BY THE INVESTIGATING OFFICER THAT NONACADEMIC MISCONDUCT OCCURRED.

17.11(4)(a) If, as a result of a discussion or review of available information under sub. (2), or review of available information, the investigating officer determines that nonacademic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 17.10(1) should be recommended, the investigating officer shall prepare a written report which shall contain the following:

1. A description of the alleged misconduct.
2. A description of all information available to the university regarding the alleged misconduct. Such information shall be available to the student upon request, except as may be precluded by applicable state or federal law.
3. Specification of the sanction sought.
4. Notice of the student's right to a hearing.
5. A copy of this chapter and of the institutional procedures adopted to implement this section.

17.11(4)(b) The written report shall be delivered to the student.

17.11(4)(c) A student who receives a written report under this section has the right to a hearing under s. UWS 17.12 to contest the determination that nonacademic misconduct occurred, the choice of disciplinary sanction, or both.

1. Where the disciplinary sanction sought is one of those listed in s. UWS 17.10(1)(a) to (g), and if the student desires a hearing, the student shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the student. If the student does not request a hearing within this period, the determination of non-academic misconduct shall be regarded as final, and the disciplinary sanction sought shall be imposed.
2. Where the disciplinary sanction sought is one of those listed in s. UWS 17.10(1)(h) to (j), the investigating officer shall forward a copy of the written report under par. (b) to the student affairs officer. The student affairs officer shall, upon receipt of the written report, proceed under s. UWS 17.12 to schedule a hearing on the matter. A hearing shall be conducted unless the student waives, in writing, the right to such a hearing.

Students who choose to appeal disciplinary sanctions must do so in writing within ten (10) days from the date of the written decision, and shall state in the appeal exactly what is being appealed, whether the findings, decision, sanctions, or all three. In cases heard by an investigating officer, the appeal shall be to the hearing examiner. In cases heard by a hearing examiner, the appeal shall be made to the Dean of Students. An appellate decision by the Dean of Students may be appealed by the Vice Chancellor for Student Affairs or Chancellor, who may review the decision at his/her discretion.

If, during a hearing involving a disciplinary sanction listed s. UWSP 17.10 (1) (a) to (h), the hearing officer concludes that suspension or expulsion should be sought rather than a lesser sanction, the hearing officer may cause a statement of charges to be served upon the student in accordance with UWSP 17.11 (4).

17.12 Hearing.

17.12(1) A student who requests a hearing, or for whom a hearing is scheduled under s. UWS 17.11(4)(c)2., shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.

17.12(2) If a student requests a hearing under s. UWS 17.11(4)(c)1., or a hearing is required to be scheduled under s. UWS 17.11(4)(c)2., the student affairs officer shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request or written report. The hearing shall be conducted within 45 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the student and investigating officer, or is ordered or permitted by the hearing examiner or committee.

17.12(3) No less than 5 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the student with access to or copies of the investigating officer's explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information of the type described in s. UWS 17.11(4)(a)2.

17.12(4) The hearing shall be conducted in accordance with the following guidance and requirements:

17.12(4)(a) The hearing process shall further the educational purposes and reflect the university context of non-academic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in ch. UWS 17.

17.12(4)(b) The student shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be accompanied by an advisor of the student's choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified in s. UWS 17.10 (1) (a) to (h), the advisor may counsel the student, but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the student except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in s. UWS 17.10(1)(i) or (j), or where the student has been charged with a crime in connection with the same conduct for which the disciplinary sanction is sought, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the student. In accordance with the educational purposes of the hearing, the student is expected to respond on his or her own behalf to questions asked of him or her during the hearing.

17.12(4)(c) The hearing examiner or committee shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony. The hearing examiner or committee shall observe recognized legal privileges.

17.12(4)(c) The hearing examiner or committee:

1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony.
2. Shall observe recognized legal privileges.
3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, provided, however, whatever procedure is adopted, the student is allowed to effectively question the witness.

17.12(4)(e) The hearing examiner or committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.

17.12(4)(f) A hearing examiner's or committee's finding of nonacademic misconduct shall be based on one of the following:

1. Clear and convincing evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10(1)(h) to (j).
2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10(1)(a) to (g).
3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment and sexual assault.

17.12(4)(g) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in s. UWS 17.10(1)(a) to (g) that differs from the recommendation of the investigating officer.

Sanctions under s. UWS 17.10(1)(h) to (j) may not be imposed unless previously recommended by the investigating officer.

17.12(4)(h) The hearing shall be conducted by the hearing examiner or committee, and the university's case against the student shall be presented by the investigating officer or his or her designee.

17.12(4)(i) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered to the student by e-mail and first class United States mail to his or her current address as maintained by the institution. If further investigation is needed prior to a decision being made that may go beyond the 14 days, an e-mail will be sent to the student alerting them and providing a date a decision will be made. The decision shall become final within 14 days of the date of the written decision, unless an appeal is taken under s. UWS 17.13.

17.12(4)(j) If a party fails to appear at a scheduled hearing and to proceed, the hearing examiner or committee may either dismiss the case or, based upon the information provided, find that the student committed the misconduct alleged.

17.12(4)(k) Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the student whose case is being heard requests a closed hearing or if the hearing examiner or committee determines that it is necessary to hold a closed hearing, as permitted under the Wisconsin open meetings law. Deliberations of the committee shall be held in closed session, in accordance with s. 19.85, Stats. As such, proper notice and other applicable rules shall be followed.

17.13 Appeal to the chief administrative officer.

17.13(1) Where the sanction prescribed by the hearing examiner or committee is one of those listed in s. UWS

17.10(1)(h) through (j), the student may appeal to the chief administrative officer within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record. In such a case, the chief administrative officer has 30 days from receipt of the student's appeal to respond and shall sustain the decision of the nonacademic misconduct hearing examiner or committee unless the chief administrative officer finds any of the following:

- (a) The information in the record does not support the findings or decision of the hearing examiner or committee.
- (b) Appropriate procedures were not followed by the nonacademic misconduct hearing examiner or committee and material prejudice to the student resulted.
- (c) The decision was based on factors proscribed by state or federal law.

17.13(2) If the chief administrative officer makes a finding under sub. (1), he or she may return the matter for consideration by a different hearing examiner or committee, or may invoke an appropriate remedy of his or her own.

17.14 Discretionary appeal to the board of regents. Institutional decisions under ss. UWS 17.11 to 17.13 shall be final, except that the board of regents may, at its discretion, grant a review upon the record.

17.15 Settlement. The procedures set forth in this chapter allow the university and a student to enter into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the student and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the student.

17.16 Effect of discipline within the institution. A student who, at the time of commencement, is subject to a continuing disciplinary sanction under s. UWS 17.10(1) or unresolved disciplinary charges as a result of a report under s. UWS 17.11, shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding.

17.17 Effect of suspension or expulsion within the university system. (1) Suspension or expulsion shall be system-wide in effect and shall be noted on an individual's transcript, with suspension noted only for the duration of the suspension period.

17.17(2) A student who is suspended from one institution in the University of Wisconsin System may not enroll in another institution in the system until the suspension has expired by its own terms, except as provided in s. UWS 17.18.

17.17(3) A student who is expelled from one institution in the University of Wisconsin System may not enroll in another institution in the system, except as provided in s. 17.18.

17.17(4) A person who is in a state of suspension or expulsion from the university under this chapter, or who leaves or withdraws from the university while under nonacademic misconduct charges under this chapter, may not be present on any campus without the written consent of the chief administrative officer of that campus.

17.17(5) Upon completion of a suspension period, a student who is academically eligible may re-enroll in the institution which suspended him or her, provided all conditions from previous disciplinary sanctions have been met.

17.18 Petition for restoration of rights after suspension or expulsion.

A student who has been suspended may petition to have his or her student status, rights, and privileges restored before the suspension has expired by its own terms under s. 17.17(2). A student who has been expelled may petition for the right to apply for readmission. The petition shall be in writing and directed to the chief administrative officer of the institution from which the student was suspended or expelled or of a different university of Wisconsin institution to which the student seeks admission. The chief administrative officer shall make the readmission decision.

17.19 Emergency Suspension. (1) The chief administrative officer may impose an emergency suspension on a student, pending final institutional action on a report of nonacademic misconduct, in accordance with the procedures of this section.

17.19(2) The chief administrative officer of each institution may impose an emergency suspension on a student when all of the following conditions are met:

- (a) The investigating officer has made a reasonable attempt to offer the student the opportunity for discussion, either in person or by telephone;

- (b) The investigating officer recommends a sanction of suspension or expulsion; and
- (c) The chief administrative officer concludes, based on the available information, that the misconduct occurred and that the student's continued presence on campus meets one or more of the following conditions:
 - 1. Would constitute a potential for serious harm to the student;
 - 2. Would constitute a potential for serious harm to others;
 - 3. Would pose a threat of serious disruption of university-run or university-authorized activities; or
 - 4. Would constitute a potential for serious damage to university facilities or property.

17.19(3) If the chief administrative officer determines that an emergency suspension is warranted under sub. (2), he or she shall promptly have written notification of the emergency suspension delivered to the student. The chief administrative officer's decision to impose an emergency suspension shall be effective immediately when delivered to the student and is final.

17.19(4) Where an emergency suspension is imposed, the hearing on the underlying allegations of misconduct shall be held, either on or outside of university lands, within 21 days of the imposition of the emergency suspension, unless the student agrees to a later date.

17.19(5) An emergency suspension imposed in accordance with this section shall be in effect until the decision in the hearing on the underlying charges pursuant to s. UWS 17.12 is rendered or the chief administrative officer rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the student agrees to a longer period.

17.19(6) If the chief administrative officer determines that none of the conditions specified in sub. (2)(c) are present, but that misconduct may have occurred, the case shall proceed in accordance with s. UWS 17.12.

APPROVAL OF CHANGES TO CHAPTER 4D

- With the exception of the Open Meetings Law, which is statutory, and the comments and interpretations of that law, changes to Chapter 4D, Section 15, require the approval of Common Council and the Chancellor.
- Chapter 4D, Section 16, may only be amended by the Board of Regents.
- Changes to Chapter 4D, Section 17, require the approval of Common Council, the Chancellor, and the Board of Regents.

CHAPTER 5

POLICIES PERTAINING TO CLASSROOM ACTIVITIES

SECTION 1 **TEXT SERVICES**

GENERAL INFORMATION:

Text Rental is a valuable service available to students at UWSP. The rental system is similar to a library through which students check out most of their course books and return them at the end of the semester. Text Rental was implemented in 1894 in an effort to make education affordable for students attending the Stevens Point Normal School.

The primary textbook usage at UWSP continues to be through Text Rental and instructors are required to use Text Rental. See Part A for guidelines concerning Text Rental. Under some circumstances, however, rental cannot provide the breadth and scope of texts required or recommended for a course, or a department wants majors to purchase certain texts, or other reasons exist for the purchase of some books. As described below, these needs must be requested through the Supplemental section of the University Store. See Part B for further information about Supplementary Materials.

Usage of texts/course materials authored by UWSP faculty must comply with all campus Text Rental guidelines.

Text Rental is the only entity on campus authorized to enter into negotiations with publishers and book suppliers concerning text rental contracts.

PART A — TEXTBOOK RENTAL

Textbook Rental is a self-supporting service financed through student text rental fees. Undergraduate students pay a per credit fee in their tuition for the rental of one textbook per course. Graduate students are not assessed text rental fees and normally purchase their texts. However, graduate students enrolled in slash courses (undergraduate/graduate) may rent their texts upon payment of a rental fee based on a per-credit assessment.

Textbook Rental is located within the University Store in the lower level of the Dreyfus University Center.

RENTAL GUIDELINES:

TEXTS PER COURSE

One textbook is provided for each course. If one text will not adequately meet the needs of a course, two or more texts may be used, provided that the total cost of those texts does not exceed the average list price of a single text as determined by Text Rental for the previous academic year.

Additionally, all texts must be durable enough to be circulated repeatedly for the required duration of text adoption.

DURATION OF TEXT ADOPTION

- Textbooks requested for lower-division courses (100-200 level) are acquired for at least three academic years.
- Textbooks requested for upper-division courses (300-400 level) are acquired for at least two academic years.

BOOK AVAILABILITY

The Text Rental staff will review book requests and research book availability before placing orders. If there are any questions or issues with availability the Text Rental staff will contact the instructor and/or department prior to ordering books.

SPECIAL TOPICS COURSES

For Special Topics Courses, or for courses in which the focus alters the content from semester to semester, textbooks may be available through Text Rental provided that the textbook(s) meet(s) the texts per course and usage duration guidelines set forth above. The completed Request for Special Topics Course Textbooks and Exceptions to Text Rental Guidelines form must be submitted to, and approved by, the department chairperson and the appropriate dean before being submitted to Text Rental.

If a textbook is provided for a Special Topics Course under the above usage guidelines and the usage duration condition is not met, Text Rental will attempt to sell the textbook. However, the department will be responsible for any un-recouped costs associated with providing this textbook and subsequent failure to adhere to the usage guidelines. For the purpose of this policy, departments failing to adhere to the Special Topics Courses usage guidelines will be assessed a charge of one half of the original purchase price for each text violating the above usage guidelines.

TEXTS CONTAINING REMOVABLE MEDIA

All textbooks with removable and additional media included; i.e. CDs and DVDs, will be evaluated for compatibility and usefulness and relevance for the course by instructors. Removable media will be evaluated for usage feasibility by Text Rental staff. Decisions regarding the handling of the removable media will be determined on an individual basis as agreed upon by the Text Rental staff.

PROCESS OF REQUESTING TEXTS

Federal law (Higher Education Act of 1965, as amended by Public Law 110-315-Aug. 14, 2008 Section 133) requires the publication of texts and supplemental materials costs for courses and that this information is made available to students.

In order to comply with this requirement, the new adoption and current inventory rental books for courses must be requested each semester via the UWSP Text Rental/Supplemental requisition system by the department chairperson or designee according to the following due dates:

- | | |
|------------------------------------|-----------|
| • Summer session and fall semester | March 1 |
| • Winterim and spring semester | October 1 |

For text requests that are submitted after the above dates, to avoid additional costs courses may be limited to using a text currently existing in Text Rental's inventory. If no acceptable text exists, Text Rental and the instructor will work together to find the best solution.

RETURN OF RENTAL TEXTS AND REMOVABLE/ADDITIONAL MEDIA

All rental books and removable/additional media are due back by the last day of finals, or the published "late" return schedule. Books returned within three business days after the last day of the final exam period will be assessed a late fee not to exceed \$10 per book. If rental materials are still not returned by the end of the third business day after the final exam period, the student's account will be billed up to the full retail price of each item not returned.

EXCEPTIONS TO RENTAL GUIDELINES

Exceptions to the above guidelines may be granted by the Text Rental manager upon receipt of a Request for Special Topic Course Textbooks and Exceptions to Text Rental Guidelines form by the instructor that has been approved by the department chairperson and the appropriate dean. Text Rental will provide the appropriate form upon request.

OTHER SERVICES AND INFORMATION

- After the third full week of classes, students enrolled at UWSP may check out additional rental textbooks for reference and general use.
- Winter/Summer break Text Rental – After the add/drop deadline, students enrolled in winter or summer classes at UWSP may check out additional rental textbooks for reference and general use. Students not enrolled in winter or summer classes can pay a rental fee up to \$10 to use a textbook between semesters.
- Rental textbooks may be purchased at a 20% retail discount by students enrolled in a course.
- Publishers, not bookstores, provide desk copies. Text Rental will assist faculty in the ordering of desk copies for classroom use if needed. An instructor may check out a text, if available, from Text Rental with a UWSP PointCard (ID) and completed Instructor Textbook Loan form, until their desk copy arrives. Text Rental will provide the appropriate form upon request.
- Reducing inventory: Texts are disposed of when no longer needed for a course (i.e. when there is a new adoption or the dormancy period of the class exceeds the duration of text adoption). Disposal may consist of selling texts to a wholesaler; if value exists, placed on sale tables for students/staff to purchase at reduced prices (\$1-\$5), donated, or recycled.
-

PART B — SUPPLEMENTAL MATERIALS

REQUIRED AND RECOMMENDED MATERIALS

Faculty shall observe a \$75 limit (based on retail prices) on the cost of supplemental books and materials that a student is required to purchase for any one course. Exceptions to the \$75 maximum may be granted by the chairperson of the instructor's department. Written authorization and completed Request for Special Topics Course Textbooks and Exceptions to Text Rental Guidelines form signed by the department chairperson and the appropriate dean shall accompany the request.

Items, such as the following, but not limited to, will not be furnished through Text Rental and are considered supplemental. Except in special cases, these items must be purchased by students:

- Atlases
- Compact discs
- Consumable materials
- Course outline guides
- Dictionaries
- Mass market paperbacks
- Laboratory materials
- Music scores
- Music staff guides
- Supplies and other non-book materials
- Outline maps
- Solutions manuals
- Workbooks

SUPPLIES AND OTHER NON-BOOK MATERIALS

Course-related supplies and non-book materials should be requested each semester by the department chairperson or designee via the University Store. University Store staff will not assume supplies or materials are needed if they are not requested.

SUPPLEMENTAL TEXT GUIDELINES

PROCESS OF REQUESTING SUPPLEMENTAL TEXTS:

Supplemental materials are requested each semester via the online UWSP Text Rental/Supplemental requisition system by the department chairperson or designee according to the following due dates:

- | | |
|------------------------------------|-----------|
| • Summer session and fall semester | March 1 |
| • Winterim and spring semester | October 1 |

EXPEDITING REQUESTS

The University Store is not always able to hold books over from one semester to the next. It is not safe to assume that a book is on hand because it has been used in the

past. Faculty should place book requests by the published deadlines each semester to ensure availability and affordability for students.

The following should be provided when ordering:

- ISBN
- Author
- Title
- Edition
- Publisher
- Price (if possible)
- Required or Recommended (see definitions below)
- Sequence of usage (when more than one book is requested for a course)

When class enrollments exceed original expectations, it is the responsibility of the department to contact the University Store supplemental book staff to ensure quantities are sufficient.

QUANTITIES OF BOOKS ORDERED

Instructors can assist in making higher education affordable for students. To help keep supplemental course books affordable the University Store supplemental book staff must be careful when ordering materials. The cost of returning overstock books each semester is significant and adds to the price of all items in the University Store, including books. The University Store supplemental book staff orders requested book quantities based on the following guidelines:

Instructor Recommendations

Instructors and departments are encouraged to estimate the number of books needed for a course and to notify the University Store when:

- courses are canceled
- titles have been canceled from the syllabus
- the instructor adds students to the course beyond the course limit
- or if there are any questions or concerns regarding specific course texts.

Required vs. Recommended

Required books are used significantly in a course; acquisition of these books by students will be essential for their success in the course. Readings and assignments are generally assigned out of required materials. Recommended books are not necessarily used significantly in the course; acquisition of these books by students will serve to enhance the student's education and understanding in this course.

- To ensure that all students have access to required books, the University Store supplemental book staff will order required books up to the number of students enrolled in the course. The number of books on hand at the start of the semester may be less than enrollment, due to the smaller number of required books that students have purchased historically.
- Recommended books will be ordered in smaller quantities, or only special ordered for students as requested, due to the smaller number of recommended books that students have purchased historically.

New vs. Used

New books are purchased directly from the publisher or distributor and will have no marks of highlights in them. In general, the University Store supplemental book staff will order workbooks and “consumable” books as new. Used books may be purchased directly from students at the end of the semester during “Textbook Buyback.” Used books are also purchased from used book wholesale companies. Used books are generally priced at 25% less than new book price. The University Store supplemental book staff will preferentially purchase used books for each course each semester to assist students with book affordability unless the book is a single use material (i.e. workbooks).

E-books vs. Print Books

Instructors may request that the University Store stock their supplemental course books in an electronic format and if that format is available it will be offered along with the print version of the book in smaller quantities.

Book Availability and Editions

The University Store supplemental book staff will review book request and research book availability and current editions before placing orders. If there are newer editions available, or any questions or issues with availability the supplemental book staff will contact the instructor prior to ordering books.

EXTENSION COURSES

Books requested for extension courses can be entered through the UWSP Text Rental/Supplemental requisition system by the department chairperson or designee. Instructors will direct students to the University Store for mail order service, online ordering, or in-store purchase.

“TEXTBOOK BUYBACK”

Each semester the University Store offers a service to students called “Textbook Buyback” where students may be able to sell their used supplemental books to a used book wholesaler during finals week. The wholesaler pays up to 50% of new book price for books that are on the list of needed books generated by book requests submitted via the UWSP Text Rental/Supplemental requisition system. If the buyback quantity has been met, or a book is not on the list of needed books, students still may be able to sell their books to the used book wholesaler, but at a rate determined by the wholesaler.

ADDITIONAL RECOMMENDATIONS

- Instructors are urged not to quote the price of a book in class or in syllabus. Publishers change prices of books frequently, sometimes as often as once per semester. Therefore, prices should be expected to vary between semesters.

SECTION 2
CHAPTER UWSP 14
STUDENT ACADEMIC DISCIPLINARY PROCEDURES

The University of Wisconsin "Student Academic Disciplinary Procedures," Chapter UWS 14 of the Wisconsin Administrative Code, Rules of the Board of Regents of the University of Wisconsin System, were adopted in March 1989. Additional statements for the University of Wisconsin-Stevens Point are indicated in **BOLDFACE** type. These added statements, in conjunction with Chapter UWS 14, constitute Chapter UWSP 14.

UWSP 14.01 Statement of principles.

The board of regents, administrators, faculty, academic staff and students of the university of Wisconsin system believe that academic honesty and integrity are fundamental to the mission of higher education and of the university of Wisconsin system. The university has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others' academic endeavors. Students who violate these standards must be confronted and must accept the consequences of their actions.

UWSP 14.02 Definitions.

In this chapter:

- (1) "Academic misconduct" means an act described in UWSP 14.03.
- (2) "Academic misconduct hearing committee" means the committee or hearing examiner appointed pursuant to UWSP 14.15 to conduct hearings under UWSP 14.08.
- (3) "Chancellor" means the chancellor or designee. **The chancellor's designee for the University of Wisconsin-Stevens Point is the vice chancellor for student affairs, who shall act on behalf of the chancellor in accordance with the provisions of this chapter.**
- (4) "Days" means calendar days.
- (5) "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.
- (6) "Disciplinary probation" means a status in which a student may remain enrolled in the university only upon the condition that the student complies with specified standards of conduct for a specified period of time, not to exceed 2 semesters.
- (7) "Disciplinary sanction" means any action listed in UWSP 14.04 taken in response to student academic misconduct.
- (8) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.

- (9) "Hearing examiner" means an individual appointed by the chancellor in accordance with UWSP 14.15 for the purpose of conducting a hearing under UWSP 14.08.
- (10) "Institution" means any university or center, or organizational equivalent designated by the board.
- (11) "Instructor" means the faculty member or instructional academic staff member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.
- (12) "Investigating officer" means an individual, or a designee, appointed by the chancellor of each institution to carry out certain responsibilities in the course of investigations of academic misconduct under this chapter. **The investigating officer for the University of Wisconsin-Stevens Point is the Dean of Students or his/her designee.**
- (13) "Student" means any person who is registered for study in an institution for the academic period in which the misconduct occurred.
- (14) "Student affairs officer" means the dean of students or student affairs officer designated by the chancellor to carry out duties described in this chapter. **The student affairs officer for the University of Wisconsin-Stevens Point is the Dean of Students or his/her designee.**
- (15) "Suspension" means a loss of student status for a specified length of time, not to exceed 2 years, with resultant loss of all student rights and privileges.

UWSP 14.03 Academic misconduct subject to disciplinary action.

- (1) Academic misconduct is an act in which a student:
 - (a) Seeks to claim credit for the work or efforts of another without authorization or citation;
 - (b) Uses unauthorized materials or fabricated data in any academic exercise;
 - (c) Forges or falsifies academic documents or records;
 - (d) Intentionally impedes or damages the academic work of others;
 - (e) Engages in conduct aimed at making false representation of a student's academic performance; or
 - (f) Assists other students in any of these acts.
- (2) Examples of academic misconduct include, but are not limited to: cheating on an examination; collaborating with others in work to be presented, contrary to the stated rules of the course; submitting a paper or assignment as one's own work when a part or all of the paper or assignment is the work of another; submitting a paper or assignment that contains ideas or research of others without appropriately identifying the sources of those ideas; stealing examinations or course materials; submitting, if contrary to the rules of a

course, work previously presented in another course; tampering with the laboratory experiment or computer program of another student; knowingly and intentionally assisting another student in any of the above, including assistance in an arrangement whereby any work, classroom performance, examination or other activity is submitted or performed by a person other than the student under whose name the work is submitted or performed.

UWSP 14.04 Disciplinary sanctions.

(1) The following are the disciplinary sanctions that may be imposed for academic misconduct in accordance with the procedures of UWSP 14.05, 14.06 or 14.07:

- (a) An oral reprimand;
- (b) A written reprimand presented only to the student;
- (c) An assignment to repeat the work, to be graded on its merits;
- (d) A lower or failing grade on the particular assignment or test;
- (e) A lower grade in the course;
- (f) A failing grade in the course;
- (g) Removal of the student from the course in progress;
- (h) A written reprimand to be included in the student's disciplinary file;
- (i) Disciplinary probation; or
- (j) Suspension or expulsion from the university.

(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of academic misconduct.

UWSP 14.05 Disciplinary sanction imposed at the discretion of the instructor.

(1) Where an instructor concludes that a student enrolled in one of the instructor's courses has engaged in academic misconduct in the course, the instructor for that course may impose one or more of the following disciplinary sanctions, as listed under UWSP 14.04 (1)(a) through (c):

- (a) An oral reprimand;
- (b) A written reprimand presented only to the student; or
- (c) An assignment to repeat the work, to be graded on its merits.

(2) No disciplinary sanction may be imposed under this section unless the instructor promptly offers to discuss the matter with the student. **At the time the instructor offers to discuss the alleged misconduct with the student, the instructor must also inform the student that he or she may bring a representative to the discussion.** The

purpose of this discussion is to permit the instructor to review with the student the bases for the instructor's belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(a) During this discussion, the instructor must provide to the student a copy of this chapter and explain the right to a hearing.

(b) If at any time during the initial conference an instructor believes that a more severe sanction than UWSP 14.04 (a) through (c) is warranted, the instructor shall terminate the conference and proceed under the provisions of UWSP 14.06.

- (3) A student who receives a disciplinary sanction under this section has the right to a hearing before the academic misconduct hearing committee under UWSP 14.08 to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both. If the student desires such a hearing, he or she must file a written request with the **Dean of Students Office** within 10 days of imposition of the disciplinary sanction by the instructor.

UWSP 14.06 Disciplinary sanction imposed following a report of academic misconduct by the instructor.

Where an instructor believes that a student enrolled in one of the instructor's courses has engaged in academic misconduct and the sanctions listed under UWSP 14.04 (1)(a) through (c) are inadequate or inappropriate, the instructor may proceed in accordance with this section to impose, subject to hearing rights in UWSP 14.08, one or more of the disciplinary sanctions listed under UWSP 14.04 (1)(d) through (h).

- (1) Conference with student. When an instructor concludes that proceedings under this section are warranted, the instructor shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the bases for the instructor's belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.
- (a) While the initial contact with the student and the scheduling of the conference may be verbal, reasonably in advance of the conference, the instructor shall inform the student in writing of the alleged offense and of the facts or conduct on which the allegations are based. The student shall also be informed of the date, time, and place of the initial conference. The written notification shall also**
- 1. inform the student that both the instructor and the student may be accompanied by one person of their choice;**
 - 2. inform the student that the student's failure to attend the conference will not stop the instructor from taking appropriate action on the basis of information available to the instructor; and**
 - 3. include a copy of this chapter and the institutional procedures adopted to implement this section.**

(b) Nothing in UWSP 14.06 (1)(a) shall preclude the instructor and student from holding an informal meeting before written notice is presented to the student, provided that

- 1. the meeting is at the request of the student; and**
- 2. the student is fully informed by the instructor at the beginning of the meeting of rights under this section and of hearing rights, after which the student may, without prejudice, elect to terminate the meeting pending receipt of written notification of allegations.**

(2) Determination by the instructor that no academic misconduct occurred. If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(3) Process following determination by the instructor that academic misconduct occurred.

(a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under UWSP 14.04 (1)(d) through (h) should be recommended, the instructor shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to request a hearing before the academic misconduct hearing committee **or a hearing examiner**; and
4. A copy of **this chapter** and the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or be **emailed and** mailed to the student by regular first class United States mail at the student's current address, as maintained at the institution. In addition, copies of the report shall be provided to the **Dean of Students or his/her** designee and to others authorized by institutional procedures.

(c) A student who receives a written report under this section has the right to a hearing before the academic misconduct hearing committee **or a hearing examiner** under UWSP 14.08 to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both. If the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the **Dean of Students or his/her designee** within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

- (4) Process following determination by the instructor that disciplinary probation, suspension or expulsion may be warranted.
- (a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that disciplinary probation, suspension or expulsion under UWSP 14.04(1)(i) or (j) should be recommended, the instructor shall provide a written report to the investigating officer **and to the student**, which shall contain the following:
1. A description of the misconduct; and
 2. Specification of the sanction recommended.
- (b) Upon receipt of a report under this subsection, the investigating officer may proceed, in accordance with UWSP 14.07, to impose a disciplinary sanction.
- (c) **If an instructor chooses to proceed under the provisions of UWSP 14.07 and recommends probation, suspension, or expulsion, any sanctions recommended by the instructor under UWSP 14.05 or 14.06 shall become recommendations to the investigating officer. Section UWSP 14.06 (3)(c) notwithstanding, no request for a hearing regarding the instructor's recommendation under UWSP 14.05 or 14.06 may be undertaken until after the decision of the investigating officer.**

UWSP 14.07 Disciplinary sanction imposed following a report of academic misconduct by the investigating officer.

The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in UWSP 14.04 (1)(g) through (j).

- (1) Authority of investigating officer. The investigating officer may proceed in accordance with this section when he or she receives information that a student at the institution has engaged in alleged academic misconduct and:
- (a) Some or all of the alleged academic misconduct occurred outside the scope of any course for which the involved student is currently registered;
 - (b) The involved student has previously engaged in academic misconduct subject to the disciplinary sanctions listed in UWSP 14.04 (1)(d) through (j);
 - (c) The alleged misconduct would, if proved to have occurred, warrant a sanction of disciplinary probation, suspension or expulsion; or
 - (d) The instructor in the course is unable to proceed.
- (2) Conference with student. When the investigating officer concludes that proceedings under this section are warranted, he or she shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the investigating officer to review with the student the bases for the investigating officer's belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond. **Reasonably in advance of the conference, the investigating officer shall inform the student in**

writing of the alleged offense, the facts or conduct on which the allegations are based, and the penalties which may possibly be recommended. The written notification shall also:

- (a) inform the student of the date, time, and place of the conference;**
- (b) inform the student that the student may be accompanied by a person of the student's choice, including legal counsel, at the student's own expense;**
- (c) inform the student that the student's failure to attend the conference will not stop the investigating officer from taking appropriate action based on the available information; and**
- (d) include a copy of this chapter and the institutional procedures adopted to implement this section.**

(3) Conference with instructor. An investigating officer proceeding under this section shall discuss the matter with an involved instructor. This discussion may occur either before or after the conference with the student; normally, however, the conference with the instructor shall occur before the conference with the student. It may include consultation with the instructor on the facts underlying the alleged academic misconduct and on the propriety of the recommended sanction.

(4) Determination by the investigating officer that no academic misconduct occurred. If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(5) Process following determination by the investigating officer that academic misconduct occurred.

(a) If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under UWSP 14.04 (1)(g) through (j) should be recommended, the investigating officer shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to a hearing before the academic misconduct hearing committee; and
4. A copy of **this chapter and** the institutional procedures adopted to implement this section.

- (b) The written report shall be delivered personally to the student or **emailed and** mailed to the student by regular first class United States mail at the student's current address, as maintained at the institution. In addition, a copy of the report shall be provided to the instructor and to **the Dean of Students or his/her designee**.
- (c) A student who receives a written report under this section has the right to a hearing before the academic misconduct hearing committee under UWSP 14.08 **or a hearing examiner** to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both.
 - 1. Except in cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, if the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the **Dean of Students or his/her designee** within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.
 - 2. In cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, the **Dean of Students Office** shall, upon receipt of the written report under par. (b), proceed under UWSP 14.08 to schedule a hearing on the matter. The purpose of the hearing shall be to review the determination that academic misconduct occurred and the disciplinary sanction recommended. A hearing will be conducted unless the student waives, in writing, the right to such a hearing.

UWSP 14.08 Hearing.

- (1) If a student requests a hearing, or a hearing is required to be scheduled under UWSP 14.07 (5)(c) 2, the **Dean of Students or his/her designee** shall take the necessary steps to convene the academic misconduct hearing committee (**see UWSP 14.15**) and shall schedule the hearing within 10 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the student, instructor or investigating officer, and the members of the hearing committee. **The student will be contacted by the Dean of Students to determine his or her choice of hearing options.**
- (2) Reasonably in advance of the hearing, the committee shall obtain from the instructor or investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide **written notice of the date, time, and place of the hearing; a copy of the instructor's explanation; and** a copy of chapter UWSP 14 to the student.
- (3) The hearing before the academic misconduct hearing committee shall be conducted in accordance with the following requirements:
 - (a) The student shall have the right to question adverse witnesses, the right to pre-sent evidence and witnesses, and to be heard in his or her own behalf, and the right to be accompanied by a representative of his or her choice, **including legal counsel, at his or her own expense. The representative shall normally only be allowed to advise and support the student; they may only speak on his/her behalf with permission**

of the hearing committee or hearing examiner. The university may also be represented by legal counsel. If the university is to be represented by legal counsel, the student shall be so informed.

- (b) The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.
- (c) The hearing committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. Any party to the hearing may obtain copies of the record at his or her own expense. Upon a showing of indigence and legal need, a party may be provided a copy of the verbatim record of the testimony without charge.
- (d) The hearing committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.
- (e) The hearing committee may find academic misconduct and impose a sanction of suspension or expulsion only if the proof of such misconduct is clear and convincing. In other cases, a finding of misconduct must be based on a preponderance of the credible evidence.
- (f) The committee may impose a disciplinary sanction that differs from the recommendation of the instructor or investigating officer.
- (g) The instructor or the investigating officer or both may be witnesses at the hearing conducted by the committee, but do not have responsibility for conducting the hearing.
- (h) The decision of the hearing committee shall be served upon the student either by personal delivery or **email and** by first class United States mail and shall become final within 10 days of service, unless an appeal is taken under UWSP 14.09. **A copy of the decision shall be sent to the Dean of Students and his/her designee.**

UWSP 14.09 Appeal to the vice chancellor for academic affairs (or the vice chancellor's designee).

- (1) Where the sanction prescribed by the hearing committee is suspension or expulsion, the student may appeal to the vice chancellor for academic affairs to review the decision of the hearing committee on the record. In such a case, the vice chancellor for academic affairs shall sustain the decision of the academic misconduct hearing committee unless the vice chancellor for academic affairs finds:
 - (a) the evidence of record does not support the findings and recommendations of the hearing committee;
 - (b) established procedures were not followed by the academic misconduct hearing committee and material prejudice to the student resulted; or

- (c) the decision was based on factors proscribed by state or federal law regarding equal educational opportunities.
- (2) If the vice chancellor makes a finding under sub. (1), the vice chancellor may remand the matter for consideration by a different hearing committee, or, in the alternative, may invoke an appropriate remedy of his or her own.
- (3) **A decision by the vice chancellor may be appealed to the chancellor, who may review the decision at his or her discretion. If the chancellor grants a review, the chancellor shall be bound by the provisions of UWSP 14.09 (1) and (2).**

UWSP 14.10 Discretionary appeal to the board of regents.

Institutional decisions under UWSP 14.05 through 14.09 shall be final, except that the board of regents may, at its discretion, grant a review upon the record.

UWSP 14.11 Settlement.

The procedures set forth in this chapter do not preclude a student from agreeing that academic misconduct occurred and to the imposition of a sanction, after proper notice has been given.

Any such agreement shall be reduced to writing which, when signed by the student and either the instructor involved, the Dean of Students or his/her designee, or the vice chancellor for academic affairs, as appropriate, shall conclude the case. Required written reports, however, may not be waived.

UWSP 14.12 Effect of discipline within the university system.

Suspension or expulsion shall be system-wide in effect.

- (1) A student who is suspended or expelled from one institution in the university of Wisconsin system may not enroll in another institution in the system unless the suspension has expired by its own terms or one year has elapsed after the student has been suspended or expelled.
- (2) Upon completion of a suspension period, a student may re-enroll in the institution which suspended him or her as if no suspension had been imposed.

UWSP 14.13 Right to petition for readmission.

A student who has been expelled may petition for readmission, and a student who has been suspended may petition for readmission prior to the expiration of the suspension period. **If the charges which resulted in expulsion or suspension were initiated by the university of Wisconsin-Stevens Point, the petition must be in writing and directed to the vice chancellor for student affairs; in all other cases,** the petition for readmission must be in writing and directed to the chancellor of the institution from which the student was suspended or expelled. The petition may not be filed before the expiration of one year from the date of the final determination in expulsion cases, or before the expiration of one-half of the suspension period in suspension cases. The vice chancellor for student affairs shall, after consultation with elected representatives of the faculty, academic staff, and students, adopt procedures for determining whether such petitions will be granted or denied.

A subcommittee of the University Affairs Committee, appointed by the chairperson of the Committee, will hear the petition for readmission or early readmission and make

recommendations to the vice chancellor for student affairs. Neither the vice chancellor for student affairs, nor the Dean of Students, if a member of the university affairs committee, is eligible to serve on the petition review subcommittee. The guidelines for the subcommittee are

- (1) the subcommittee shall be made up of 6 members: 3 students and 3 faculty; and
- (2) a simple majority vote is required for action.

UWSP 14.14 Investigating officer.

The chancellor, in consultation with faculty, academic staff, and student representatives, shall designate an investigating officer or officers for student academic misconduct. **The investigating officer for the University of Wisconsin-Stevens Point is the Dean of Students or his/her designee.** The investigating officer shall have responsibility for investigating student academic misconduct and initiating procedures for academic misconduct under UWSP 14.07. An investigating officer may also serve on the academic misconduct hearing committee for a case, if he or she has not otherwise been involved in the matter.

UWSP 14.15 Academic misconduct hearing committee: institutional option.

The chancellor, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a student academic misconduct hearing committee or designation of a hearing examiner to fulfill the responsibilities of the academic misconduct hearing committee in this chapter.

- (1) A student academic misconduct hearing committee shall consist of at least 3 persons, including a student or students, and the presiding officer shall be appointed by the chancellor. The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice. **The composition of the committee shall be at least one member chosen from among the student body and appointed by the Student Government Association, at least one member chosen from among the faculty and academic staff and appointed by the Executive Committee of the Faculty Senate, and one member, who shall serve as presiding officer, appointed by the vice chancellor for student affairs.**
- (2) A hearing examiner shall be selected by the vice chancellor for student affairs from the faculty and staff of the institution.

UWSP 14.16 Notice to students.

Each institution shall publish and make freely available to students copies of chapter-UWSP 14 and any institutional policies implementing UWSP 14. Copies of this chapter, as amended, and copies of the University of Wisconsin system administrative code, rules of the board of regents of the University of Wisconsin system, are available to UWSP students in the following locations: The Dean of Students Office, each residence hall desk, the Reserve Desk of the Learning Resources Center, the Dreyfus University Center Information Center, and the office of each academic dean.

UWSP 14.17 Notice to instructors.

Each institution shall adopt procedures to ensure that instructors are familiar with these policies. Each institution shall provide instructors with copies of chapter UWSP 14 and any institutional policies implementing UWSP 14 upon employment with the university, and each department chair shall be provided such copies upon assuming the duties of the chair. At UWSP, notification shall be provided to new instructors and to department chairpersons that these materials are available on the campus computer network.

UWSP 14.18 Consistent institutional policies.

Each institution is authorized to adopt policies consistent with this chapter. A copy of such policies shall be filed with the board of regents and the university of Wisconsin system office of academic affairs.

SECTION 3

CATALOG YEAR REQUIREMENTS AND ADVISING

CATALOG YEAR REQUIREMENTS

While students typically complete general education requirements and the requirements for their major and minor currently in effect at the time of their initial enrollment, there are additional options available to them:

- complete the general education requirements currently in effect at the time of the initial enrollment but select a more recent set of requirements for the major or minor (which requires the approval of the chairperson of the major/minor department), or
- complete the requirements for the major or minor currently in effect at the time of initial enrollment but select a more recent set of general education requirements (which requires the student to request this intention at the Registration and Records Office).
 - Note: If the student requests a general education catalog year of Fall 2013 or later, then their major catalog year must be Fall 2013 or later.

Transfer students from the UW Colleges who are continuously enrolled have the option of observing the UWSP general education requirements in effect when first enrolled at a UW College campus.

ADVISING POLICY

PARTICIPATING IN THE ADVISING PROCESS.

Students' Responsibilities.

Students are responsible for

- determining a course of study that satisfies the requirements defined for the appropriate degree in the UWSP catalog;
- scheduling and appearing promptly for appointments with the adviser when necessary (at least once each semester);
- preparing for an advising session by having the necessary forms available and a list of questions and courses (and alternatives) needed;
- being knowledgeable about policies, procedures, and requirements as published;
- being prepared to discuss personal values and goals as they relate to academic and career-related needs;
- following through with appropriate action after the advising meeting; and
- accepting responsibility for the academic decisions to be made.

Advisers' Responsibilities.

Faculty and academic staff who serve as advisers are responsible for

- providing timely and accurate advising on academic and career matters;
- making advising readily available;
- maintaining necessary files on advisees for monitoring progress toward advisee's educational goals;
- conveying information on academic requirements, policies, and procedures;

- assisting the student in identifying and pursuing educational goals and objectives and in securing information about career opportunities;
- helping the student
 - ♦ examine course offerings in the major;
 - ♦ relate these to courses in the student's broader field of study; and
 - ♦ understand the graduation requirements for the chosen curriculum;
- tailoring the advising approach to individual students and making referrals appropriate to their needs and interests;
- being responsive to discussions of students' personal values and goals as they relate to academic and career-related needs; and
- being sensitive to issues relating to the student's retention at UWSP, and making appropriate referrals when necessary/possible.

DELIVERING ADVISING SERVICES.

Departments.

Autonomy.

Departments shall have autonomy in structuring their advising procedures within the limits set by these guidelines. (For example, a department may choose to have only a part of its faculty, or part of the faculty and academic staff, assigned to advising.)

Responsibility.

Individual departments shall have primary responsibility for providing timely and accurate advising to their majors and minors, and to students in related disciplines assigned to that department for advising. While peer advising may be provided in units where it is appropriate and workable, it shall not replace faculty or academic staff advising.

Policies.

Departments and functional equivalent units, in consultation with appropriate students, shall establish policies and procedures to support commitment to and assessment of individual advising. Where appropriate, departments shall specifically include advising as a component of departmental and university service in merit considerations.

New Student Orientation.

In addition to SAAC orientation (see below), individual departments may offer specific orientation programs to their majors and minors.

Student Academic Advising Center.

Assists Departments.

The Student Academic Advising Center (SAAC) shall assist departments and other functional equivalent units in establishing and maintaining effective academic advising programs and in the assessment of academic advising.

Advising Undecided Majors; Alternative Advising.

The SAAC shall have primary responsibility for providing academic advising to undecided majors and alternatives advising. The departments, in consultation with the SAAC, may assign specific responsibility for advising freshmen to the SAAC.

Alternatives advising offers students opportunities for reassessing academic and career decisions after engaging in realistic self-appraisal.

New Student Orientation.

The Office of New Student Programs within the SAAC shall be responsible for the general orientation of new students at UWSP.

Distribution of New Information.

The SAAC shall have responsibility for distributing information to faculty advisers about changes in academic policies and procedures that do not yet appear in the UWSP catalog.

Career Counseling.

Career counseling shall be the joint responsibility of the academic departments, Career Services, and the Counseling Center.

On-line Catalog and Responsibility.

An on-line UWSP catalog shall be maintained by the catalog editor on the data base of the campus catalog system, and shall reflect changes in curriculum and degree requirements as they are made.

The SAAC shall have responsibility for distributing information to faculty advisers about changes in academic policies and procedures that do not yet appear in the UWSP catalog.

TRAINING ACADEMIC ADVISERS.

Training Required.

All faculty and academic staff who serve as advisers shall complete an appropriate training and counseling program provided by SAAC.

SAAC Peer Adviser Training.

Individual departments electing to use peer advisers shall provide program specific training for peer advisers and shall establish policies and procedures for the use of peer advisers. The SAAC shall provide general training for all peer advisers.

SAAC Training shall, at a minimum, include discussion of the responsibilities of advisers, effective advising techniques, materials and sources for advising information and procedures for referral of advisees.

SAAC training shall include information on the importance of the General Degree Requirements for the liberal arts education of the students.

REVIEWING THE ADVISING PROCESS.

Review Process.

The SAAC, in consultation with the Academic Affairs Committee, shall develop and establish a review process which includes measurement of the effectiveness of the overall advising program.

The review process shall initially include questionnaires to be completed by administrators, departments, faculty and academic staff advisers, and students. The SAAC shall aggregate the results so as to identify those elements which contribute positively to the advising program at UWSP and those areas which may need improvement. Data shall be analyzed periodically and suggestions for the improvement of advising shall be sent to the appropriate units.

OVERSIGHT AUTHORITY.

The Academic Affairs Committee shall retain oversight authority for academic advising.

SECTION 4

ACADEMIC FREEDOM

From the AAUP 1940 Statement of Principles and Interpretive Comments on Academic Freedom and Tenure.

The American Association of University Professors and the Association of American Colleges agreed in 1940 upon a joint statement of the meaning, rights, and responsibilities of academic freedom. The statement was subsequently endorsed by a large number of learned and professional societies, associations, and organizations. The statement was adopted by the Boards of Regents of the University of Wisconsin and the Wisconsin State Universities prior to merger. The 1940 statement on academic freedom and tenure is at the foundation of UW System personnel policies.

The governing bodies of AAUP and AAC adopted revised language in 1990 to replace gender-specific references.

- (a) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- (b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
- (c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

The quoted material, the paragraphs headed (a), (b), and (c), is from *Policy Documents and Reports, 1990 Edition*, American Association of University Professors, Washington, D.C.

SECTION 5

COPYRIGHT MATERIALS

Memorandum to Chancellors from the Office of Legal Counsel dated 3-29-83.

NOTE. This is a verbatim copy but there are some changes in formatting.

EFFECT OF COPYRIGHT LAW REVISION ON PHOTOCOPYING

A new copyright law was passed by Congress and signed by the President in 1976, which among other things, provides some guidance on the relationship of copyright to photocopying for educational purposes. Photocopying for personal research or classroom purposes is discussed below in light of the new law and accompanying guidelines.

Photocopying by Faculty and Staff for Research and Teaching

The new law does not exempt all photocopying done for educational purposes from liability for copyright infringement. Teachers, researchers and students, like everyone else, are subject to the provisions of the law allowing only "fair use" of copyrighted materials without first seeking permission from the author or publisher,

However, we believe you would be in compliance with the law if: (1) The materials are not used repeatedly; that is, you have not used them in preceding classes and you do not intend to use them in subsequent classes; (2) no more than one copy is made for each student (3) the notice of copyright is included on each copy distributed; (4) the students are not assessed a fee beyond the actual cost of reproduction; and (5) in the case of longer materials and books, the portion copied is selective and sparing in comparison to the whole of the work.

The right to make multiple copies is weakened if there is any reason to believe that the copying will directly affect the potential market for the work or if copying was done without permission when the decision to copy was made with sufficient lead time to request permission. This does not mean, however, that an instructor has free license to copy what he/she wishes if the decision is made the week before classes.

The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

GUIDELINES FOR CLASSROOM COPYING IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS

Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below; and,
- B. Meets the cumulative effect test as defined below; and,
- C. Each copy includes a notice of the copyright.

Definitions

Brevity

- (i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- (ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 100 of the work, whichever is less, but in any event a minimum of 500 words.
(Each of the numerical limits stated in 'i' and 'ii' above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)
- (iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- (iv) 'Special' works: Certain works in poetry, prose or in 'poetic prose' which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph 'ii' above notwithstanding such 'special works' may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 100 of the words found in the text thereof may be reproduced.

(**Our note:** Remember that these are minimum guidelines for "fair use," not statutory limits on the length of pieces that can be photocopied without permission.)

Spontaneity

- (i) The copying is at the instance and inspiration of the individual teacher, and

(ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.'

(**Our note:** Section (i) is related to Section III(C)(B) below. For example, multiple photocopying cannot be done at the direction of a department head and still be considered a "fair use.")

Cumulative Effect

(i) The copying of the material is for only one course in the school in which the copies are made.

(ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, not more than three from the same collective work or periodical volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in 'ii' and 'iii' above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

(**Our note:** Section (i) has been read to mean that, in accordance with the other brevity, spontaneity and cumulative effect conditions, teachers may make multiple copies for one or more sections of a single course they teach, but they may not make an overrun for students in other courses they teach or for other teachers. Letter from Mr. Robert Hogan, National Council of Teachers of English, to Editor, Chronicle of Higher Education, published November 15, 1976.)

Prohibitions as to I and II above

Notwithstanding any of the above, the following shall be prohibited:

(A) Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.

(B) There shall be no copying of or from works intended to be 'consumable' in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

(C) Copying shall not:

(a) substitute for the purchase of books, publishers, reprints or periodicals;

(b) be directed by higher authority;

(c) be repeated with respect to the same item by the same teacher from term to term.

(d) No charge shall be made to the student beyond the actual cost of the photo-copying.

Photocopying Done by Libraries

1. By library patrons on unsupervised equipment.

A library can avoid liability for copyright infringement in this situation by posting a notice on every machine that 'the making of a copy may be subject to the copyright law.

2. By the library for its own collection.

A distinction is made in the protection afforded a library when photocopying for its own collection (for preservation or replacement purposes) as opposed to photocopying at the request of patrons or other libraries. (See #3 below.)

A single copy of an unpublished work may be made solely for the purpose of replacement of a lost, stolen, damaged or deteriorating work, but only if the library first determines that an unused replacement cannot be obtained at a fair price.

All copies produced must bear notice of copyright.

3. Interlibrary Arrangements and Individual Requests.

The new copyright law permits interlibrary arrangements that do not have the effect of allowing a library to obtain copies "in such aggregate quantities as to substitute for a subscription to or purchase of a work." Guidelines for determining what quantity of copying will be considered a substitute for the purchase of copyrighted material were included in the conference report on the legislation. Under these guidelines, a library will not be entitled to the protection of the interlibrary arrangement exception if the library provides to any given requesting library:

(a) Six or more copies per year from any given periodical published within the last five years; or

(b) Six or more copies per year from any other given work.

Providing six or more copies from any given periodical published more than five years ago was left for future interpretation.

Under individual request, a library may make a single copy of no more than one article or other contribution to a copyrighted collection or periodical issue if:

(a) the copy becomes that property of the requester and the library has no notice that the copy would be used for any purpose other than private study, scholarship or research; and

(b) the library prominently displays a warning of copyright on order forms and at the place where copies are ordered.

A library may also, upon request, make a single copy of an entire work or a substantial part of it, subject to the above conditions (a) and (b), if the library has first determined that a copy of the work cannot be obtained at a fair price.

As mentioned in #2 above, all copies produced must bear notice of copyright.

4. Unrestricted Photocopying

A. Unpublished Works

Unpublished works, such as theses and dissertations, may be protected by copyright. If such a work was created before January 1, 1978, and has not been copyrighted or published without copyright notice, the work is protected under the new Act for the life of the author plus fifty years, 17 U.S.C. 303, but in no case earlier than December 31, 2002. If such a work is published on or before that date, the copyright will not expire before December 31, 2027. Works created after January 1, 1978, and not published enjoy copyright protection for the life of the author plus fifty years. 17 U.S.C. 302.

B. U.S. Government Publications

All U.S. Government publications with the possible exception of some National Technical Information Service Publications less than five years old may be photocopied without restrictions, except to the extent they contain copyrighted materials from other sources.

SECTION 6

FACULTY AND STAFF ID CARDS

Faculty and staff are urged to have ID cards made. The new ID cards, which include a photograph and barcode, are essential to use many of the facilities of the university. Faculty and staff normally will be required to have the new ID card to

- check out materials from the library or text rental;
- cash checks at the Information Center;
- purchase Personal Points; and
- access the UW-Madison library.

In addition, government discounts on hotels and car rentals may be available even if faculty and staff do not have a corporate American Express Card issued through the university.

Pictures for ID cards are taken at the Point Card Office, University Center, during normal business hours Monday through Friday.

SECTION 7
CHAPTER UWSP 18
CONDUCT ON UNIVERSITY LANDS

UWSP 18.01 Jurisdiction.
UWSP 18.02 Definitions.
UWSP 18.03 Law enforcement.
UWSP 18.04 Traffic rules.
UWSP 18.05 Parking rules.
UWSP 18.06 Protection of resources.
UWSP 18.07 Use of campus facilities.
UWSP 18.08 Personal conduct prohibitions.
UWSP 18.09 Alcohol and drug prohibitions.
UWSP 18.10 Offenses against public safety.
UWSP 18.11 Offenses against public peace and order.
UWSP 18.12 Property offenses.
UWSP 18.13 Penalties.
UWSP 18.14 Institutional regulations.
UWSP 18.15 Additional statutory penalty provisions regulating conduct on university lands.

UWSP 18.01 JURISDICTION.

These rules shall regulate conduct on all lands subject to the control of the board of regents of the University of Wisconsin System.

UWSP 18.02 DEFINITIONS.

For purposes of this chapter:

- (1) "Board of regents" or "board" means the board of regents of the University of Wisconsin System.
- (2) "Building" means any structure, including stadia, on university lands.
- (3) The "chief administrative officer" means the chancellor of an institution or dean of a campus or their designees.
- (4) "Discharge pollutants into storm sewers" means placing pollutants or water containing pollutants into any storm sewer on or serving university lands.
- (5) "Discharge pollutants to storm water" means placing pollutants onto university lands so that they are carried by storm water to waters of the state.
- (6) "Pollutants" has the meaning described in s. 283.01 (13), Stats.
- (7) "University lands" means all real property owned by, leased by, or otherwise subject to the control of the board of regents.

UWSP 18.03 LAW ENFORCEMENT.

- (1) The board may designate peace officers who are authorized to enforce these rules and regulations and to police all lands under the control of the board. These officers shall have all the powers provided in s. 36.11 (2), Stats., except where such powers are specifically limited or modified by the board. These officers may accept concurrent appointments as deputy sheriffs.
- (2) Uniformed peace officers shall be identified by an appropriate shield or badge bearing the word "Police" and a number or name plate, which shall be conspicuously worn when enforcing this chapter. Peace officers assigned to non-uniformed duties shall identify themselves with an appropriate badge or police identification card when enforcing this chapter.
- (3) Parking attendants are authorized to enforce the parking regulations in s. UWSP 18.05.

UWSP 18.04 TRAFFIC RULES.

- (1) No person may operate any motor vehicle (self-propelled vehicle) on any roadway under the control of the board without a valid and current operator's license issued under ch. 343, Stats., except a person exempt under the provisions of s. 343.05, Stats.
- (2) No person may operate any motor vehicle on any roadway under the control of the regents unless the same has been properly registered as provided by ch. 341, Stats., unless exempt under the provisions of s. 341.05, Stats.
- (3) All provisions of ch. 346, Stats., entitled "Rules of the Road," which are applicable to highways as defined in s. 340.01 (22), Stats., and which are not in conflict with any specific provisions of these regulations, are hereby adopted for the regulation of all vehicular traffic, including bicycles, on all roadways, including those off-street areas designated as parking facilities, under the control of the board and are intended to apply with the same force and effect. All traffic shall obey the posted signs approved by the chief administrative officer regulating such traffic.
- (4) All provisions of ch. 347, Stats., entitled "Equipment of Vehicles" which are applicable to highways as defined in s. 340.01 (22), Stats., are hereby adopted for the regulation of all vehicular traffic on the roadways under the control of the board and are intended to apply with the same force and effect, except those provisions of ch. 347, Stats., which conflict with specific provisions of these regulations.
- (5) The chief administrative officer may require the registration of all student, faculty, or staff motor vehicles or bicycles on university lands under said officer's jurisdiction and may limit or prohibit their use in designated areas during designated hours. Any person who violates institutional regulations promulgated under this subsection may be fined up to \$25.

UWSP 18.05 PARKING RULES.

- (1) Parking is prohibited at all times on roads, drives and fire lanes traversing university lands, except that the chief administrative officer is authorized to establish parking areas, parking limits, and methods of parking on the lands under said officer's jurisdiction, and may designate parking areas for specific groups at specific times, providing such areas are properly posted as parking areas. Parking in university parking facilities may be restricted or prohibited as required for reasons of maintenance and snow removal.

- (2) Except as provided in sub. (3), parking in university parking areas shall be prohibited during posted times to persons other than those specifically assigned to those areas. Motor vehicles so assigned to any parking areas shall be identified by a valid parking permit affixed to the vehicle in a manner prescribed by the chief administrative officer.
- (3)
- (a) In order to provide parking in university parking facilities for patrons of public university events, motor vehicles may be permitted to park in facilities designated for this purpose by the chief administrative officer. Public events parking shall be for a limited time only, not exceeding 12 hours continuously, and appropriate fees may be established. Otherwise valid permits are voidable during this period.
 - (b) The chief administrative officer may establish visitor parking lots and set appropriate fees for parking in those lots.
 - (c) Unrestricted and unassigned parking areas for students, faculty, staff, and visitors may be established by the chief administrative officer.
- (4)
- (a) Parking shall be prohibited at all times in areas which must be kept clear for the passage of fire apparatus. These areas shall be designated by standard signs reading "Fire Zone, No Parking at Any Time, Day or Night" or "Fire Lane, No Parking at Any Time, Day or Night."
 - (b) Parking is prohibited at all times in areas which must be kept clear for vehicles to load and unload. These areas shall be designated by appropriate signs.
- (5) Motor vehicles parked in a restricted parking area without a valid permit or motor vehicles parked in a fire zone, fire lane, loading zone, or no parking zone, and unlicensed or partially dismantled motor vehicles may, at the owner's expense, be towed from the restricted parking areas and stored. Towed vehicles, if not claimed after notice to the owner, shall be considered abandoned and shall be disposed of as provided in s. 20.909 (1), Stats.
- (6) Any person who violates any of the provisions of this section may be fined up to \$200. Each institution shall establish a schedule of fines, which may include penalties for late payment.

UWSP 18.06 PROTECTION OF RESOURCES.

- (1) PROHIBITED ACTS; LAND. No person may remove any shrubs, vegetation, wood, timber, rocks, stone, earth, signs, fences, or other materials from university lands, unless authorized by the chief administrative officer.
- (2) PROHIBITED ACTS; WILDLIFE. No person may remove, destroy, or molest any bird, animal or fish life within the boundaries of university lands except as authorized by the chief administrative officer or except when this provision conflicts with a special order of the department of natural resources.
- (3) PROHIBITED DUMPING; PROHIBITED DISCHARGES TO STORM WATER.

- (a) No person may dump or deposit any garbage, waste, hazardous material, rubbish, brush, earth or other debris or fill into any university dumpster or garbage receptacle or on any university lands unless authorized by the chief administrative officer.
 - (b) No person may discharge pollutants to storm water or storm sewers on or serving university lands, except where authorized by the chief administrative officer and in conformance with state law.
- Note:** Nothing in these rules precludes campus law enforcement officers from pursuing informal educational resolutions in lieu of prosecuting a citation in appropriate circumstances.

UWSP 18.07 USE OF CAMPUS FACILITIES.

- (1) **ACCESS TO ROOFS, SERVICE TUNNELS, AND MAINTENANCE FACILITIES PROHIBITED.** No person may climb into, out of, or onto any university building, service tunnels or maintenance facilities, or walk or climb upon any university building or roof, except when emergency access to a fire escape is necessary, for required maintenance, or when authorized by the chief administrative officer.
- (2) **CLOSING HOURS.**
 - (a) Except as specifically provided in this code, the chief administrative officer may establish closing hours and closed periods for university lands, buildings, or portions thereof. These closing hours and closed periods shall be posted in at least one conspicuous place adjacent to or at the periphery of the area to be closed or, in the case of buildings, on the building.
 - (b) No person, unless authorized to be present during closed periods, may enter or remain within the designated university lands, buildings, or portions thereof during a closed period established under this section.
 - (c) For the purpose of par. (b), "person authorized to be present" means a person authorized to be present by an order issued pursuant to par. (a) or s. 36.35 (2), Stats.
 - (d) No person, except those authorized to be present after the posted closing hour, may enter or remain in any university arboretum or picnic area unless traversing those areas or on park roads at the times the roads are open to the public.
- (3) **LIMITED ENTRANCE.** The chief administrative officer may, by posting appropriate signs, limit or prohibit entrance to university lands, or portions thereof, in order to maintain or preserve an instruction or research area.
- (4) **PICNICKING AND CAMPING.** No person may picnic or camp on university lands, except in those areas specifically designated as picnic or camping grounds, or as authorized by the chief administrative officer. No person may violate any rules and regulations for picnicking or camping established and posted by the chief administrative officer. For purposes of this subsection, camping shall include the pitching of tents or the overnight use of sleeping bags, blankets, makeshift shelters, motor homes, campers or camp trailers.
- (5) **PROHIBITIONS ON BLOCKING ENTRANCES.** No person may intentionally physically block or restrict entrance to or exit from any university building or portion thereof with intent to deny to others their right of ingress to, egress from, or use of the building.

- (6) **RESTRICTED USE OF STUDENT CENTERS OR UNIONS.** No person, except members of the student center or union, university faculty and staff, invited guests, and university-sponsored conference groups, may use student center or union buildings and grounds except on occasions when, and in those areas where, the buildings or grounds are open to the general public.
- (7) **STRUCTURES.** No person may place or erect any facility or structure upon university lands unless authorized by the chief administrative officer.

UWSP 18.08 PERSONAL CONDUCT PROHIBITIONS.

(1) ANIMALS.

- (a) The presence of dogs, cats, and other pets is prohibited in all university buildings and in arboretums at all times except as authorized by the chief administrative officer. The chief administrative officer may also prohibit the presence of dogs, cats, and other pets on other designated university lands.
- (b) The presence of dogs, cats and other pets is prohibited on all other university lands not described in par. (a) unless the animal is on a leash which is physically controlled by the individual responsible for the animal, except as authorized by the chief administrative officer.
- (c) The chief administrative officer may not grant the exceptions allowed under par. (a) and (b) in any outdoor area where food is being served or where animals are otherwise prohibited by signage.
- (d) Any pet waste deposited on university lands shall be removed and properly disposed of by the individual responsible for the animal.
- (e) Any individual found in violation of this subsection may have the animal for which they are responsible impounded and be subject to the penalty provisions in s. UWSP 18.13.
- (f) This section does not apply to police and service, therapy, and assistance animals when those animals are working.

(2) ATHLETIC EVENTS.

- (a) No person may enter onto the playing surface of an officially sanctioned athletic event while the event is in progress without prior authorization from the chief administrative officer. An event is in progress from the time when teams, officials, trainers, support staff, or bands first reach the playing surface until the time when they have left.
- (b) As used in this subsection, "playing surface" means that area on which the event is contested, together with the contiguous area used by teams, officials, trainers, and support staff.

- (3) **BICYCLES.** No person may park or store a bicycle in buildings, on sidewalks or driveways, or in motor vehicle parking spaces, except in areas designated for that purpose or in bicycle racks, or as authorized by university housing policies. Bicycles shall be parked so as not to obstruct free passage of vehicles and pedestrians. Bicycle riding is prohibited on university lands when and

where the intent is to perform tricks or stunts and those tricks or stunts may result in injury to any person or cause damage to property.

- (4) DEPOSIT OF HUMAN WASTE PRODUCTS.** No person may deposit human waste products upon, nor urinate or defecate upon, any university lands or facilities other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system.
- (5) IMPROPER USE OF UNIVERSITY IDENTIFICATION CARDS.**
- (a)** No person may falsify, alter or duplicate, or request the unauthorized falsification, alteration, or duplication, of a university identification card.
 - (b)** No person may knowingly present a false, altered, or duplicate university identification card with the intent that such card be relied upon by university employees, university agents, or state or local officials in connection with obtaining services, privileges, or goods.
 - (c)** No person may knowingly use or permit another person to use a university identification card for the purpose of making a false statement with respect to the identity of the user, and with the intent that such statement be relied upon by university employees or agents in connection with obtaining university services, privileges or goods.
 - (d)** University officials may confiscate false, altered, or duplicate university identification cards, or university identification cards used in violation of par. (c).
- (6) PHYSICAL SECURITY COMPLIANCE.**
- (a)** No person may ignore, bypass, circumvent, damage, interfere with, or attempt to deceive by fraudulent means, any university authorized security measure or monitoring device, whether temporary or permanent, that is intended to prevent or limit access to, or enhance the security of, university lands, events, facilities or portions thereof.
 - (b)** No person may duplicate, falsify or fraudulently obtain a university key or access control device, or make any unauthorized attempt to accomplish the same.
 - (c)** No person who is authorized to possess a university key or access control device may transfer a university key or access control device to an unauthorized person, nor may any unauthorized person be in possession of a university key or access control device.
 - (d)** Any university key or access control device in the possession of an unauthorized person may be confiscated by any authorized university official.
- (7) LOITERING.**
- (a)** No minor person may loiter, idle, wander or play, either on foot or in or on any vehicle of any nature, on university lands between the hours of 11:00 p.m. and 5:00 a.m. on Sunday through Thursday, and the hours of midnight through 5:00 a.m. on Friday and Saturday, unless accompanied by a parent, guardian, or other adult person having care and custody of the minor.

- (b) This subsection shall not apply to minors returning home from functions authorized by any school or religious organization and carrying proof of identification on their persons, or to currently enrolled university students.

(8) MISUSE OF PARKING SERVICES.

- (a) No person may falsify, alter or duplicate or request the unauthorized falsification, alteration, or duplication of any type of university parking permit.
- (b) No person may knowingly display on a vehicle, or knowingly allow another person to display on a vehicle, a falsified, altered, duplicated, stolen, lost, or found parking permit.
- (c) No person may knowingly provide false information to any university employee or agent with the intent to obtain a valid university parking permit.

(9) POSTINGS AND SIGNAGE.

- (a) No person may erect, post or attach any notices, posters, pictures or any item of a similar nature in or on any building or upon other university lands except on regularly established bulletin boards, or as authorized by the provisions of this code or by the chief administrative officer.
- (b) No person may fail to comply with a sign that reasonably conveys prohibited behavior and that has been approved and posted on university buildings or lands in compliance with the university's formal process for posting signs. This subsection does not apply to traffic related offenses (ch. 346, Stats.).

(10) RECREATIONAL ACTIVITIES.

- (a) No person may swim, fish, boat, snowmobile, ride horseback or use any type of all-terrain or off-road vehicle on university lands except in those areas and at times expressly designated by the chief administrative officer and denoted by official signs.
- (b) No person may dock, moor, park, or store any boats, boating gear, snowmobiles, or similar equipment on university lands except under conditions specified by the chief administrative officer.

(11) SMOKING.

- (a) No person may smoke in any residence hall or other university-owned or university-leased student housing or in any location that is 25 feet or less from such residence hall or housing.
- (b) No person may smoke in any nonresidential university building except in those areas designated for that purpose.

(12) TICKET SCALPING.

- (a) Every ticket or other evidence of the right of entry to any amusement, game, contest, exhibition, event, or performance given by or under the auspices of the University of Wisconsin System, or an institution of the University of Wisconsin System, shall be considered a revocable license to the person to whom the ticket has been issued and shall be transferable only on the terms and conditions prescribed on the ticket or other evidence of the right of entry.

- (b) No person may buy or sell a ticket or other evidence of the right of entry for more than the price printed upon the face of the ticket.

UWSP 18.09 ALCOHOL AND DRUG PROHIBITIONS.

(1) ALCOHOL BEVERAGES.

- (a) The use or possession of alcohol beverages is prohibited on all university premises, except in faculty and staff housing and as permitted by the chief administrative officer, subject to statutory age restrictions. The chief administrative officer may generally permit the use or possession of alcohol beverages by promulgating institutional regulations in consultation with appropriate staff and students, or in specific instances by written permission.
- (b) No person may procure, sell, dispense, or give away alcohol beverages to any person contrary to the provisions of ch. 125, Stats.
- (c) In this subsection, "alcohol beverages" means fermented malt beverages and intoxicating liquors containing 0.5% or more of alcohol by volume.
- (d) Notwithstanding s. UWSP 18.14, institutional regulations developed pursuant to this subsection shall be reported to the president of the system for review and approval.

(2) POSSESSION OF DRUG PARAPHERNALIA.

- (a) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of ch. 961, Stats.
- (b) In this subsection, the term "drug paraphernalia" has the meaning specified in s. 961.571 (1), Stats.; the term "controlled substance" has the meaning specified in s. 961.01 (4), Stats.; and the term "controlled substance analog" has the meaning specified in s. 961.01 (4m), Stats.
- (c) In determining whether an object is drug paraphernalia under this subsection, the factors listed in s. 961.572, Stats., and all other legally relevant factors, shall be considered.

(3) POSSESSION OF MARIJUANA.

- (a) No person may intentionally use or possess marijuana on university lands, except when such use or possession is authorized under ch. 961, Stats., or is permitted under s. 961.34, Stats.
- (b) In this subsection, the term "marijuana" has the meaning specified in s. 961.01 (14), Stats.

UWSP 18.10 OFFENSES AGAINST PUBLIC SAFETY.

(1) ASSAULTIVE BEHAVIOR.

- (a) No person may intentionally strike, shove, hit, punch, kick, or otherwise subject another person to physical contact or cause bodily harm without the consent of the person.

(b) This subsection shall not be applicable if the individuals involved have a relationship, as defined in s. 968.075 (1) (a), Stats., which requires a law enforcement officer to investigate the matter as a domestic abuse incident.

(2) CONTAINERS IN SPECTATOR FACILITIES. No person may carry or possess any disposable container within the confines of public areas in spectator facilities. As used in this subsection "disposable container" means any bottle, can, or other container designed or used for carrying liquids or solids, but does not include a personally owned container designed for reuse and originally sold or purchased exclusively as a refillable container. The provisions of this section shall not apply to containers used or supplied by authorized concessionaires who are required to dispense beverages to consumers in either paper or plastic containers.

(3) DANGEROUS WEAPONS.

(a) No person may carry, possess, or use any dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer or for law enforcement purposes.

(b) No person may display or portray as real any object that resembles a dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer.

(c) Dangerous weapons in violation of this subsection may be confiscated and removed from university lands by police.

(d) In this subsection, the term "dangerous weapon" has the meaning specified in s. 939.22 (10), Stats.

(4) FIRE SAFETY.

(a) No person may light, build or use, or cause another to light, build or use, any fires, including but not limited to burning candles, burning incense or gas or charcoal cooking appliances, on university lands or in university facilities except in such places as are established for these purposes and designated by the chief administrative officer.

(b) No person may handle burning material in a highly negligent manner. In this subsection, burning material is handled in a highly negligent manner if it is handled under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to property is created.

(c) No person may throw away any cigarette, cigar, pipe ash or other burning material without first extinguishing it.

(d) No person may interfere with, tamper with, or remove, without authorization, any smoke detector, fire extinguisher, fire hose, fire hydrant, fire sprinkler, or other firefighting equipment.

(e) No person may intentionally give a false fire alarm, whether by means of a fire alarm system or otherwise.

(f) No person may deface, remove, tamper with, or obstruct from view any sign which has been posted to provide directions for fire or emergency exits from university facilities.

- (g) No person may remain in any university facility or on university lands when an audible or visual fire alarm has been activated or upon being notified by firefighting, law enforcement or security personnel to evacuate.
- (5) OPERATION OF A MOTOR VEHICLE OFF ROADWAYS. No person shall operate an unauthorized motor vehicle or motorized device, including but not limited to motorcycles, mopeds, motor scooters and self-balancing transportation devices, off designated roadways, paved or unpaved, or on service roads or pedestrian paths, regardless of the surface, on university lands. This subsection does not apply to motorized wheelchairs or other mobility devices which have the primary design function of assisting the physically challenged.
- (6) POSSESSION OF FIREWORKS.
 - (a) No person may possess or use fireworks on university lands without authorization from the chief administrative officer.
 - (b) In this subsection, the term "fireworks" has the meaning specified in s. 167.10 (1), Stats.
- (7) RESISTING OR OBSTRUCTING POLICE OFFICERS.
 - (a) No person may knowingly resist or obstruct a university police officer while that officer is doing any act in an official capacity and with lawful authority.
 - (b) In this subsection, "obstruct" includes without limitation knowingly giving false information or knowingly placing physical evidence with the intent to mislead a university police officer in the performance of his or her duty.
- (8) PLAY VEHICLES. No person may use a skateboard, roller skates, roller blades, in-line skates, or any similar wheeled devices, a toboggan, or a sled anywhere on university lands, except as designated by the chief administrative officer.

It is the policy of the University of Wisconsin-Stevens Point that the University designate specific areas for the use of skateboards, rollerskates, in - line skates, and similar wheeled devices in or on any University property. As guidance for the interpretation of this policy, the following shall be enacted:

- (a) Wheeled devices shall not be used in enclosed/fenced areas, buildings or within 20 feet of doors and entryways.
- (b) Ramps, stairs, curbs, ledges, loading docks, parking lots, benches, exterior or interior stairs, tennis courts, running tracks, other permanent and/or constructed fixtures may not be used in conjunction with these activities. It is the responsibility of each person operating these devices to act with due care and caution with an acknowledgment that pedestrians always have the right-of-way. None of the areas designed for the use of these devices is maintained specifically for use of the devices; furthermore, no area is limited exclusively to the use of these devices. If this policy is violated it shall be enforced by University University Police and Security Services, applying fines and forfeitures as allowed under Chapter UWS 18.06, Wisconsin Administrative Code.

- (9) **THROWING HARD OBJECTS.** No person may, in a manner likely to cause physical harm or property damage, throw, drop, kick, hit or otherwise project any hard object, bottle, can, container, snowball or other item of a similar nature on university lands or within or from within university buildings or facilities.

UWSP 18.11 OFFENSES AGAINST PUBLIC PEACE AND ORDER.

(1) COMPUTER USE.

- (a) No person may, with intent to harass, annoy or offend another person, send a message to the person on an electronic mail or other computerized communication system and in that message use any obscene, lewd, or profane language or suggest any lewd or lascivious act.
- (b) No person may, with intent to harass, annoy or offend another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message use any obscene, lewd, or profane language or suggest any lewd or lascivious act.
- (c) No person may, with intent solely to harass another person, send repeated messages to the person on an electronic mail or other computerized communication system.
- (d) No person may, with intent solely to harass another person, send repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.
- (e) No person may, with intent to harass or annoy another person, send a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.
- (f) No person may, while intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass or annoy another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.
- (g) No person may knowingly permit or direct another person to send a message prohibited by this subsection from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

- (2) **DISORDERLY CONDUCT.** No person may engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance, in university buildings or on university lands.

(3) IMPROPER USE OF TELEPHONES.

- (a) No person may make or cause the telephone of another repeatedly to ring with intent to harass any person at the called number.
- (b) No person may make repeated telephone calls, whether or not conversation ensues, with intent to harass any person at the called number.

- (c) No person may intentionally use an emergency telephone in a university building or on university lands when the person knows or reasonably should know that no emergency exists.
- (d) No person, with the intent to harass or offend, may telephone another and use any obscene, lewd, or profane language or suggest any lewd or lascivious act.
- (e) No person, with the intent to harass any person at the called number, may make a telephone call, whether or not conversation ensues, without disclosing his or her identity.
- (f) No person may knowingly permit any telephone under his or her control to be used for any purpose prohibited by this subsection.

(4) PICKETING, RALLIES, PARADES, DEMONSTRATIONS AND OTHER ASSEMBLIES.

- (a) In order to preserve the order which is necessary for the enjoyment of freedom by members of the university community, and in order to prevent activities which physically obstruct access to university lands or buildings and prevent the university from carrying on its instructional, research, public service, or administrative functions, any picketing, rally, parade, demonstration, other assembly, or congregation of spectators to such activity may be declared unlawful if its participants:
 1. Intentionally gather or intentionally remain assembled outside any university building in such numbers, in such proximity to each other or in such fashion as to physically hinder entrance to, exit from, or normal use of the building.
 2. Intentionally congregate or assemble within any university building in such fashion as to obstruct or seriously impair university-sponsored or university-authorized activities, or in such fashion as to violate any of the following conditions:
 - a. No group may be admitted into the private office of any faculty member or other university employee unless invited by the authorized occupant of that office, and then not in excess of the number designated or invited by that person.
 - b. No group may obstruct or seriously impair passage through corridors, stairways, doorways, building entrances, fire exits, and reception areas leading to offices.
 - c. No group, not authorized to do so by the person in immediate charge of the room, or by a person designated by the chief administrative officer to approve requests for the use of rooms for meetings, may enter or occupy any university building or part thereof.
 - d. No group may assemble immediately outside rooms at times when they are normally in use for classes, study, or research.
 - e. No signs supported by standards or sticks shall be permitted in any assembly in a university building.
 3. Intentionally create a volume of noise that unreasonably interferes with university-sponsored or university-authorized activities.

4. Intentionally employ force or violence, or intentionally constitute an immediate threat of force or violence, against members of the university community or university property.

(b) For the purpose of par. (a), "intentionally" means that the participant or spectator knew or reasonably should have known that his/her conduct by itself or in conjunction with the conduct of others would have the prohibited effect.

(c) The chief administrative officer may designate a university official or officials who shall have primary authority to implement par. (a). He/she may prescribe limitations for any picketing, rally, parade, demonstration or other assembly in order that it will meet the requirements of par. (a). When informed of any picketing, rally, parade, demonstration, or other assembly which may not comply with par. (a), the chief administrative officer or the designee may proceed immediately to the site and determine if there is compliance with par. (a). If he/she finds a violation of par. (a), he/she may declare the assembly unlawful or he/she may prescribe those limitations on numbers, location, or spacing of participants in the demonstration which are reasonably necessary to ensure compliance with par. (a). If he/she prescribes limitations, and if his/her limitations are not observed by the assembly, he/she may then declare the assembly unlawful. Any declaration of illegality or prescription of limitations shall be effective and binding upon the participants in the assembly unless and until modified or reversed.

(d) Any participant or spectator within the group constituting an unlawful assembly who intentionally fails or refuses to withdraw from the assembly after it has been declared unlawful under this section shall be subject to immediate arrest and liable to the penalties of s. UWSP 18.13.

(5) SOUND-AMPLIFYING EQUIPMENT.

(a) In order to permit the use of sound-amplifying equipment on university lands, if needed for the dissemination of ideas to large audiences, but to prevent its use from interfering with university functions which inherently require quiet, the following provisions shall apply:

1. No person may use sound-amplifying equipment on any lands without the permission of the chief administrative officer, except as provided in par. (b).

2. In granting or denying permission, the following principles shall govern:

a. Except in extraordinary circumstances, permission may be granted to use the equipment only during the following hours, 12 noon to 1:30 p.m. and 5:00 p.m. to 7:00 p.m. every day, and only when the equipment is more than 50 feet from and directed away from any classroom building, residence hall, library or building being used as a study hall.

b. An applicant for permission shall have the burden of establishing the need for amplification to communicate with the anticipated audience. In particular, the applicant must show that the audience can reasonably be anticipated to include at least 250 people.

c. An applicant for permission shall have the burden of establishing that the volume and direction of the sound from the equipment will minimize interference with other activities.

3. Any request for the permission required by this section must be submitted in writing to the chief administrative officer at least 24 hours prior to the intended use of the sound-amplifying

equipment and must be signed by a student or employee of the institution where the equipment is to be used. The request shall contain:

- a.** The proposed hours, date, and location where the equipment is to be used.
- b.** The size of the anticipated audience and the reasons why the equipment is needed.
- c.** A description of the proposed equipment which includes the manufacturer, model number, and wattage.
- d.** The names of the owner of the equipment and of any person or persons, in addition to the person signing the application, who will be responsible for seeing that the equipment is operated in compliance with the terms of the permit and the provisions of this rule. The chief administrative officer may require the presence of additional persons if said officer believes this is necessary to ensure compliance.

(b) Permits issued by the chief administrative officer shall not be required for the use of university sound-amplifying equipment used with the permission of the university employee having control of the equipment for authorized university classes, research, or meetings in university buildings, or for university sponsored academic, recreational or athletic activities, or for crowd control by authorized university officials.

(c) For the purpose of this section, "sound-amplifying equipment" means any device or machine which is capable of amplifying sound and capable of delivering an electrical input of one or more watts to the loudspeaker.

(6) PERSONS PROHIBITED FROM ENTERING UNIVERSITY BUILDINGS.

(a) University buildings and the university-authorized activities that occur therein are primarily dedicated to the support of the university mission of teaching, research, and service. No person may be present in any university building if his or her presence and/or behavior interferes with this purpose or with the university's administrative operations, is in violation of a university policy, rule, regulation, or any other provision of this chapter, or is without the consent of an authorized university official or faculty member.

(b) Persons present in any class, lecture, laboratory, orientation, examination, or other instructional session shall be enrolled and in good standing or shall have the consent of an authorized university official or faculty member to be considered legally present.

(7) PERSONS PROHIBITED FROM ENTERING UNIVERSITY LANDS.

(a) No person, who is in a state of suspension or expulsion from the university under ch. UWSP 17, or who takes leave or resigns under charges after being charged by the university under ch. UWSP 17, may enter the university lands of any institution without the written consent of the chief administrative officer.

(b) No person who is convicted of any crime involving danger to property or persons as a result of conduct by him or her on university lands may enter any university lands within 2 years of the effective date of his or her conviction without the written consent of the chief administrative officer.

(c) In granting or denying consent to enter a campus under s. 36.35 (3), Stats., or par. (a) or (b), the following shall be considered:

1. The probability that the offensive conduct will be continued or repeated by the applicant.
2. The need for the applicant to enter university lands, for example, to attend a university disciplinary hearing in which the applicant is being tried or is to be a witness, or to receive treatment in university hospitals.

(d) No person who has been determined to have committed serious or repeated violations of ss. UWS 18.06 to 18.12 and to whom the chief administrative officer has issued a written order prohibiting entry on university lands may enter the university lands of that institution.

(e) The provisions of this section in no way limit the chief administrative officer from issuing a written order barring any person from entering the university lands of that institution in accordance with the chief administrative officer's responsibility for the health, safety, and welfare of the university.

(f) For the purposes of s. 36.35 (3), Stats., and par. (b), "crime involving danger to property or persons" shall mean any crime defined in ch. 940, Stats. (crimes against life and bodily security); s. 941.12, Stats. (interfering with firefighting); s. 941.13, Stats. (false alarms); s. 941.20, Stats. (endangering safety by use of dangerous weapon); s. 941.21, Stats. (disarming a peace officer); s. 941.23, Stats. (carrying concealed weapon); s. 941.235, Stats. (carrying firearm in public building); s. 941.24, Stats. (possession of switchblade knife); s. 941.26, Stats. (machine guns and other weapons); s. 941.28, Stats. (possession of short-barreled shotgun or short-barreled rifle); s. 941.29, Stats. (possession of firearm); s. 941.295, Stats. (possession of electric weapon); s. 941.30, Stats. (recklessly endangering safety); s. 941.32, Stats. (administering dangerous or stupefying drug); s. 941.37, Stats. (obstructing emergency or rescue personnel); s. 943.01, Stats. (criminal damage to property); s. 943.02, Stats. (arson of buildings; damage of property by explosives); s. 943.03, Stats. (arson of property other than building); s. 943.05, Stats. (placing of combustible materials an attempt); s. 943.06, Stats. (Molotov cocktails); s. 943.10, Stats. (burglary); s. 943.11, Stats. (entry into locked vehicle); s. 943.14, Stats. (criminal trespass to dwellings); s. 943.32, Stats. (robbery); s. 944.20, Stats. (lewd and lascivious behavior); s. 946.41, Stats. (resisting or obstructing officer); s. 947.015, Stats. (bomb scares); s. 167.10, Stats. (fireworks regulated); or attempts to commit any of the above crimes as defined in s. 939.32, Stats.

(8) SELLING, PEDDLING AND SOLICITING. No person may sell, peddle, or solicit for the sale of goods, services, or contributions on any university lands except in the case of:

- (a) Specific permission in advance from a specific university office or the occupant of a university house, apartment, or residence hall for a person engaged in that activity to come to that particular office, house, apartment, or residence hall for that purpose.
- (b) Sales by an individual of personal property owned or acquired by the seller primarily for his/her own use pursuant to an allocation of space for that purpose by an authorized university official.
- (c) Sales of newspapers and similar printed matter outside university buildings.

- (d) Subscription, membership, ticket sales solicitation, fund-raising, selling, and soliciting activities by or under the sponsorship of a university or registered student organization pursuant to a contract with the university for the allocation or rental of space for that purpose.
- (e) Admission events in a university building pursuant to contract with the university, and food, beverage or other concessions conducted pursuant to a contract with the university.
- (f) Solicitation of political contributions under ch. 11, Stats., and institutional regulations governing time, place, and manner.

(9) CAMPAIGNING IN STATE-OWNED RESIDENCE HALLS.

- (a) The residence halls students of each institution, subject to the approval of the chief administrative officer, shall establish policies and procedures assuring that political literature may be distributed and political campaigning may be conducted in state-owned residence halls consistent with the rights of residence halls students, and prescribing the time, place and manner in which these activities may be conducted.
- (b) Where appropriate and consistent with the rights of residence halls students, the policies and procedures developed under this subsection shall apply to all residence halls at an institution. Matters to be addressed in institutional policies and procedures shall include at least the following:
 1. The hours of the day and the time of year, if any, to which particular activities shall be limited.
 2. The locations in residence halls, if any, to which particular activities shall be limited.
 3. Any requirement for registering or obtaining permission to enter a residence hall before engaging in a particular activity.
- (c) Notwithstanding s. UWSP 18.14, institutional policies and procedures developed pursuant to this subsection shall be reported to the board of regents for approval.
- (d) Institutional policies and procedures developed pursuant to this subsection shall be available at each residence hall, at the office of each chief administrative officer of an institution, and at the office of the secretary to the board of regents.

UWSP 18.12 PROPERTY OFFENSES.

- (1) **COMPUTER DATA, PROGRAMS, EQUIPMENT, OR SUPPLIES.** No person may willfully, knowingly, and without authorization do or attempt to do any of the following:
 - (a) Modify, destroy, access, take possession of, or copy data, computer programs or supporting documentation;
 - (b) Disclose restricted access codes or other restricted access information to a person not authorized to possess such codes or information;
 - (c) Modify, destroy, use, take or damage a computer, computer system or computer network;

(d) Modify, destroy, use, take or damage any equipment or supplies used, or intended to be used, in a computer, computer system or computer network.

(e) Cause an interruption in service by submitting a message or multiple messages to a computer, computer program, computer system, or computer network that exceeds the processing capacity of the computer, computer program, computer system, or computer network.

(2) FRAUD IN UNIVERSITY ACCOMMODATIONS OR EATING PLACES.

(a) No person may, after having received any food, lodging or other service or accommodation at any university housing facility or eating place, intentionally abscond without paying for it.

(b) No person may, while in any university housing or lodging facility or eating place, intentionally defraud the university or its employees or agents in charge of the facility or eating place, in any transaction arising out of the relationship as a user of the housing or lodging facility or eating place.

(c) In this subsection, prima facie evidence that the person intentionally absconded without paying for the food, lodging or other service or intentionally defrauded the university or its employees or agents has the meaning and includes the items of proof set forth in s. 943.21 (2), Stats.

(3) ISSUE OF WORTHLESS CHECK.

(a) No person may issue any check or other order for the payment of money in an amount not more than \$2,500 which, at the time of issuance, he or she intends shall not be paid.

(b) In this subsection, prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid, has the meaning, and includes the items of proof set forth in s. 943.24, Stats.

(c) This subsection does not apply to a postdated check or to a check given for past consideration, except a payroll check.

(4) LIBRARY MATERIALS.

(a) No person may intentionally take, carry away, transfer, conceal, or retain possession of any library material without the consent of a library official, agent, or employee and with the intent to deprive the library of possession of the material.

(b) The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

(5) RETAIL THEFT.

(a) No person may intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant, or

property of the merchant, without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise.

(b) No person may intentionally remove a theft detection device from merchandise, or use a theft detection shielding device, without the merchant's consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise.

(c) In this subsection, "merchant" includes any "merchant" as defined in s. 402.104 (3), Stats., and any vendor or bookstore authorized to sell in university buildings or on university lands.

(d) In this subsection, "theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to merchandise held for resale by a merchant or to property of a merchant, and "theft detection shielding device" means any laminated or coated bag or device designed to shield such merchandise from detection by an electronic or magnetic theft alarm sensor.

(6) THEFT.

(a) No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another with a value of under \$100, without consent and with the intent to deprive the owner permanently of such property.

(b) No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another with a value of at least \$100 but not more than \$1,000, without consent and with the intent to deprive the owner permanently of such property.

(7) **USE OF CHEATING TOKENS.** No person may obtain the property or services of another by depositing anything which he or she knows is not lawful money or is an unauthorized token in any receptacle used for the deposit of coins or tokens.

(8) **VANDALISM.** No person may break, tear up, mar, destroy or deface any notice, tree, vine, shrub, flower or other vegetation, or dislocate any stones, or disfigure natural conditions, or deface, alter, destroy or damage in any way any other property, real or personal, within the boundaries of any university lands unless authorized by the chief administrative officer.

UWSP 18.13 PENALTIES.

Unless otherwise specified, the penalty for violating any of the rules in ss. UWSP 18.06 to 18.12 shall be a forfeiture of not more than \$500, as provided in s. 36.11 (1) (c), Stats.

Note: Violations of the rules in ss. UWS 18.06 to 18.12 will be processed in accordance with the citation procedure established in s. 778.25, Stats.

UWSP 18.14 INSTITUTIONAL REGULATIONS.

Institutional regulations promulgated under ss. UWSP 18.04 to 18.12 shall take effect when filed with the secretary of the board.

UWSP 18.15 ADDITIONAL STATUTORY PENALTY PROVISIONS REGULATING CONDUCT ON UNIVERSITY LANDS.

- (1) CONTROLLED SUBSTANCES. The use or possession of controlled substances as defined in s. 961.01 (4), Stats., is prohibited on all university property with the specific exemptions set forth in ch. 961, Stats., and as permitted under s. 961.34, Stats. The penalty provisions of ch. 961, Stats., and chs. UWS 17 and 18 may apply to violations occurring on university lands.
- (2) STUDENT CONVICTED OF DANGEROUS AND OBSTRUCTIVE CRIME. Section 36.35 (3), Stats., provides:
"Any person who is convicted of any crime involving danger to property or persons as a result of conduct by him which obstructs or seriously impairs activities run or authorized by an institution and who, as a result of such conduct, is in a state of suspension or expulsion from the institution, and who enters property of that institution without permission of the chancellor of the institution or the chancellor's designee within 2 years, may for each such offense be fined not more than \$500 or imprisoned not more than 6 months, or both."

SECTION 8

STUDENT CREDIT HOUR GUIDELINES FOR TENURE MANAGEMENT

Tenure management within academic programs at the University is based, in large measure, on the student credit hours produced by each program at the lower (LD), upper (UD), and graduate divisions (GR). Different modes of instruction across the disciplines as well as within a given discipline give rise to different expectations regarding the level of staffing required to adequately address student needs. The following (per semester) student credit hour guidelines are generally used to define a full-time-equivalent faculty position for tenure management purposes.

UNIVERSITY WIDE GUIDELINES	LD	UD	GR
There are guidelines that apply to specific groups of courses regardless of the department or college, such as:			
Humanities General Degree Requirements Courses	475	300	200
Social Science General Degree Requirement Courses	475	300	200
Writing Emphasis	200	200	
Seminar courses		180	
Also, a number of specialized courses have been assigned individual SCH guidelines. For information on these courses, consult the Registrar.			
COLLEGE OF FINE ARTS AND COMMUNICATION	LD	UD	GR
ART AND DESIGN			
Art - Appreciation and History	475	300	200
Art - Foundation Studio	250	250	150
Art - Specialty Studio	225	200	150
Art Education – Nonstudio	475	300	200
Art Education – Studio	225	200	150
ARTS MANAGEMENT	250	250	
COMMUNICATION	300	250	150
FINE ARTS	250	250	

MUSIC			
Music - Appreciation, History and Literature	475	300	200
Music - Applied/Private Instruction	70	70	70
Music - Large Ensemble	270	270	200
Music – Small Ensemble	140	110	110
Music – Theory	180	100	100
Music Education – Lecture	475	300	200
Music Education – Studio	225	200	200
THEATRE AND DANCE			
Dance Education – Lecture	475	300	200
Dance – Appreciation	475	300	200
Dance – Studio	200	150	120
Theatre Arts Education- Lecture	475	300	200
Theatre Arts – Appreciation	475	300	200
Theatre Arts – Practice	200	150	120
COLLEGE OF LETTERS AND SCIENCE	LD	UD	GR
BIOLOGY	375	250	120
Biology Education	475	300	200
CHEMISTRY			
Lecture	475	288	
Lab	120	60	
Discussion	288	288	
COMPUTING, NEW MEDIA TECHNOLOGIES			
Computer Science Education	475	300	200
Computer Information Systems	270	250	200
Learning Technologies	475	300	200
Web and Digital Development	270	250	200
ENGLISH			
English - Literature	475	300	150
English - Writing	250	250	150
English Education	475	300	200
GEOGRAPHY AND GEOLOGY			
Geography – laboratory	375	250	120
Geography – lecture	475	300	150
Geology	375	250	120
HISTORY	475	300	200
INTERDISCIPLINARY			
International Studies	475	300	200

Peace Studies	475	300	200
Women's Studies	475	300	200
MATHEMATICAL SCIENCES			
Mathematics	400	250	150
Mathematics Education	475	300	200
PHILOSOPHY	475	300	200
Anthropology	475	300	200
Religious Studies	475	300	200
PHYSICS AND ASTRONOMY			
Astronomy	375	300	200
Physics	300	150	120
POLITICAL SCIENCE	475	300	200
PSYCHOLOGY	475	300	150
Psychology – Statistics		250	150
SOCIOLOGY	475	300	200
Sociology – Statistics		250	
WORLD LANGUAGES AND LITERATURES			
Comparative Literature	475	300	150
Foreign Language – Education	475	300	200
Chinese, French, German, Japanese, Russian, etc.	300	200	150
PAPER SCIENCE	250	200	120
COLLEGE OF PROFESSIONAL STUDIES	LD	UD	GR
BUSINESS AND ECONOMICS			
Accounting	400	300	200
Business	475	300	200
Economics	475	300	200
Economics – statistics		250	200
COMMUNICATION SCIENCES AND DISORDERS	250	150	80
Communication Sciences and Disorders Education	475	300	200
EDUCATION			
Early Childhood Education	475	300	200

Education	475	300	200
Student Teaching		300	
Instructional Resources	475	300	200
HEALTH, EXERCISE SCIENCE, AND ATHLETICS			
Athletic Training	300	150	
Coaching	300	250	200
Health Education	475	300	200
Physical Education	300	250	200
Physical Education for the Exceptional Individual	300	250	200
Recreation	300	250	200
Sports Medicine	300	250	200
Wellness	475	300	200
HEALTH PROMOTION AND HUMAN DEVELOPMENT			
Family and Consumer Education	475	300	200
Food and Nutrition	350	200	120
Food Systems Management	350	200	120
Health Promotion/Wellness	300	250	200
Human Development	350	200	120
Safety and Health Protection	300	250	200
INTERIOR ARCHITECTURE			
Interior Architecture	350	200	120
IA – History	475	300	200
Foundation Studio	250	250	
Specialty Studio	225	200	120
Practice		150	
Seminar Studio	180	180	
Seminar		180	120
LEARNING RESOURCES	475	300	200
MEDICAL TECHNOLOGY	375	250	120
MILITARY SCIENCE	475	300	200

SECTION 9

GRADUATE COURSE POLICY

DEFINITIONS OF SPECIAL GRADUATE COURSES

Independent Study emphasizes a specific topic. The topic selected is not normally a regular course offering. Instruction is generally under the guidance of a professor who meets regularly with the student. Credit may be variable, depending on the workload and the time span over which the course is offered. Topics for which credit has been received cannot be repeated.

Special Topics courses emphasize a topic of narrow focus. The topic selected is generally one that meets the special needs of a group of students. The topic is not intended to be repeated. Instruction is normally in the form of lectures, discussions, or other means of exchange of ideas. Credit may be variable, depending on the workload and the time span over which the course is offered.

Workshops emphasize a topic of interest to a wide group of students. Workshop offerings may be repeated. Instruction involves free discussions, the exchange of ideas, demonstration of methods, the acquisition of skills and techniques in a specialized area within a discipline, and participation and problem-solving given mainly for and by adults already employed or those adequately prepared with common interests and problems based on the needs and wants of the group. The final result should be clearly defined, such as progress in a particular skill, or individual or group reports or papers on the conclusions reached or solutions developed or for class analyses and reactions. Workshops may have variable time spans as well as variable graduate credit.

A Seminar collects a small group of advanced students engaged in presenting either existing or original research under the guidance of a professor who meets regularly with them for reports, discussions, and informal lectures. Seminars may have variable time spans as well as variable graduate credit.

A Colloquium stresses discussion of a specific subject or meetings that several lecturers take turns in leading. Colloquia may have variable time spans as well as variable graduate credit. (Colloquium is normally included under Special Topics.)

A Symposium is a meeting or conference of limited duration for discussion of some topic at which several speakers deliver short addresses on various aspects of the topic. No graduate credit.

MINIMUM GRADUATE STANDARDS FOR DUAL-NUMBERED (SLASH) COURSES

Courses granting graduate credit should be structured and taught primarily at the graduate level of instruction. Ideally, dual-numbered courses should enroll primarily graduate students, with a minority of the course enrollment made up of academically superior undergraduate students. Graduate Council recognizes, however, the impracticality of this ideal in some disciplines. Therefore, Graduate Council establishes the following minimum guidelines for graduate students enrolled in dual-numbered courses:

1. Graduate students will be required to accomplish at least one additional objective beyond the requirements of undergraduate students in the same course. Faculty are encouraged to utilize more than one of these additional objectives in their classes. Additional objectives shall be qualitative rather than quantitative in nature. Examples of suitable additional objectives are a research project with a written and/or oral report, a term paper, a seminar or presentation given to the class, a classroom utilizable product that can be shared with others, or essay and/or oral examinations as alternatives to objective exams given to undergraduates in the same class. These examples are not inclusive, and faculty are encouraged to develop other qualitative objectives for their specific courses. These additional qualitative objectives will be included in the syllabus for each course.
2. In addition, faculty members teaching dual-numbered courses are encouraged to utilize modes of instruction that involve dialogue, student discussion, and student presentations. Where this is not feasible for the entire class, faculty are encouraged to have separate or additional discussion/seminar sessions for the graduate students.
3. Dual-numbered courses will be taught by members of the Graduate Faculty.
4. All departments offering dual-numbered courses will use these Graduate Council guidelines to develop specific procedures insuring adequate graduate level instruction in those courses. These procedures will be submitted for information to the Graduate Council and filed with the Graduate Dean.

GRADUATE FACULTY

Criteria: Both of the following

- Rank of Assistant Professor or higher.
- Either
 - Successful teaching experience in the discipline in which the faculty member provides graduate instruction, or
 - Continuing evidence of scholarly achievement and professional activity.

MEMBERSHIP PROCESS

Prospective graduate faculty members are recommended by department chairs or their equivalent in consultation with faculty members eligible for graduate faculty status. Departmental recommendations shall be forwarded to the Graduate Council for action. This status will grant an individual the ability to serve on thesis or dissertation committees, teach graduate level courses, and vote on matters related to the graduate faculty.

TEMPORARY GRADUATE RESEARCH STATUS

Criteria: Both of the following

- A Ph.D., Ed.D or terminal degree in the field
- Continuing evidence of scholarly achievement and professional activity.

MEMBERSHIP PROCESS

Upon recommendation of the department and the dean of the college, instructors may obtain TEMPORARY GRADUATE RESEARCH STATUS. These appointments are

designed to allow collaborators from other institutions or non-permanent appointments at the university (e.g., postdoctoral researchers) to serve on thesis or dissertation committees. Such appointments will only allow individuals to serve on thesis or dissertation committees and authorization will typically be granted for the duration of the collaborative project for which they are assisting. Temporary graduate research status does not authorize an individual to teach graduate level courses (a separate authorization would be required) and does not grant the ability of an individual to vote on graduate faculty matters that pertain to administrative or curriculum issues.

TEMPORARY GRADUATE TEACHING STATUS

Criteria: Both of the following

- Rank of Assistant Professor or higher.
- Either
 - Successful teaching experience in the discipline in which graduate instruction is given, or
 - Continuing evidence of scholarly achievement and professional activity.

Faculty or instructional academic staff may be given TEMPORARY GRADUATE TEACHING STATUS. Minimum requirements for temporary graduate teaching status are to have the qualifications for rank of Assistant Professor within their discipline and teaching or scholarly activity as outlined above unless their department has alternative tested experience criteria listed below. These ALTERNATIVE TESTED EXPERIENCE CRITERIA must be approved by the Graduate Council.

ALTERNATIVE TESTED EXPERIENCE CRITERIA

To be filled in after approvals by the Graduate Council

MEMBERSHIP PROCESS

Using the criteria above and upon recommendation of the department and the dean of the college instructors may obtain TEMPORARY GRADUATE TEACHING STATUS. Such appointments must specify the courses(s) to be taught and the duration for temporary only pertain to the teaching of the specified course(s). Under no circumstances shall the temporary status be used as a continuing substitute for graduate faculty membership. Temporary graduate teaching status does not authorize an individual to serve on thesis or dissertation committees (a separate authorization would be required) and does not grant the ability of an individual to vote on graduate faculty matters that pertain to administrative or curriculum issues.

The department or dean has the responsibility to communicate this TEMPORARY GRADUATE TEACHING STATUS to the registrar.

MINIMAL QUALIFICATIONS TO BE THE INSTRUCTOR FOR A GRADUATE LEVEL COURSE

The instructor of a graduate level course must be either a member of the Graduate Faculty or have been granted Temporary Graduate Teaching Status.

Oversight: The registrar will be responsible for monitoring all graduate level offerings. Any instructor listed but not authorized to teach a graduate course will be identified;

departments will be expected to either obtain appropriate authorization (before the course is taught), omit the course for graduate credit, or find a qualified instructor. Occasionally, substitutions will occur at the last minute; in such instances departments will be expected to seek authorization, if necessary, before the first class session. Class substitutions will be monitored and departments will be notified of noncompliance. Continued noncompliance with these procedures will be referred to the Graduate Council for appropriate action.

SECTION 10

EQUAL ACCESS FOR STUDENTS WITH DISABILITIES

STATEMENT OF POLICY

UW-Stevens Point will modify academic program requirements as necessary to ensure that they do not discriminate against qualified applicants or students with disabilities. The modifications should not affect the substance of educational programs or compromise academic standards; nor should they intrude upon academic freedom. Examinations or other procedures used for evaluating students' academic achievements may be adapted. The results of such evaluation must demonstrate the student's achievement in the academic activity, rather than describe his/her disability. Classroom accommodations may include, but are not limited to:

Alternate Format (Black/White Copy)
Braille Material
Calculator
Enlarged Materials
Extended Time for Tests
Grammar Editor
Interpreter
Lab Assistant
Note-taker
Oral Test
Preferential Seating
Reader or Proctor for Test
Spelling Checker
Tape Recorder
Taped Test
Taped Text
Tutor
Scribe

DEFINITION OF DISABILITY

A "person with a disability" is someone with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. "Major life activities" include functions such as performing manual tasks, seeing, hearing, speaking, and learning.

DEFINITION OF LEARNING DISABILITY

Learning Disabilities is a generic term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the individual and presumed to be due to central nervous system dysfunction. Even though a learning disability may occur concomitantly with other handicapping conditions (e.g., sensory impairment, mental retardation, social and emotional disturbance), or environmental influences (e.g., cultural

differences, insufficient/inappropriate instruction, psychogenic factors), it is not the direct result of those conditions or influences.

PROCEDURES FOR REQUESTING ACADEMIC ADJUSTMENTS (PROGRAM ACCOMMODATIONS)

STEP 1

Students seeking academic accommodation due to a disability must provide documentation to the "504" Coordinator.

STEP 2

The "504" Coordinator will meet with the disabled student to discuss the appropriate accommodation(s) based on the documented disability and/or the disabling condition.

STEP 3

The "504" Coordinator will arrange a meeting with the disabled student and the designated representative(s) from the Committee on Accommodation and Disability (the Committee must include representatives from English, Mathematics, Communication, Foreign Language, and Physical Education) to recommend appropriate accommodation(s) for the student. Other members of the Committee on Accommodations and Disability may be consulted as needed.*

*October 5, 1993: Change in procedure to expedite processing of requests. Instead of a meeting as indicated in Step 3, the student will provide a statement or letter describing prior experiences (history), selection of the degree option where appropriate, and other contributing information, along with the documentation. This information would be made available to the committee for review, and a meeting would be held with the student only if the request was not approved. This change in procedure (which is not a change in the scope of the policy) was agreed upon by the committee chair and the 504 coordinator.

STEP 4

The recommendation(s) for accommodation arrived at in Step 3 will be forwarded to the appropriate Dean(s) for approval.

APPEAL OPTIONS

If a Dean refuses to approve a recommendation for accommodation submitted by the Committee on Accommodation and Disability, the student may appeal this decision to the Vice Chancellor for Academic Affairs.

If the student believes that accommodation(s) recommended by the Committee on Accommodation and Disability or the Dean are inappropriate or insufficient, the student may request a review. The student may collect supporting testimony relating to his/her condition from external professionals, describe the additional accommodation(s) requested, and present this to the entire Committee on Accommodation and Disability and the Vice Chancellor for final consideration.

CLASSROOM ACCOMMODATION

The "504" Coordinator shall meet with the student to determine appropriate classroom/course accommodations.

The request for classroom/course accommodation must be made in a timely manner (i.e., 4-6 weeks for taped textbooks, 5 days for testing, etc.).

SECTION 11

FACULTY-STUDENT POLICIES

CLASS MEETINGS

Faculty are expected to meet their classes at the scheduled time and place. The faculty member should report any cancellation of class sessions to the department chairperson. Any such cancellations on the day immediately preceding a holiday or a vacation period should have prior approval of the department chairperson.

COURSE SYLLABI

A syllabus of each course taught is prepared by the faculty member and placed on file in the office of the Dean of the College or is available to the Dean electronically. The syllabus should include a course outline, a minimum bibliography and be consistent with Chapter 9, Section 1” Communal Bill of Rights and Responsibilities.”

EXAMS

In particular, final exams that are not returned to the students should be kept on file for a minimum period of one semester.

FINAL EXAMINATIONS

No final or last exams will be given during the final week of classes. All instructors are expected to meet with their classes during the final examination period at the time and place scheduled. There is no final exam period scheduled on campus for courses taught 100% distance learning, courses for which no campus visit is required at any time. Instructors of partial distance learning courses, courses of which primarily 75% or more are delivered via distance learning and have at least one required campus visit, may at their own discretion determine if a final examination meeting on campus is warranted. If the university must declare an official emergency during the final examination period, the exams that are postponed will be rescheduled on the next available date, after the exam period has ended, as determined by the Chancellor. Rescheduled exams due to a university emergency will be held in the same rooms and at the same times as of their originally scheduled date. Exceptions to the above must be made with the appropriate dean’s approval except that instructors, at their discretion, may modify the schedule for students who have three examinations on one day. Instructors not adhering to this policy may lose salary for the days involved at the discretion of the department Chair and Dean.

MAKE-UP WORK

Instructors should furnish students a reasonable amount of help in making up work missed, where the reason for absence concerns emergencies, off-campus trips, illness, and the like.

OFFICE HOURS

Each teaching faculty member should post his/her office hours for the convenience of students and colleagues. Departmental offices should also have the listing of hours for the departmental faculty.

RECORDS OF GRADES

Records of grades, especially record books, are the property of the University and should not be destroyed by individual instructors. Instructors leaving the institution should turn in record books to their respective departments.

SECTION 12

PRIVACY OF STUDENT RECORDS/CLASSROOM PERFORMANCE AND AUTHORIZATION TO RELEASE INFORMATION

Federal law affords students privacy regarding nearly all aspects of their academic performance. This includes any information regarding their performance in the classroom including grades, test scores, and class schedules. When any individual, including a parent/guardian(s) or potential employer, contacts a University official or professor regarding a student's academic performance, the official/professor must first obtain written permission from the student before releasing that information. This release form protects the rights of the student as well as affording protection to University personnel. (see example release form)

When a parent/guardian asks to speak with a faculty member concerning their child's academic performance, the faculty member must decide if such a conversation is warranted and beneficial to the student. Whether the conversation takes place via phone, e-mail, or in a face-to-face meeting, written permission must be obtained from the student. When a face-to-face meeting takes place, and especially when the meeting has the potential to be confrontational in nature, it is in the best interest of both the University staff member and the parent/guardian to request that a third party observer be present. For example, faculty members might request the chair of their department be present, and a parent/guardian might ask a friend or relative to attend the meeting. The presence of an observer(s) helps to ensure a productive meeting and a more accurate representation of the content of the meeting, if needed, in the future.

Prior to a face-to-face meeting with a parent/guardian over a student's academic performance, the University official/professor must (1) obtain the student's written permission and (2) should also notify the parent/guardian of their option of having an observer attend the meeting—and that an observer may be present from the University. Following the meeting, the parent/guardian should be informed of other avenues that can be pursued (i.e. grade appeals, a separate discussion with the College Dean) if they are not satisfied with the outcome of the initial meeting.

Example Release Form:

**AUTHORIZATION TO RELEASE INFORMATION FROM EDUCATION RECORDS
REGARDING COURSE PERFORMANCE**

Professor _____:

I authorize you to release information from my education records regarding my performance in _____ (insert course name and number) to _____.

This release authorizes you to provide the grades I have received on course assignments, clinical assignments, quizzes, tests, and similar evaluative documents, as well as my final grade. The purpose of this disclosure is to _____.

I understand that by signing this authorization I am authorizing you to release to the person or class of persons named above information that would otherwise be private and not accessible to them. This authorization expires one year from the date of signature. I am consenting to the release of this information freely and voluntarily, and I understand the consequences of providing this authorization.

Signed: _____ Dated: _____

SECTION 13

SCHEDULING NON-ACADEMIC OFF-CAUMPUS EVENTS/TRIPS

Non-academic off-campus events/trips sponsored by authorized university groups during breaks should not commence before the official beginning of a break nor should they run beyond the end of a scheduled break. In special circumstances, the vice chancellor/provost may grant a waiver to this policy.

SECTION 14

GUIDELINES FOR USE OF ELECTRONIC DEVICES IN CLASSROOMS AND LABORATORIES

The University of Wisconsin-Stevens Point is committed to providing an environment conducive to student achievement and learning. Electronic devices such as cell phones, PocketPCs, and laptop computers, while an integral part of today's society, can severely disrupt that environment.

Electronic devices also represent a new frontier for students wishing to cheat in classes. Picture phones, especially, offer opportunities for this type of misconduct. Students can photograph relevant information (notes, book pages) and view it during class, or can take pictures of exam questions and answers and circulate these via picture mail or text messaging. Students have also sent messages to others in class asking them to sign in their spots on attendance rosters.

Recognizing these facts, the following guidelines are offered.

1. Instructors who have an electronic device policy of any sort must include it on the course syllabus. The reasons for the policy should be explained clearly, and consequences for breaking the policy should be outlined.
2. Instructors who elect to restrict electronic devices in their classrooms should consider making exceptions in extenuating circumstances, for example, if a family member is critically ill.
3. If students use electronic devices as a means for committing academic misconduct, instructors should follow the same procedures for investigating said misconduct that they would use if a student committed an act not facilitated by the use of technology. Full details of that procedure can be found in the *University Handbook*, Chapter 5, Section 2.

SECTION 15

POLICIES PERTAINING TO THE PROVISION OF DISTANCE EDUCATION

General Information:

Distance education is a formal educational process in which the majority of the course instruction (interactions between students and instructors and among students) occurs when students and instructors are not in the same place. Distance education instruction may be synchronous or asynchronous, and may employ correspondence study, audio, video, computer technologies, or any combination of the preceding. To facilitate distance educational activities, the university will maintain a *Distance Education Handbook* which will include expanded definitions and interpretations of the policies below.

Unless otherwise stated, all university policies, standards, and guidelines for on and off-campus instruction apply to distance education.

UWSP Administrative Responsibilities and Support

The university acknowledges that distance education, while offering flexibility to students, concomitantly imposes additional instructor responsibilities. To achieve the learning outcomes of each class offering, the university shall assure that the institution's administrative policies and procedures support an effective, equitable, and efficient distance education infrastructure with sufficient resource allocation to maintain the quality of offerings and services.

To provide this support, the university will maintain a central repository for distance education program information and a support structure for facilitating the development and refinement of distance education programs, policies, procedures, and services university-wide.

The university will regularly evaluate the effectiveness of the academic and support services provided to instructors in online courses and utilize these results for improvement. Similarly, to facilitate student retention and achievement, the assessment results pertaining to programming and support will also be utilized to improve student services.

Distance Education Pricing

Distance education course prices will be determined by the UWSP Distance Education Pricing Policy in accordance with UW System Distance Education Pricing Principle (see: <http://www.uwsa.edu/acss/planning/depricing.htm>) and UW System Tuition and Fee Policies for Credit Instruction (see: <http://www.uwsa.edu/fadmin/fppp/fppp44.htm>).

Course Approvals, Coding, Delivery, Evaluation, and Ownership

Course Approvals

To ensure compliance with Section 508 of the Rehabilitation Act, and to meet Universal Design standards, the distance education course approval process will include a review of course content and methodologies by departments and/or units prior to submission of curriculum proposals to the University Curriculum Committee. Courses (and individual sections of courses offered through distance education) will meet the minimum requirements detailed in the course development checklist located in the *UWSP Distance Education Handbook*. Additional academic standards and criteria may be established by departments or units.

Course Coding

All distance education courses and sections will be coded and clearly identified in the course catalog and timetable. Consistency of codes will be utilized throughout university documentation. Coding definitions can be located in the *UWSP Distance Education Handbook*.

Course Delivery

All course delivery technologies must comply with all applicable statutes and laws (e.g., FERPA, copyright). To assure compliance with Section 508 of the Rehabilitation Act and the Americans with Disabilities Act of 1990, all programs, services, and activities offered via distance education must be accessible to, and usable by, persons with documented disabilities who have met the technical and academic standards for admission.

Provision of necessary technologies and pedagogies to ensure course accessibility will be provided by the instructor of the distance education course, with support and leadership by the relevant contact person from Information Technology. All instructors should understand the university can only guarantee technical support for distance education courses that use the current Learning Management System (LMS) adopted by the university system (e.g. Desire2Learn). If an alternative LMS or related programs are utilized, the university cannot ensure technical and design assistance. Additionally, alternative LMS or online tools must not provide storage or distribution of student education records. To ensure FERPA compliance, consultation with the university Information Technology when selecting third-party online tools or programs not currently endorsed by the university is required.

Students engaged in assignments requiring posting of work published online (including blogs and social media) should give consent to this publication and be provided with an alternate assignment if they do not wish to have their work disclosed. A statement identifying this option should be included in the syllabus.

Instructors engaged in distance education shall have academic freedom as teachers and researchers in full accordance with the provisions of the 1940 *Statement of Principles on Academic Freedom and Tenure*, including "freedom in the classroom in discussing their subject" and "full freedom in research and in the publication of the results."

Methods of presentation and course materials are to be under the control of the instructor assigned to develop and/or teach the distance education course. Supervision by the instructor's colleagues within the department or program shall be subject to the usual norms and responsibilities of oversight associated with the department.

Course Evaluation

All distance education courses and programs will be assessed and evaluated according to the course evaluation procedures in effect for on-campus courses. Additional departmental course evaluation criteria and procedures established for on-campus courses may be modified and implemented for distance education courses.

Student evaluations in online, hybrid, and Continuing Education courses will be conducted regularly and may be considered in personnel decisions, instructional improvement, and recognition, as outlined in the *University Handbook* (Chapter 4A, Section 2 and Chapter 4B, Section 3). The Student Evaluation of Online Course Instruction Form and supporting information is located in the *University Handbook* (Chapter 4D, Section 15).

Course Ownership

All course content ownership considerations shall be governed by the UW System Copyrightable Instructions Materials Ownership, Use and Control policy (<http://www.uwsa.edu/fadmin/gapp/gapp27.htm>) and campus policies (*University Handbook* Chapter 9, Section 5). Unless mutually agreed upon explicitly in the contract, the university affirms that instructors retain the intellectual property rights for materials produced while under contract, including instructional materials.

Instructor Qualifications, Responsibilities, Support and Training, and Compensation

Instructor Qualifications

All courses and sections offered via distance education shall have a qualified instructor approved and assigned by the appropriate department head. The qualifications, skills, and experience level for distance education instructors should be comparable to instructors engaged in face-to-face instruction. Departments shall ensure that instructors assigned to distance education courses are not only qualified to meet the learning objectives of the course, but also qualified to support the program learning outcomes. Finally, departments shall ensure that instructors assigned to distance education courses possess the necessary technical and pedagogical skills to accomplish excellent distance education instruction.

Instructor Responsibilities

The distance education course instructor shall retain the primary responsibility and authority for the academic management and course content of the assigned course. Current and relevant content and methodologies are expected and the instructor and/or sponsoring program of the course are responsible for regularly reviewing and updating course content. The instructor is expected to deliver accurate information and shall not include in the content of the course anything which the instructor knows to constitute libel, invasion of privacy, infringement of copyright or other literary rights, or otherwise violate the legal rights of any persons.

Instructor Support and Training

Instructors shall be provided sufficient development opportunities, training, services, and resources to ensure an effective and efficient distance education teaching and learning environment. The university shall provide instructional resources to promote structural consistency across course offerings. This includes providing sample syllabi and course Learning Management System templates.

All faculty and instructional staff providing a distance education course shall be required to complete an online or face-to-face training which will include communication of all applicable federal, state, and university policies which impact distance education courses and instructional technologies and methodologies. All instructors shall complete this training prior to their first distance education instructional assignment, or as soon as practicable.

Instructor Compensation

Calculation of load for instruction of distance education courses will be conducted in the same manner as face-to-face courses, and seat capacities should remain consistent between face-to-face and distance education offerings. Full-time faculty may teach online as part of their teaching load, or may be appointed on overload at the applicable pay rate in accordance with established university policy. Excess enrollment will be considered as an overload, or

additional sections with compensation and load reassignment calculated by the same methods used for face-to-face courses. Instructors may be remunerated for additional effort in serving distance education students as consistent with the particular policies set by the individual department or college and in accordance with established university policy.

Students and Student Support Services

IT Help Desk

Information Technology HELP Desk will provide assistance to all distance education students for IT supported technologies.

Online Distance Education Student Orientation

Current information regarding on-campus services will be made available online and accessible to the distance education learner and this information will be provided in an online student orientation provided for each registered distance learner. This orientation is designed to familiarize new and prospective students with the online learning environment.

Evaluation of Academic and Support Services for Distance Education Students

The university will regularly evaluate the effectiveness of the academic and support services provided to students in online courses and the results will be used for improvement. Evaluations will examine the scheduling of support services, effectiveness of online orientation, advising, and learning resources.

SECTION 16

ACADEMIC SCHEDULING POLICIES

A. Academic Calendar

Each year, an official Academic Calendar for the University is established in compliance with UW System Administration Policy, ACPS-4, Academic Year Definition and Assorted Derivatives; and Regent Policy Document 4-13 Academic Calendar Policy. This process is done in conjunction with the Chancellor, the Office of Academic Affairs, and the Academic Affairs Committee. The academic calendar compliance with U.S. Title IV, federal financial aid regulations is assessed by the Higher Learning Commission. Academic Calendar Requirements are as follows:

i. Contracting / Employment

- a. The academic year (for 9-month contracts) must include 39 contiguous weeks (273 days total); these days include federal and state holidays.
- b. Summer session begins after the 9-month contract period ends.
- c. Contract periods may not overlap.

ii. Fall and Spring Term Structure

- a. The fall semester cannot begin until September 2nd.
- b. Final exams should not end later than December 22nd for fall semester.
- c. Spring break is usually scheduled after the 8th week in spring semester.
- d. A single week must contain at least 2 meeting days.
- e. Classes that enroll degree seeking undergraduates and graduate students may not begin before the start date of the term nor conclude after the end date of the term.
- f. Classes will utilize the term/session options promulgated by the Office of the Registrar scheduling procedures.
- g. The academic calendar must provide for a five (5) day final exam week for each semester.

iii. Meeting Format

- a. The number of days (instructional minutes) in the two-day and three-day class patterns (e.g., Tues/Thurs or Mon/Wed/Fri) should be reasonably balanced based on procedures promulgated by the Office of the Registrar.

iv. Winterim Session Structure

- a. Must be at least 14 instructional days; use of one or two Saturdays may be required.
- b. A final exam is required within the 14 instructional days of Winterim for each class offered.
- c. No classes greater than 3 credits will be offered during Winterim session (see credit hour definition and policy below).

v. Summer Term Structure

- a. Must be at least 13 weeks and may be broken into sessions that can be as short as a week in length and as long as 13 weeks depending on credit hour

requirements.

- b. Summer term will begin the week following the conclusion of Spring classes.
- c. Session options will be based on scheduling procedures promulgated by the Office of the Registrar.
- d. A final exam is required within the term for each class offered.

B. Credit Hour Definition and Policy

The U.S. Department of Education, Higher Education Opportunity Act (HEOA), and Program Integrity Regulations provide guidelines and regulations for credit hour policies. The expectation is that accredited institutions must formulate and adhere to a credit hour definition, and create appropriate policies and processes related to the awarding of academic credit that are consistent with commonly accepted standards in higher education.

For the purpose of understanding and calculating credit hours, classroom or direct instructional time is defined as time spent by students acquiring new information through specific lessons or activities developed by the instructor and/or time spent interacting with the instructor. Based upon the guidelines included in this document, departments and/or colleges must determine the appropriate credit hours when planning and scheduling courses.

The sections below provide information on federal, UW System, and UW-Stevens Point credit hour policies. The credit hour standards detailed here apply to *all* UWSP courses, regardless of mode of instruction (face-to-face, hybrid, online, etc.). While the types of learning activities and instructional strategies will understandably differ among modes of instruction, the expectations regarding direct instructional time (and student time spent in addition to direct instructional activities) are applicable irrespective of the delivery mode.

Federal and UW System Policies:

In 34 CFR 600.2 of the Code of Federal Regulations, a ratio of 1/3 (direct instruction or in-class time) and 2/3 (outside-of-class time) is explicitly discussed and recommended as reasonable practice when calculating credit hours. Likewise, this regulatory language also recognizes institutionally defined flexibility for instruction that takes place in laboratories, internships, studios, and other modes of delivery.

As outlined in UW System ACPS-4, and reaffirmed in the memo communicating Accreditation Policy Regarding Credit Hours, one (1) credit hour represents an investment of time by the student of not fewer than 48 total hours of course work. Approximately 1/3 of this time (16 hours) is devoted to classroom or direct instruction, and 2/3 of this time (32 hours) is expected to be performed by the student in out-of-class work.

UW-Stevens Point Policy:

One classroom or direct instruction hour equals 50 minutes. Therefore, as described above, when computing student course load, each credit hour represents 50 minutes of classroom or direct instruction each week for one semester (16 weeks, including finals week) *and* two hours of out-of-class student work time. For example, the following calculation demonstrates the total number of hours required to award of one (1) semester credit hour: (1 hour of direct instruction per week + 2 hours of student independent work time per week) x 16 weeks = 48 hours' total work effort per semester credit hour.

1. Course Scheduling Policy: Minimum Classroom or Direct Instruction Time

Given the required 16 hours of classroom or direct instruction time per credit hour and the definition that one instructional hour equals 50 minutes, the minimum classroom or direct instructional times are defined in the table below.

Minimum Classroom or Direct Instruction Time Required per Week

Credits	Term Length			
	3 weeks	4 weeks	8 weeks	16 weeks
1	267 min	200 min	100 min	50 min
2	534 min	400 min	200 min	100 min
3	800 min	600 min	300 min	150 min
4		800 min	400 min	200 min
5			500 min	250 min

2. Student Workload Calculations

For the purpose of calculating and understanding student workloads, the following explanation is helpful.

- A typical 1.0 credit course = 48 total hours of student workload
- A typical semester total credit load for students = 15 credits (to complete 120 credits in four years)
- A typical 15 credit load = 720 hours of student workload devoted over the span of one semester (16 weeks)
- Completing 720 hours over five (5) days per week = 9 hours of student effort devoted to all courses per day
- Students are permitted to take up to 17 credits per semester without special permission, and this provides a defined value for the maximum student workload permitted for a semester.
- At 17 credits per semester, the maximum student workload is 10.2 hours per day. This value represents the calculated *maximum* daily sustained student workload permissible, and this value in turn dictates the *minimum* calendar meeting days required when scheduling courses.

3. Course Scheduling Policy: Minimum Calendar Days

- When scheduling individual courses, the minimum required meeting days must be achieved.
- Given that 10.2 hours per day is the calculated *maximum* sustainable student effort, the *minimum* calendar days for courses from 1-5 credits are provided below.
 - 1.0 credit = 48 hours = 4.71 days (approx. 1 week)
 - 2.0 credits = 96 hours = 9.42 days (approx. 2 weeks)

- iii. 3.0 credits = 144 hours = 14.12 days (approx. 3 weeks)
 - iv. 4.0 credits = 192 hours = 18.82 days (approx. 4 weeks)
 - v. 5.0 credits = 240 hours = 22.22 days (approx. 5 weeks)
- c. The minimum number of scheduled days necessary for offering a one credit course is five. Requests for exceptions to this policy should be directed to the provost. However, exceptions cannot be granted for courses where the minimum number of days of effort cannot be attained for the credits to be awarded.

CHAPTER 6

UNIVERSITY SPONSORED AWARDS

UNIVERSITY AWARDS

1. Members of the Awards Subcommittee are ineligible for consideration for any award.
2. The Subcommittee shall request that the deans solicit nominations for the individual and department nominees for the Regents Teaching Excellence Awards from their departments/units. It is recommended that nominees for the individual award be prior recipients of campus Excellence in Teaching Awards. The deans shall forward the nominations, with supporting statements from the nominating department/unit, to the Subcommittee. Nominations are due to the committee four weeks from the date of issuing the call.
3. The Subcommittee will determine the nominees for the Regents Teaching Excellence Awards and forward the nominees to the Vice Chancellor for Academic Affairs on or before November 1.
4. The Awards Subcommittee shall call for nominations for the four campus awards. The nominations, with supporting statements from the nominating unit, shall be due to the committee four weeks from the date of issuing the call. For the student body nominations, the nominee's unit head shall assist the students in gathering the appropriate supporting statements about the nominee.
5. The Subcommittee shall determine the recipients of the awards and shall send the names of recipients and supporting documentation for the awards to the Vice Chancellor for Academic Affairs on or before April 1.
6. The Subcommittee is encouraged to consider the distribution of campus awards across colleges.

EXCELLENCE IN TEACHING, SCHOLARSHIP, AND SERVICE AWARD

This award stresses the overall contribution of a faculty or staff member in the areas of teaching, scholarship, and service. Nominees must demonstrate strength in all three areas to be considered for this award. Nominees must provide evidence of their contributions to the development of UWSP's overall academic mission and should exemplify the nominee's enduring commitment and contribution to institutional values for teaching, scholarship, and service.

Eligibility

Those eligible for the award must be faculty or academic staff with at least a 0.50 FTE teaching assignment or with a .050 FTE appointment in the University Library and have been at UWSP for 5 or more years. Winners may not be re-nominated for 5 years following their selection.

Nomination

Academic departments and their functional equivalents may nominate one individual. The method of nomination shall be determined by the unit. Two or more people may not be nominated to share a single award.

Awards

One recipient will receive a sum of \$2500.

EXCELLENCE IN TEACHING AWARD

This award stresses the importance of distinguished teaching, recognizes the contributions of outstanding teachers, and emphasizes the commitment of the University to teaching excellence. Nominees must have stimulated students toward a high standard of scholarship and an active interest in learning.

Eligibility

Those eligible for the award must be faculty and academic staff with at least a 0.50 FTE teaching assignment or with a 0.50 FTE appointment in the University Library. Winners may not be re-nominated for 5 years following their selection.

Nomination

Academic departments and their functional equivalents may nominate one individual. The method of nomination shall be determined by the unit. The student body may nominate up to twelve individuals, utilizing procedures to be established by the Student Government Association. Two or more people may not be nominated to share a single award.

Awards

Four recipients with greater than 3 years teaching experience shall each receive a sum of \$1000.

One recipient with 3 years of teaching experience or less shall receive a sum of \$1000. Applicants must have a minimum of one full year of teaching experience to qualify for this award.

UNIVERSITY SCHOLAR AWARD

This award recognizes outstanding achievement in scholarship, research, and/or creativity.

Eligibility

Faculty and academic staff who are employed half-time or more. Winners may not be re-nominated for 5 years following their selection.

Nomination

Academic departments and all equivalent units may nominate one individual. Two or more people may not be nominated to share a single award.

Awards

Two recipients shall each receive a sum of \$1000.

UNIVERSITY SERVICE AWARD

This award recognizes outstanding service to the University and/or community. A nominee's service ordinarily will span a multi-year period.

Eligibility

Faculty and academic staff who are employed half-time or more. Winners may not be re-nominated for 5 years following their selection.

Nomination

Academic departments and all equivalent units may nominate one individual. The student body may nominate up to three individuals, using procedures to be established by the Student Government Association. Two or more people may not be nominated to share a single award.

Awards

Two recipients shall receive a sum of \$1000.

CAMPUS NOMINEES FOR REGENTS TEACHING EXCELLENCE AWARDS

Individual Award Guidelines

The Regents' award committee will seek evidence that nominees:

1. Are strongly committed to teaching and learning
2. Use extremely effective teaching strategies, including (but by no means limited to) innovative uses of technology to enhance student learning
3. Have a significant impact on students' intellectual development

Please note that the individual Regents Teaching Excellence Award is not intended as a "teacher of the year" award; rather, it recognizes career achievements in teaching. Nominees should thus have spent a significant period of time (perhaps 10 years) in the UW System.

Department/Program Award Guidelines

The Regents' award committee will seek evidence that nominated departments or programs:

1. Recognize and foster excellence in teaching
2. Approach teaching as a public, collaborative activity
3. Have thoughtfully constructed an effective curricula for academic programs ranging from general education to graduate degree programs, as applicable
4. Create a positive climate for learning and demonstrate significant impact on student learning

ACADEMIC STAFF (CATEGORY A AND C) AWARDS

AWARDS SUBCOMMITTEE

1. Membership
 - a. Two non-faculty members of the Academic Staff Council.
 - b. The faculty representative of the Academic Staff Council.
 - c. One student representative appointed by the Student Government Association.
 - d. Two academic staff members not currently serving on Academic Staff Council. Appointments will be made by the Academic Staff Council.
2. Each year, the Academic Staff Council Awards Subcommittee will be constituted by the Academic Staff Council by October 1. The Chairperson of Academic Staff Council shall convene the organizational meeting, at which time a chairperson shall be selected by the Subcommittee from among its members.

REGENTS AWARD FOR EXCELLENCE

1. Nominees

- a. The Subcommittee shall call for nominations for the award. The nominations, with supporting statements from the nominating units, shall be due to the Committee four weeks from the date of issuing the call.
- b. The Subcommittee shall determine the nominee of the awards and shall send the nominee's name and supporting documentation to the Vice Chancellor for Academic Affairs on or before December 25.
- c. Individuals selected for this award will receive \$5000.00 and will be honored at the April Board of Regents meeting and be recognized at the annual Academic Staff Leadership Conference.

2. Guidelines for Academic Staff Regents Award for Excellence

Nominees for this award should provide essential services to the university while demonstrating excellence of performance, personal interaction, initiative and creativity, and outstanding achievement.

Eligibility

Current UW System non-instructional staff members (category A or B scientific and research staff) are eligible for the award if they have fixed-term, limited, and/or rolling horizon or indefinite appointments, are employed 50% or greater, and have been members of the academic staff for a minimum of 12 months.

Nomination

Units and departments may nominate one individual utilizing procedures they establish. Academic Staff Council may nominate one individual utilizing procedures they establish. The Student Government Association may nominate up to four individuals utilizing procedures they establish.

Award

A \$5000.00 award for professional development for the recipient, or for other activities approved by the recipient which enhance a university program or function.

UWSP ACADEMIC STAFF AWARDS

1. Nominees

- a. The Subcommittee shall call for nominations for the two awards. The nominations, with supporting statements from the nominating units, shall be due to the Committee four weeks from the date of issuing the call. For student body nominations, the nominee's unit head will assist students in gathering the appropriate supporting statements about the nominee.
- b. The Subcommittee shall determine the recipients of the awards and shall send the names of recipients and supporting documentation for the awards to the Vice Chancellor for Academic Affairs on or before April 1.
- c. Individuals selected for these awards will receive recognition in the form of certificates and public recognition during events such as commencements, convocations, and/or other University recognition programs.

2. Guidelines for UWSP Academic Staff Excellence Award

This award recognizes an outstanding individual for contributions made in their unit, department, and/or university.

Eligibility

Those eligible for the award must hold an academic staff (A, B, or C) title (full time or part time) in any unit or department on campus. Recipients may not be re-nominated for 5 years following their selection.

Nomination

Units and department may nominate one individual utilizing procedures they establish. Academic Staff Council may nominate one individual utilizing procedures they establish. The Student Government Association may nominate up to 4 individuals utilizing procedures they establish.

Award

One recipient shall receive a sum of \$2,500.

2. Guidelines for UWSP Academic Staff Spirit of the Community Award

This award stresses the importance of service in building and contributing to a healthier community environment on and off campus. Awards will be provided to individuals contributing in any of the following wellness areas: mental, social, emotional, intellectual, vocational, spiritual/philosophical, and/or environmental. This service may be in the area of information gathering/research, education, or direct action/service in recognizing and supporting human dignity and the social dimension of human existence in enhancing the spirit of non-violence and active citizenship.

Eligibility

Those eligible for the award must hold an academic staff (A, B, or C) title (full time or part time) in any unit or department on campus. Recipients may not be re-nominated for 5 years following their selection.

Nomination

Units and department may nominate one individual utilizing procedures they establish. Academic Staff Council may nominate one individual utilizing procedures they establish. The Student Government Association may nominate up to 4 individuals utilizing procedures they establish.

Award

One recipient shall receive a sum of \$1000.

ALLEN F. BLOCHER MEMORIAL FUND

In each odd-numbered year, only members of the Department of Physics and Astronomy may apply for a grant from the Fund, under the terms of a separate set of protocols. Selection of Grant recipient(s) from that pool of applicants is made by the Department of Physics & Astronomy, and not by the University Personnel Development Committee.

UNIVERSITY OF WISCONSIN - STEVENS POINT HALL OF FAME

This award recognizes individuals who have had a long-term affiliation with the university and made an exceptional contribution to the well-being of the institution or, in the case of alumni, a significant contribution to society or their professions. Nominees may include former or retired UWSP faculty or staff, alumni, and individuals who were not employed by the university. In all cases, achievements upon which a nomination is based must be significantly greater than those required by the conditions of employment, expected of distinguished alumni, or accepted as contributing to the university, community or society. As many as two people may be inducted into the UWSP Hall of Fame annually. A photo gallery of award winners will be established in an appropriate location on campus.

RESTRICTIONS ON HALL OF FAME NOMINATION/MEMBERSHIP

To insulate the Hall of Fame procedure from partisanship, protect the award from possible conflicts of interest, and protect nominees from possibly compromising positions, the following three categories of individuals are ineligible for consideration until five (5) years after vacating office or terminating employment*:

- A. Public officials and political appointees, including serving members of the Wisconsin Legislature and the Wisconsin congressional delegation: elected and appointed officials: and all members of the state judiciary:
- B. Serving members of the University of Wisconsin System Board of Regents: and
- C. Currently employed faculty or staff members at any UW System campus or in UW System administration.

NOMINATING PROCEDURE

1. Initial nomination may be made by current or emeriti UWSP faculty or staff members, administrators or alumni. The initial nomination should be sent to the Office of the Chancellor. The nomination materials should include the following:
 - a. Description of nominee's outstanding contributions:
 - b. Letters of support from three (3) individuals who can affirm nominee's contributions and
 - c. Recommendation of the UWSP Alumni Board Executive Committee (if nominee is an alumnus of UWSP).
2. The chancellor shall seek an initial review and recommendation from the appropriate dean and/or vice chancellor.
3. The chancellor shall forward the recommendation of the dean and/or vice chancellor to the Hall of Fame Committee.
4. The Hall of Fame committee will review the nomination and send their recommendation to the chancellor. The review will be conducted in closed session in order to maintain the confidentiality stipulated by the following requirement.
5. All activities related to the nomination of candidates, review of documentation supporting each nominee, and recommendations made by the Hall of Fame committee shall be conducted with the confidentiality appropriate to personnel actions.
6. The chancellor has final approval of the nomination.

HALL OF FAME COMMITTEE MEMBERSHIP

This committee will be constituted by the Office of the Chancellor when needed, and shall include the following members:

1. A vice chancellor appointed by the chancellor from a division with which the nominee was not affiliated.
2. Three (3) representatives from the Faculty Senate, two of whom must be faculty members, selected according to their nomination procedures,
3. A representative from the Academic Staff Council selected according to their nomination procedures.
4. A representative from the Classified Staff Advisory Committee selected according to their nomination procedures.
5. A representative from the Student Government Association:
6. The committee shall elect its own chair.

*Under extraordinary circumstances, the Hall of Fame Committee may waive the five-year requirement.

GRADUATE STUDENT AWARDS

The Graduate Council presents three types of awards annually to graduate students. Graduate students are encouraged to make their program advisors aware of their interest in these awards.

OUTSTANDING GRADUATE ASSISTANT

Normally, this award will be given to one graduate assistant each year in recognition of outstanding performance of the duties assigned to that individual by his or her graduate program. Each graduate program may nominate one candidate. The deadline for nominations and all supporting materials is March 1.

GRADUATE COUNCIL'S AWARDS

Normally, these awards will be given to two or three graduate students each year in recognition of excellence in scholarship, teaching, creative work (including performance), or other significant professional contribution. Each program may nominate as many candidates as they wish. The deadline for nominations and all supporting materials is March 1.

DISTINGUISHED MASTER'S THESIS AWARD

This award may be given to one graduate student each year in recognition of distinguished scholarship and research as exemplified in their thesis. Each graduate program may nominate one thesis per year for this award. A nominee must have earned the Master's degree within the calendar year from October 1 to September 30 preceding the yearly November 8 deadline for nominations. The recipient of this award will automatically become UWSP's nominee for the Midwestern Association of Graduate Schools (MAGS) Distinguished Master's Thesis Award.

PROCEDURES

Supporting Documentation

The following materials should be forwarded to the Chairperson of the Graduate Awards Subcommittee by the published deadline.

1. Nominations for these awards must include the following materials prepared specifically for these awards:
 - a. Letter of nomination from the department/program. The letter of nomination must indicate the specific award for which the student is being nominated. The letter should briefly justify the nomination by:
 - i. in the case of the Outstanding Graduate Assistant Award, describing the duties of the assistantship, their importance to the department/program, and the student's performance of them;
 - ii. in the case of the Graduate Council's Awards and Distinguished Master's Thesis Award, describing the student's work and establishing its importance to her/his discipline;
 - iii. in each case, highlighting the crucial points developed more fully in the other supporting materials.
 - b. Letters of support from faculty, professionals in the field, and/or peers. These should provide:
 - i. a detailed evaluation of the student's abilities;
 - ii. a description of her/his achievements;
 - iii. in the case of the Distinguished Master's Thesis Award, the faculty mentor's assessment of the thesis from the standpoint of clarity, scholarship, methodology, significance, and contribution to the field.
 - c. Statement from the student describing the nature and progress of the work (e.g. teaching, scholarship, research) for which she/he is being nominated.
 - d. Student's vita (limited to 2 pages).
2. Additional materials may be submitted if available and/or appropriate. These include: copies of the student's unpublished research, offprints of publications, representative examples of creative products (e.g. videotapes of performances), and/or evaluations from professional organizations or conferences. If the additional materials are collaborative efforts, it should be clear what the nominee's part was in creating them.

Evaluation

The following procedures shall be used to determine the recipients of these awards:

1. Awards will be determined by the Graduate Council Awards Subcommittee, composed of three members of the Graduate Council. The Subcommittee will make the final selections and report the award recipients to the Graduate

Council. The Subcommittee Chairperson will also notify the successful candidates as soon as possible after the Council meeting announcement.

2. All nominations and supporting materials (five copies of each item) must be submitted to the Subcommittee Chairperson by the published deadline. Materials received after that date will not be considered. These materials may be returned to the nominees by request.
3. Copies of the nomination materials will be distributed to the Subcommittee members by the Subcommittee Chairperson, who will also arrange an appropriate meeting time.
4. Award winners will receive a plaque or certificate at a departmental or graduate school recognition ceremony or other appropriate forum. These plaques/certificates may be accompanied by a monetary award.
5. Award winners shall have their names engraved on a permanent plaque displayed prominently on campus.
6. In the case of multiple nominees of equivalent achievement, consideration will be given to the degree to which their work was of service to the University.

CHAPTER 7

ACADEMIC PROGRAMS AND CURRICULUM

SECTION 1: ACADEMIC PROGRAM PROPOSALS

(New and Revised Programs, Majors, Minors, New and Unique Course Sequences)

Departments and others wishing to submit undergraduate proposals for consideration by the Curriculum Committee or graduate proposals for consideration by the Graduate Council shall prepare the proposals in detail according to the process outlined below. Carefully prepared proposals will enable the Curriculum Committee, Graduate Council, Faculty Senate and the administration to review and reach a sound decision on the relative merits of the proposal.

Submit undergraduate proposals (20 copies) to the Chair of the Curriculum Committee, the Registrar, the Dean(s) of any College(s) concerned, and the Chair(s) of any department(s) that could be affected by the proposal. Proposals requiring the approval of the UW System Administration must also be submitted to the Vice Chancellor. Submit graduate proposals to the Graduate Council, the Dean(s) of the College(s) concerned, and the Office of Academic Affairs.

In order to assure sufficient time for consideration by the appropriate committee or council, proposals should be submitted as far in advance as possible.

NEW AND REVISED UNDERGRADUATE AND/OR GRADUATE COURSES

Proposals for new or revised undergraduate or graduate courses shall be prepared according to the Procedure for Processing a Request to Approve/Revise a Course for Undergraduate and/or Graduate Credit. Contact the Faculty Senate Secretary for copies of the procedures and format or download them from Public Folders in Microsoft Outlook. The procedures and format can be found by selecting Public Folders; All Public Folders; University Offices, Services, Governance; Governance & Representation; Faculty Senate; and Curriculum Committee (undergraduate courses) or Graduate Council (graduate courses).

NOTES:

1. No unapproved courses shall be listed in the University Timetable unless the proposed course has been submitted to the proper committees before April 1 for the following spring semester and November 1 for the following fall semester.
2. In the case of a slash course, the curriculum committee must have acted on the undergraduate course prior to the submission of the course proposal to the Graduate Council.

UNDERGRADUATE MAJORS AND MINORS

NEW MAJORS

Proposed new majors should be prepared using the UW System Guidelines for Academic Program Planning and Approval, found later in this Section.

REVISED MAJORS AND MINORS

Proposals to revise undergraduate majors and minors shall be prepared according to the **FORMAT FOR SUBMISSION OF REVISIONS TO MAJOR/MINOR REQUIREMENTS**. Contact the Faculty Senate Secretary for a copy of the format or download the format from Public Folders in Microsoft Outlook. The format can be found by selecting Public Folders; All Public Folders; University Offices, Services, Governance; Governance & Representation; Faculty Senate; and Curriculum Committee.

NEW MINORS

Proposals to create new minors shall be prepared according to the **FORMAT FOR SUBMISSION OF REVISIONS TO MAJOR/MINOR REQUIREMENTS**. Questions #3-11 are essentially the same for a new and a revised minor. Contact the Faculty Senate Secretary for a copy of the format or download the format from Public Folders in Microsoft Outlook. The format can be found by selecting Public Folders; All Public Folders; University Offices, Services, Governance; Governance & Representation; Faculty Senate; and Curriculum Committee.

GRADUATE PROGRAMS

NEW PROGRAMS

Proposed new graduate programs should be prepared using the UW System Guidelines for Academic Program Planning and Approval, found later in this Section.

REVISED PROGRAMS

Proposals to revise graduate programs shall show the existing program, then the new program, and clearly point out the proposed revisions and rationale and justification for such revisions. All prerequisites and courses required in the program, plus required courses outside the department (collateral courses), as well as the prerequisites to the courses required in order to complete the graduate degree should be listed. A sample plan of study should be included.

NEW COURSES INCLUDED IN NEW OR REVISED PROGRAMS

New courses being proposed in conjunction with a new or revised program should be fully explained as though the course was being introduced independently. In such cases, the Graduate Council will consider the course additions and/or changes first and then consider the proposed and/or revised program.

PROCEDURE IN COUNCIL CONSIDERATION

The Council will rely basically upon the written documents submitted for its determination of the rationale and justification for the proposed change; however, the requesting department shall be expected to have a representative at the meeting to answer any questions which might arise.

REFERRAL BACK TO DEPARTMENT

Any proposals submitted in a format different from that described above will be rejected and will be returned to the department or individual proposing the change until submitted in proper form.

GENERAL DEGREE REQUIREMENT COURSE PROPOSALS

The General Degree Requirements Subcommittee oversees all components of the university-wide general degree requirements. A major function of the subcommittee is screening courses for inclusion among those that may be used to fulfill general degree requirements. No existing or new course will be accepted automatically as fulfilling a general degree requirement.

Contact the Faculty Senate Secretary for a copy of the format for submission of a GDR course proposal or download the format from Public Folders in Microsoft Outlook. The format can be found by selecting Public Folders; All Public Folders; University Offices, Services, Governance; Governance & Representation; Faculty Senate; and GDR Subcommittee.

UW SYSTEM GUIDELINES FOR ACADEMIC PROGRAM PLANNING AND APPROVAL

(Date of Issue: January 1999)

These guidelines are designed for use by the Vice Chancellor, Dean, Department Chair and others involved in academic program planning and approval. The full policy governing academic program planning and review is contained in ACIS-1.0, Academic Planning and Program Review. The major focus of these guidelines is on the process for requesting and implementing new academic programs. The guidelines describe the steps involved in this process in each of four major phases: Request for Entitlement to Plan an Academic Program, Authorization to Implement the New Program, Implementation of the New Academic Program, and Joint Program Review. The guidelines also provide suggested formats for use in developing the proposal for Authorization to Implement and in the Joint Program Review.

The process of requesting and receiving Authorization to Implement a new academic program is intended to be a collaborative effort between the requesting institution and the UW System Office of Academic Affairs. A representative from the Office of Academic Affairs will serve as a member of the Program Review Committee that reviews the proposal for Authorization to Implement a New Program and also as a member of the Joint Review Committee when the program undergoes review five years after initiation.

Questions about the process outlined in this document should be addressed to the Associate Vice Chancellor for Academic Programs at UWSP.

ACADEMIC PROGRAM REPORTING OVERVIEW

This table describes the various academic program actions that require approval or reporting. Institutions are expected to consult with each other and with UW System Administration at appropriate points in the process of developing and implementing all new academic programs. The following sections in Guidelines for Academic Program Planning and approval describe this procedure in detail.

NOTE: All submissions should be directed to the UW System Senior Vice President for Academic Affairs. All "I" items will be reported to the Board of Regents annually or upon request.

Institutional Action	System Admin Action	Regent Board Action	Required Documentation
1. Establish New Academic Programs:			
a. Preliminary Entitlement	A	I	Memo requesting Entitlement to Plan
b. Authorization to Implement	A	A	Executive Summary and Program Proposal for Authorization to Implement
c. Implementation	I	I	Memo stating date of Implementation
d. Joint Review	A	I	Report and Recommendation
2. Establish or Alter the Institutional Mission	A	A	Written notification
3. Extend Degree Program to a Second Institution	A	I	Written request
4. Establish, Rename, or Eliminate a College/School/Division ¹	A	A	Written notification
5. Redirect Major/Degree Substantively	A	I	Written notification
6. Establish, Rename, or Eliminate a Department	I	I	Written notification
7. Establish, Rename, or Eliminate a Center or Institute ²	I	I	Written notification
8. Eliminate a Degree/Major/Submajor	I	I	Written notification
9. Rename Major/Degree/Submajor	I	I	Written notification
10. Establish Submajor or Certification Program	I	I	Written notification
11. Review General Education Program	I	I	Report to coincide with NCA re-accreditation
12. Report on Institutional Program Review	I	I	Summaries due October 1 of each year

A = Approval Required.

I = Information Only.

¹Section 36.09(1)(gm), Wis. Stats., applies to creation of some schools or colleges.

²Only when state funds are involved initially or as a commitment for continuing the center or institute.

NEW PROGRAM PLANNING AND APPROVAL

Board of Regents' policy calls for joint planning of new degree programs, with formal Board approval at stipulated decision points, to ensure such planning meets the policies and principles contained in ACIS-1.0, Academic Planning and Program Review.

Formal activity in the new program planning process begins when an institution requests an Entitlement to Plan a new academic program leading to a degree. The program development and authorization process for new majors and degree programs involves four primary phases, which are outlined below.

I. REQUEST FOR ENTITLEMENT TO PLAN A NEW PROGRAM

- A. The institution determines the feasibility of developing and requesting a new degree program. Informal consultation with other institutions is strongly encouraged.
- B. The Vice Chancellor for Academic Affairs sends a memo to the UW System Senior Vice President for Academic Affairs requesting an Entitlement to Plan a new degree program. This memo includes a brief statement identifying the program and addressing the following issues (extensive documentation not required):
 1. Relation to institutional mission, strategic plan, goals and objectives;
 2. Projected source of resources (reallocation, external funds, request for new dollars);
 3. Need for the program;
 4. Relation to other academic programs in the UW System, the region and, if appropriate, the nation.
- C. The UW System Office of Academic Affairs circulates the request for entitlement to the Vice Chancellors of all institutions for comment. The purpose of this review is to ensure that all institutions know about the request and to consider the potential for collaboration. Institutions typically are asked to respond within 30 days.
 1. The institutions' comments are forwarded to the Vice Chancellor of the requesting institution and are shared with the Vice Chancellors of all the other institutions.
 2. If necessary, the UW System Office of Academic Affairs consults with institutions to determine how the proposed program fits into Systemwide program array and whether revisions need to be made to the proposal.
- D. The UW System Senior Vice President for Academic Affairs makes a decision on the request for Entitlement to Plan. S/he may consult with the Vice Chancellor for Academic Affairs prior to making that decision.
 1. The decision may be to a) approve the Entitlement to Plan, b) return the proposal to the institution for additional work, or c) deny the request.
 2. If the UW System Office of Academic Affairs and the requesting institution are unable to reach an agreement on the disposition of the request for Entitlement to

Plan, the request can be forwarded to the Chancellor and the President for resolution.

- E. Approved entitlements expire after five years if the institution takes no further actions. The UW System Office of Academic Affairs regularly updates the Entitlement to Plan list which is available upon request.

II. AUTHORIZATION TO IMPLEMENT THE NEW PROGRAM

- A. The institution develops a proposal for Authorization to Implement the entitled program (see attached suggested format). The following reviews must be included in the process of developing the proposal. Choice of the sequence of these reviews is left to the institution.
 - 1. Review of the proposal by a three-person Program Review Committee consisting of at least two representatives of the institution (one of whom should represent the Vice Chancellor for Academic Affairs) and a representative of the UW System Office of Academic Affairs. The Vice Chancellor for Academic Affairs appoints the institutional representatives, and the Senior Vice President for Academic Affairs appoints the System representative. The Vice Chancellor's representative typically convenes the Committee. The role of the UW System representative is to work with the institutional representatives to ensure that the final proposal addresses the kinds of issues that might concern the Board of Regents.
 - 2. Review of the proposal by at least two consultants from outside the proposing institution(s).
 - 3. Review of the proposal by the appropriate institutional governance bodies.
- B. When the above reviews are completed, the Program Review Committee recommends to the Vice Chancellor for Academic Affairs whether the academic program should be implemented. If the Committee recommends implementation and the Vice Chancellor agrees, the Committee prepares an Executive Summary to be submitted to the Board of Regents. The Vice Chancellor then submits the complete proposal and the Executive Summary to the UW System Senior Vice President for Academic Affairs.
- C. The Board of Regents acts on the proposal for Authorization to Implement the program.

III. IMPLEMENTATION OF THE NEW ACADEMIC PROGRAM

- A. The institution is responsible for implementation. However, the Authorization to Implement expires five years from the date of Board approval of the Authorization if the institution takes no further action.
- B. The Vice Chancellor notifies the Senior Vice President for Academic Affairs in writing when the program is actually implemented.

IV. JOINT PROGRAM REVIEW

- A. The institution and UW System Administration undertake a Joint Review approximately five years after implementation of the program.

- B. The UW System Office of Academic Affairs notifies the institution that the program is due for the Joint Review. That notification includes a copy of the original Executive Summary and establishes a target date for completion of the review. The general purposes of this review, which are outlined in the notification memo, are to:
- Determine whether the goals and objectives, as originally stated in the program proposal, were met. If the goals and objectives were not met, determine the reasons why.
 - Ascertain how the program is related to other programs offered by the institution and how important it is to the institution's program array.
 - Assess the level of quality the program has attained since its implementation.
 - Determine the resource implications of continuing this program.
- C. The institution conducts an internal review of the program. The review process has three components:
1. The department(s) and faculty specifically concerned with implementation of the program complete a self-study. The institution will incorporate into its review additional college-, department-, and field-specific items appropriate for that program. See attached sample format for Joint Reviews.
 2. At least two (2) outside consultants evaluate the program.
 3. A Joint Review Committee consisting of the members of the original Program Review Committee (see A.1. under Authorization to Implement) reviews the self-study report and all related documents, including the external evaluations. If the original members of this committee are not available, replacements will be named by the respective appointing officers.
- D. The Joint Review Committee forwards its findings and recommendations to the Vice Chancellor for Academic Affairs. The Vice Chancellor then makes a recommendation to the Senior Vice President for Academic Affairs on the continuation, modification or discontinuation of the program, forwarding the Joint Review Committee's report and the outside consultants' evaluations with his/her recommendation.
- E. The Senior Vice President for Academic Affairs notifies the institution of his/her decision regarding the program.
- F. If the decision is to continue the program, that program enters the normal institutional review cycle.

SAMPLE FORMAT: AUTHORIZATION TO IMPLEMENT A NEW ACADEMIC PROGRAM

While you do not need to follow this format exactly, you do need to ensure that the information requested in the sample is contained in your proposal.

I. PROGRAM IDENTIFICATION

- 1.1 Title of Proposed Program
- 1.2 Department or Functional Equivalent

- 1.3 College, School, or Functional Equivalent
- 1.4 Timetable for Initiation

2. CONTEXT

- 2.1 History of Program: Provide a brief chronological record of any program(s) from which the proposed program is developed (e.g., submajor currently available under existing program).
- 2.2 Instructional Setting of Program: Describe the relationship of the proposed program to existing academic programs. As appropriate, describe interdepartmental or intercollegiate structures.
- 2.3 Relation to Mission Statement and Academic Plan: Describe how the proposed program relates to the mission and academic plan of the institution.

3. NEED

- 3.1 Comparable Programs in Wisconsin: Identify similar programs in the state. Compare these programs to the proposed program.
- 3.2 Comparable Program Outside Wisconsin: Identify similar programs in neighboring states available to Wisconsin residents. Compare these programs to the proposed program. (Special emphasis should be placed on opportunities available under the reciprocity agreement with Minnesota institutions.)
- 3.3 Regional, State and National Needs: Discuss estimated future employment opportunities for graduates of this program. Compare the estimated need for graduates with the estimated number of graduates from this program and existing programs identified in 3.1 and 3.2 above. Where appropriate, provide documentation by citing data from organizations such as the Bureau of Labor Statistics and/or professional associations. Describe any special need for this program expressed by state agencies, industry, research centers, or other educational institutions. Provide documentation, including citations of relevant state regulations or employer policy.
- 3.4 Student Demand--Future Enrollment: Provide projections for anticipated enrollment and number of degrees to be granted for each of the first five years.
- 3.5 Collaborative or Alternative Program Exploration: Discuss the possibility of offering the proposed, or an equivalent, program collaboratively with another institution, or as a submajor in conjunction with some existing program.

4. PROGRAM DESCRIPTION AND EVALUATION

- 4.1 Objectives: Provide a brief narrative description of the program. List the central academic objectives of the program to be used in evaluating its future success.
- 4.2 Curriculum: Discuss the proposed sequence of courses or provide a course matrix for the program, clearly indicating any new courses proposed. Note prerequisite and required courses within and outside the sponsoring department.

- Describe program entrance requirements, (e.g. completion of a number of credits, minimum GPA or GRE score). Also describe all degree completion requirements (e.g. portfolio, theses, oral exams, foreign language proficiency, capstone seminar, senior project internship). For graduate programs, discuss the mix of graduate-only and undergraduate/graduate courses. Describe the proposed curriculum in terms of credits-to-degree and reasonable timelines for degree completion.
- 4.3 Interrelationship with Other Curricula: Briefly describe how the new program will support and/or be supported by other institutional programs. Discuss any relationships with the general education program.
 - 4.4 Method of Assessment or Evaluation: Outline a general plan for the ongoing evaluation of program success for each of the academic objectives listed above, including plans for quantitative or qualitative indicators and assessment of student learning. Indicate who will conduct the evaluation and how often it will occur.
 - 4.5 Accreditation Requirement: If program-specific accreditation is available for the proposed program, contrast the impact on curriculum, total program costs and job opportunities for graduates of an accredited versus a non-accredited program.
 - 4.6 Strengths or Unique Features: Describe any special strengths or unique features offered by the proposed program.
 - 4.7 Career Advising: Describe the career advisory services directly related and available to students in the program.
 - 4.8 Outreach (if applicable): Outline credit and noncredit outreach functions, including public service, provided by this academic program.
 - 4.9 Integration of Technology: Briefly describe how technology will be integrated into the curriculum.
 - 4.10 Distance Education (if applicable): Discuss plans for distance education and/or alternative delivery methods, including potential collaboration with other UW System institutions.

5. PERSONNEL

- 5.1 Faculty Participating Directly in the Program: List present faculty members who will directly participate in the proposed program as instructors and/or student advisors and append an abbreviated curriculum vitae for each of these core faculty members.
- 5.2 Advisory Faculty: List faculty members (other than those listed for 5. 1) who will be involved in the program in a related or advisory capacity. Particularly for faculty members in other departments or colleges, outline the extent of their involvement and plans for continued involvement.
- 5.3 Additional Faculty Requirements: Indicate the number, if any, of new faculty members (FTE) required to initiate the program, and project long-range needs for new faculty (with tentative timetable). Indicate whether new positions are

required or can be reallocated from elsewhere within the institution. Indicate the source for reallocation.

- 5.4 Academic Staff: List current instructional and noninstructional academic staff members who would be assigned to the proposed program. Indicate the number, if any, of new academic staff required to initiate the program, and project long range needs for new academic staff (with tentative timetable). Indicate whether new positions are required or can be reallocated from elsewhere within the institution. Indicate the source for reallocation.
- 5.5 Classified Staff: Provide information requested in 5.4 for classified staff.

6. ACADEMIC SUPPORT SERVICES

- 6.1 Library Resources: Describe and evaluate current library resources necessary for the proposed program. Indicate additional library resources needed, the estimated cost, and the source for resources.
- 6.2 Additional Support Resources: Describe and evaluate special resources (computers, unique laboratories, audio-visual and other equipment, access to data bases, etc.) currently available to the proposed program. Indicate how additional special resources needed, if any, will be provided.

7. FACILITIES - EQUIPMENT

- 7.1 Capital Resources--Existing Facilities and Capital Equipment: List and evaluate facilities and capital equipment currently available to the proposed program.
- 7.2 Capital Budget Needs--Additional Facilities Required: List and describe facilities (special classrooms, laboratories, additional space, minor construction) needed to begin or sustain the proposed program. Provide an estimate of costs. Discuss impact upon the program if these resources are not provided through new state appropriations. Discuss expectations for extramural funding. If applicable, discuss plans for waste management and disposal.
- 7.3 Clinical Facilities: For health science programs or programs making clinical placements, describe the laboratories and/or agencies to be used for clinical instruction. Append supporting statements indicating that these facilities will be available.

8. FINANCE

- 8.1 Operating Budget Requirements: Describe funding requirements and, using the attached sample budget format as a model, show the total budgetary allocation required to implement this program and to fund it for the first three years.
- 8.2 Operating Budget--S&E Requirements: Describe supplies and expense needs for the requested program. Include information on funding sources (reallocation, private funding). If applicable, discuss plans for waste management and disposal.

- 8.3 Operating Budget Reallocation: Most, if not all, of the funding requirements outlined above will be met by reallocation of base resources. Indicate that you are prepared to reallocate the necessary resources. If the necessary resources are not immediately available, explain contingency plans (phase-in of the program; delay in starting the program until additional funds can be found; delay until external fund-raising is successful).
- 8.4 Extramural Research Support: Indicate sources and amounts of extramural funding support expected to be available for research related to the proposed program. Provide documentation supporting the basis of this expectation.

SAMPLE SUMMARY: ESTIMATED COSTS AND RESOURCES FOR PROPOSED PROGRAM

Personnel Costs

	First Year	Second Year	Third Year
	Dollars/FTE	Dollars/FTE	Dollars/FTE
Faculty/Academic Staff			
Graduate Assistants			
Classified Staff			
SUBTOTAL			

Non-Personnel Costs

	Dollars	Dollars	Dollars
Supplies and Expenses			
Capital Equipment			
Library Resources			
Computing Resources			
Other (Define)			
SUBTOTAL			

Total Costs for Program

TOTAL COSTS			
-------------	--	--	--

Resources

	Dollars	Dollars	Dollars
Reallocation			
Gifts and Grants			
Other (Define)			
TOTAL RESOURCES			

TRANSMITTAL REQUEST: AUTHORIZATION TO IMPLEMENT A NEW ACADEMIC PROGRAM

Before a proposed program can be brought before the Board of Regents for consideration, the Vice Chancellor for Academic Affairs should submit a letter to the Senior Vice President for Academic Affairs requesting the program's submission to the Board. This request should have appended all supporting documentation used in preparing the Executive Summary for the Board. Following Regent approval, this material will be the official record of this new program and will remain on file at the Office of Academic Affairs until completion of the program's joint five-year review.

Please refer to the checklist below when preparing the addenda to the request:

- Complete and final copy of the Authorization to Implement (Sample format included in the Guidelines for Academic Program Planning and Review);
- Complete and final copy of the Executive Summary;
- Signed reports from at least two outside consultants;
 - Indication of approval by the appropriate institutional governance bodies.

SAMPLE FORMAT: JOINT REVIEW SELF-STUDY

While you do not need to follow this format exactly, you do need to ensure that the information identified in the sample is contained in your self-study.

1. PROGRAM DESCRIPTION AND CONTEXT

- 1.1 Goals and Objectives: Provide a statement of the objectives and goals of the program and describe any changes that have occurred since the program was implemented. In an appendix, attach copies of any printed program information, such as catalogue text, brochures, and other pertinent information describing the program.
- 1.2 Context: Describe the context for the program, including its relationship to the University's mission and its long-range plans, and to other academic programs within the UW System. Also compare it to similar types of programs in the region and nation.
- 1.3 Need: Discuss what needs are being met by this program and whether these needs could be met more effectively through collaboration with other programs in the UW System. If so, discuss how collaboration might occur.

2. PERSONNEL

- 2.1 Faculty: Discuss any changes in the faculty participating directly in the core and elective courses. Indicate to what extent new faculty have been recruited. Append short vitae for the core faculty members along with a list of names and departments of other faculty associated with the program.

- 2.2 Administrative Structure: Describe the current administrative structure for the program including the relationship between program faculty and their areas of concentration within the program. Also describe the relationship and interaction among the program faculty who are from different departments and different schools.

3. STUDENTS

- 3.1 Enrollment Trends: Review, verify, and analyze the trends pertaining to degree program enrollment and degree recipients contained in the data provided by UW System Administration.
- 3.2 Degree Recipients: Provide information about the post-baccalaureate employment or graduate training of degree recipients.
- 3.3 Projected Enrollment: Discuss the potential for future enrollment in the program as related to past enrollment and existing resources. In addition, provide a chart showing projected enrollments and graduates.

4. PROGRAM DESCRIPTION AND EVALUATION

- 4.1 Curriculum: Provide any changes in the initial list of foundation and core courses for the program, and a sample sequence of courses taken by the majority of students in the program. Include additional sequences if there are multiple areas of specialization within the program.
- 4.2 Assessment: Using the assessment plan developed for the program in the proposal for Authorization to Implement, evaluate the program's success in meeting the stated objectives, including assessment of student learning.
- 4.3 Accreditation: If specialized accreditation is available for this program, discuss the rationale of applying or not applying, the impact of accreditation standards upon the curriculum, and the impact of accreditation standards on the total program costs.
- 4.4 Concerns: Describe any problems that the program has faced/is facing and provide recommendations for resolving them.

5. ACADEMIC SUPPORT SERVICES

- 5.1 On-going Support: Describe the physical facilities, capital equipment library resources and supplies that sustain the program.
- 5.2 Additional Support: Discuss any special programs, faculty, or outreach activities designed to enhance the program.

6. FINANCE

- 6.1 Program Cost: Show program cost-per-credit and per-degree. Provide comparisons with similar programs.

- 6.2 Budget Requirements: Discuss whether the current operating budget is adequate to assure program quality. If additional support is needed to sustain program quality, indicate the areas affected and the amount and source of future funding for these areas.
- 6.3 Capital Requirements: Discuss any capital budget expenditures necessary to sustain the program and provide an estimate of costs.

7. SUMMARY

- 7.1 Summary Evaluation: Summarize the program's overall effectiveness with respect to the original expectations. Indicate any observed obstacles to the fulfillment of the original objectives and the measures taken to overcome those obstacles. Describe any unanticipated contributions of the program to the teaching, research, or outreach mission of other departments at your institution or the university as a whole.
- 7.2 Recommendations: Recommend action for continuation with the final review process for this program, for revision of the program and later final review, or for discontinuance of the program.

SECTION 2: ASSESSMENT

UWSP will assess student learning within both the General Education Program and the various department-level academic programs. The purpose of assessment is to ensure the continuous improvement of student learning by informing all choices related to the curricular and instructional changes, programs, and policies that contribute to student success. In this way, assessment is intended to provide the foundation for academic planning and decision making.

THE ASSESSMENT PLAN

The evaluation of student learning will move beyond the purely anecdotal and personal experiences of individual faculty or departments to study the undergraduate experience as a whole. In this way, assessment will provide information to use in decision making related to the continuous improvement of teaching and learning, department review, and other key institutional outcomes. Intentional coordination of efforts is the key to the assessment plan, with each effort centered on a model of continuous improvement with student learning as the focus. Program-level assessment will be carried out by academic departments that submit reports to the Assessment Subcommittee; the assessment of general education will be the responsibility of the General Education Committee; and institutional-level assessment (which will inform the work of both the Assessment Subcommittee and the General Education Committee) will be administered by the Office of Institutional Research and Effectiveness.

The assessment of undergraduate programs at UWSP will have four components:

1. an analysis of new student attributes and prior experiences;
2. an evaluation of learning within the general education curriculum
3. an evaluation of learning within department-level academic programs; and
4. institutional-level measures, including surveys of student perceptions and a value-added measurement of student learning from the freshman to senior years.

ANALYSIS OF NEW STUDENT ABILITIES

The knowledge, skills and perspectives outlined previously need to be analyzed first among our new students, primarily the incoming freshmen. The regent-mandated placement tests of verbal and quantitative skills already help place students in the most appropriate English, math and foreign language courses as well as identify students in need of remedial work. The placement test results are integrated as a second component of a freshman profile in the larger assessment program. Finally, an inventory administered to new freshmen helps identify our new students' values and perspectives. These components help us understand freshman knowledge, skills and perspectives.

GENERAL EDUCATION ASSESSMENT

The assessment of student learning in the General Education curriculum will be the responsibility of the General Education Committee. Assessment within the General Education

Program is intended to be a formal process of inquiry into student learning. More than simply an exercise in documenting the level of student achievement within the program, assessment is an exploration of how and why students learn, or fail to learn, within a particular curricular and pedagogical context. It explores both the outcomes that students achieve as well as the processes through which they learn. In this way, assessment should be viewed as an open-ended scholarly activity, a collaborative action research project aimed at the improvement of teaching and learning. (For a detailed explanation of the theory underpinning this approach to assessment, see Peggy Maki, *Assessing for Learning: Building a Sustainable Commitment Across the Institution*, Second Edition (2010), 123-153.)

The evaluation of student learning in the General Education curriculum will be the responsibility of the General Education Committee (GEC). The role of the committee in this regard shall be to:

1. recommend policies and procedures for the General Education assessment to the Faculty Senate;
2. facilitate the process by which General Education assessment data is gathered, evaluated, and communicated;
 - a. assist departments and faculty to identify, develop and utilize course-level assessment measures;
 - b. identify, develop, and utilize institutional level measures in concert with the Assessment Subcommittee and the Office of Institutional Research and Effectiveness;
3. make recommendations to Faculty Senate regarding improvements to the General Educational Program;
4. support instructional development and curricular improvements;
5. review and update the General Education assessment process regularly.

Assessment of student learning within the General Education curriculum will take place on a five-year cycle. The first four years of the cycle will be focused on courses in the four levels of the curriculum. In addition, during each of the first four years, information will be gathered related to one of the four General Education Program Outcomes from courses in the Investigation Level. Based on these results, the fifth year of the Assessment Cycle will be devoted to a comprehensive review of the General Education Program and Assessment Plan.

Year 1:

- Foundation-Level Courses (First Year Seminar, Written and Oral Communication, Quantitative Literacy, and Wellness)
- Program Outcome 1 (Demonstrate critical thinking, quantitative and communication skill necessary to succeed in a rapidly changing global society)

Year 2:

- Investigation-Level Courses (Arts, Humanities, Historical Perspectives, Social Sciences, and Natural Sciences)
- Program Outcome 2 (Demonstrate broad knowledge of the physical, social, and cultural worlds as well as the methods by which this knowledge is produced.)

Year 3:

- Cultural and Environmental Awareness-Level Courses (Global Awareness, U.S. Diversity, and Environmental Responsibility)
- Program Outcome 3 (Recognize that responsible global citizenship involves personal accountability, social equity, and environmental sustainability)

Year 4:

- Integration-Level Courses (Interdisciplinary Studies, Experiential Learning, Communication in the Major, and Capstone Experience in the Major)
- Program Outcome 4 (Apply their knowledge and skills, working in the interdisciplinary ways to solve problems)

Year 5:

- Comprehensive Review of General Education Program and Assessment Plan

Evidence of student achievement will be collected along three dimensions: (a) course-based measurements for each GEP level utilizing course portfolios compiled by instructors, (b) institutional-level measurements conducted through periodic standardized tests and surveys administered by the Office of Institutional Research and Effectiveness and (c) course-based measurements for each of the four GE Program Outcomes, potentially utilizing course portfolios and departmental assessment. Each year, this information will be reviewed and evaluated by faculty learning communities under the direction of the GEC, the Director of General Education, and the Assessment Coordinator. In turn, the GEC will annually report these results and its recommendations for improving the General Education Program to the Faculty Senate, the Provost, the Deans, and others.

Course-Based Measurements

The GEC will regularly gather course-level information on student learning through the collection of course portfolios. A course portfolio is a selection of materials from a given course—including the syllabus and relevant examples of student work—along with reflective statements written by the instructor that explore how the course structures and assessment strategies contributed to student learning. Faculty members teaching designated General Education courses will be required to prepare a course portfolio according to the five-year cycle noted above. (Note: the GEC will consult with departments offering multiple sections of the same GEP course to establish a plan for assessment; such a plan will specify a subset of

instructors/sections who will submit course portfolios.) Each course portfolio will contain the following elements:

1. Course Information:

1. A syllabus, including an explanation of how the intended learning outcomes of the course align with those of the General Education Program category.
2. A brief narrative describing how the relevant General Education learning outcomes will be met by students through course experiences, assignments, and/or activities.

2. Assessment Information:

- a. A discipline-appropriate evaluation of student attainment of at least one learning outcome, including a brief explanation of how student learning was assessed. (Note: Although courses should be *designed* to meet all the approved learning outcomes in a particular category, the actual *assessment* can and should focus on a smaller subset of these outcomes.)
- b. Examples of student work related to the evaluation above showing a range of student achievement.
- c. The specific criteria or rubric that was used to evaluate student work.
- d. Results of any other feedback mechanisms used in the course that explore student perceptions of course assignments and their alignment with the general education learning outcomes.
- e. A brief statement explaining how assessment results will be used to improve learning in the course in the future.

The General Education Assessment Process

The annual process of evaluating student learning within the General Education curriculum will have the following steps:

1. At the beginning of each academic year, the GEC will establish faculty learning communities for each area of the curriculum being assessed during that year. Each faculty learning community will include 4-6 faculty members teaching courses in the categories under review and includes the Assessment Coordinator and a member of the GEC representing the particular GEP category. The faculty learning community will coordinate with faculty across campus to ensure the body of course portfolios will provide adequate evidence of student learning for each of the learning outcomes in the GEP category.
2. Instructors teaching courses in areas under review in the fall semester will prepare and submit course portfolios to the Assessment Coordinator by February 1
3. Each faculty learning community will review course portfolios provided by the Assessment Coordinator and provide feedback to instructors. This feedback will only be shared with the instructor.

4. The Assessment Coordinator will collaborate with the faculty learning communities to aggregate findings from the course portfolios, along with data from the Office of Institutional Research and Effectiveness, and prepare a report for the General Education Committee by October 1. No information identifying instructors, students or specific courses shall be included in the report.
5. The GEC will report to the Common Council on its assessment of student learning, including any recommendations to improve the curriculum. The report may also recommend further action research projects to investigate particular aspects of student learning or to explore the impact of particular changes to the curriculum. The report must be submitted to the Common Council by December 1. This report will be shared with the Provost, the Deans, and the department chairs. In addition, it will be posted online to be available to the campus community and others.

Institutional-Level Measurements

The Office of Institutional Research and Effectiveness will regularly administer standardized tests and student surveys in an effort to measure student learning and experiences on campus. The Office of Institutional Research and Effectiveness will work with the GEC, the Director of General Education, and the Assessment Coordinator to share results that are applicable and useful for assessment within the General Education Program. These tests will include those institutional-level assessments required for external accountability or reporting.

Given that such measurements provide an institutional snapshot of student learning; the results will be utilized by the GEC in concert with other data gathered through course-based assessment.

The Use of Assessment Results

Assessment results are intended for two purposes: 1) to provide feedback to individual instructors to assist in their efforts to improve student learning within their courses; and 2) to make judgments about the effectiveness of the General Education Program and to inform recommendations for its improvement. To achieve these aims, assessment results will be shared in the following manner:

1. Each instructor submitting a course portfolio will receive individual feedback from the faculty learning community, including an evaluation of the assessment method utilized in the course and recommendations for the improvement of student learning. This evaluation will include the rubric used by the faculty learning community in forming its opinions. This information will be provided only to the instructors themselves and will not be shared with departments, Deans, the Provost, or the GEC.
2. Working in concert with the faculty learning communities, the Assessment Coordinator will compile reports on student learning for the GEC, removing references to specific courses and instructors. The GEC's final report will contain:

- a. A summary of student attainment of the learning outcomes in the relevant General Education areas.
 - b. Recommendations based on these assessment results for the improvement of the General Education curriculum. These recommendations may include proposals for further action research projects related to particular courses, GEP categories, GE Program Outcomes, or specific groups of students.
3. The GEC will report annually to the Faculty Senate sharing its evaluation and recommendations with the Provost, the Deans, and the department chairs. The report will also be posted online to be available to the campus community and others.
4. In conjunction with the Director of General Education and the Assessment Coordinator, the GEC will work with various units on campus in order to provide professional development opportunities for faculty and staff. In this manner, the GEC will help to “close the loop” by allowing assessment of student learning lead to curricular and pedagogical improvements. Such professional development opportunities might include:
 - a. Workshops on effective assessment of student learning in the General Education curriculum.
 - b. Instructional development necessitated by Faculty Senate-approved changes to the curriculum or learning outcomes.
 - c. Action research projects intended to provide further information on student learning within the curriculum.

DEPARTMENT-LEVEL PROGRAM ASSESSMENT

Each department* has the responsibility to assess student learning within its undergraduate and graduate programs and to analyze and use the results to modify the program outcomes or curriculum where necessary to ensure the continuous improvement of student learning.

*Here, “department” is defined to include departments, divisions, and schools depending on the college involved, or in some cases, interdisciplinary programs. In the case of the College of Natural Resources, “department” refers to the entire college excluding the Department of Paper Science and Engineering.

Departments shall determine the methods of assessment and the instruments to be used that best meet their needs. These must provide information that can be used to identify curricular and instructional strengths and weaknesses.

Oversight of department-level program assessment will be the responsibility of the Assessment Subcommittee, a permanent subcommittee of the Academic Affairs Committee (AAC). The role of the subcommittee will be to:

1. develop the policies and procedures for academic program assessment;
2. assist departments in selecting and developing appropriate assessment techniques, including direct measures;

3. in concert with the general education committee and the Office of Institutional Research and Effectiveness select, develop, and administer institutional level assessment procedures and instruments consonant with UWSP's Mission;
4. oversee compilation of department assessment data;
5. assist departments as they update and review their assessment efforts;
6. address deficiencies in the assessment process; and
7. promote assessment through activities such as sponsoring workshops and forums, developing a web-site, publicizing assessment activities and results, and meeting with administrators.

The subcommittee will NOT

1. conduct departments reviews;
2. evaluate departments or courses;
3. assess the worth of departments or programs on the basis of assessment data submitted.

The Department-Level Program Assessment Process

Each department will keep on file with the Assessment Subcommittee a current five- year Assessment Plan denoting year-by-year how the department will gather and utilize assessment information. The plan should include the program learning outcomes for each major within the department; a curriculum map illustrating how courses within the major align with these outcomes; and an explanation of the assessment techniques or strategies that will be used to evaluate student learning within the program.

In addition, each department will be required to report to the Assessment Subcommittee on its evaluation of student learning every five years according to the "Reporting Cycle for Assessment and Department Review" drafted by the associate vice chancellor for teaching, learning, and academic programs and approved by the AAC. This reporting of assessment results is intended to be a collegial and formative process and will have the following steps:

1. The department will evaluate student learning in a written assessment report using the format described below. (During years in which the entire department is under review, this assessment report will be included in the larger Department Self-Study Report. See UWSP Handbook, Chapter 7, Section 3.) The department must send copies of the assessment report as an electronic file to the chair of the Assessment Subcommittee, who will then forward the report to the appropriate dean and the provost.
2. Upon receipt of the report, the chair of the Assessment Subcommittee will coordinate with the department to schedule an oral presentation of its findings. The appropriate dean, the vice chancellor for Academic Affairs, and members of the campus community in general will be invited to attend the presentation. Each department will present its assessment report to the Assessment Subcommittee using a format of its choosing. Power point presentations are welcome, but not required. This oral presentation is intended to:

1. provide the department with immediate feedback from the Assessment Subcommittee, and
2. encourage an open, frank discussion regarding assessment and greater awareness of its role in the improvement of student learning at UWSP.
3. Following the oral presentation, the Assessment Subcommittee will provide the department with written feedback of its assessment report outlining the subcommittee's conclusions and recommendations. This feedback will include the rubric used by the subcommittee in forming its opinions. This feedback will be delivered only to the department.

Department assessment reports are intended to be campus resources and will be available to anyone who requests them. The Assessment Subcommittee is the custodian of all department assessment reports, and the reports, along with the department assessment plans, will be maintained in the Faculty Senate files.

Responses To Delinquent Assessment Reports

Because each department assessment Report is intended to provide the foundation for decision making within the unit, it is important that the reports be completed in a timely fashion. When a department fails to complete its Assessment Report according to the "Reporting Cycle for Assessment and Department Review," the provost will hold all staffing and budgeting decisions for the delinquent department in abeyance. Extenuating circumstances can relax this policy, at the discretion of the provost, if they are communicated by the dean to the provost and Assessment Subcommittee.

Content of the Assessment Report

Each department is expected to submit an assessment report with the following sections addressed. An updated assessment plan for the next five-year assessment cycle can accompany the assessment report or be submitted to the Assessment Subcommittee by the end of the academic year in which the report is submitted.

1. Departmental Mission: Identify the department's mission, vision, values and/or goals.
2. Brief Description of Departmental Improvements I Changes: Identify and describe specific changes that have been made (e.g. to curriculum, assessment methods, etc.), based on the previous assessment report.
3. Program Learning Outcomes: Include the program learning outcomes of the department, specifically indicating the knowledge, skills, and attitudes students will develop.
4. National/Professional Standards: Include existing national or professional standards pertaining to the academic program, if these exist, and indicate how the department's program learning outcomes align with these.

5. New/Updated Curriculum Map: Include the departmental curriculum "map" depicting the ways in which courses, activities and requirements support the program learning outcomes.
6. Assessment Strategies/Measures/Techniques/Methods: Include brief descriptions of assessment methods used in the department to assess student learning. Examples of assessment methods include exams, portfolios, pre- and post-- tests, direct observation of performance, surveys (current students, alumni, employers), focus groups, and national exams.
7. Assessment Results/Findings/Interpretation: Describe specifically what the assessment methods reveal about student learning in the context of the stated program learning outcomes.
8. Dissemination of Findings: Describe how the findings of the departmental assessment work will be disseminated, to whom, and for what purpose.
9. Implications: Describe how results will be used by the department to enhance student learning, including changes to learning outcomes and/or curriculum.
10. Reflections on the Department Assessment Process: Discuss the strengths and challenges of this process including any recommendations for the institutional assessment procedures.

INSTITUTIONAL-LEVEL MEASURES

Institutional-level measures (where the university is the "unit of analysis") will be an essential component of the assessment program at UWSP in that they can supplement other measures of student learning and provide some triangulation of data.

The Office of Institutional Research and Effectiveness administers standardized instruments and student engagement surveys, among others that are required for assessing institutional performance or improvement activities. Institutional-level measures can be mapped to university outcomes (for example, general education learning outcomes), which increases potential applications of the institutional data and maximizes resources.

The university will use standardized testing of freshman and seniors at regular intervals to provide a "value-added" measurement of student learning, particularly in the domains of critical thinking and writing. The measurement of these domains fulfills external requirements for accountability and also can contribute to the assessment of general education. To accomplish the latter, the standardized measures can be mapped to the general education program learning outcomes related to reading, critical thinking, writing, and mathematics. The Office of Institutional Research and Effectiveness will disseminate results and collaborate with the General Education Committee on the interpretation of the data for use in their assessment of general education.

Additionally, UWSP will participate at regular intervals in the National Survey of Student Engagement (NSSE) of freshmen and seniors. This, too, is used partially to fulfill requirements for accountability, and has the potential to inform the assessment of student learning. For

example, items from NSSE can be mapped to the general education learning outcomes to provide additional measures of progress and evidence of outcome achievement.

EVALUATING THE ASSESSMENT PLAN

Evaluation of the assessment plan outlined above is a task of both the General Education Committee and the Assessment Subcommittee. This evaluation will be ongoing, and faculty members have the right at any time to convey concerns and suggestions to both committees. In addition, a formal and complete evaluation of General Education assessment and department-level program assessment will be scheduled every five years, according to a schedule determined by the General Education Committee and the Assessment Subcommittee, respectively.

SECTION 3: DEPARTMENT REVIEW

The effective evaluation of student learning within department program(s) should provide the foundation for decision making within a department, serving to identify strengths and challenges, inform requests for additional resources (such as FTE positions; classroom, lab space, and other facilities; library material, or computing equipment), and guide planning efforts. Consequently, the process of department review will build upon the on-going program assessment process

Department review will be an integral part of faculty governance through the Department Review Subcommittee (DRS), a permanent subcommittee of the Academic Affairs Committee (AAC) responsible for conducting all local department* reviews. The purposes of department reviews are 1) to provide each department a formal mechanism to evaluate and communicate to appropriate decision makers the department's strengths, challenges and needs; 2) to garner collegial support and perspective for meeting the department's needs; and 3) to evoke a commitment from administration concerning continuation of the department's program(s) and/or intent to address the identified needs. The goal will be to review the programs within each department every ten years according to the "Reporting Cycle for Assessment and Department Review" drafted by the associate vice chancellor for teaching, learning and academic programs and approved by the AAC.

* Here, "department" is defined to include departments, divisions, and schools depending on the college involved, or in some cases, interdisciplinary programs. In the case of the College of Natural Resources, "department" refers to the entire college excluding the Department of Paper Science and Engineering

THE DEPARTMENT REVIEW PROCESS

Department review is intended to be a collegial and formative process that will take place in the following steps:

1. The faculty and staff of the department under review engage in critical analysis of the department's activities. This "self-study" is an evaluation of the department's activities, strengths, challenges and needs. The department communicates its findings in a written Self-Study Report, using the format described below. The department must send copies of the Self-Study Report as an electronic file to its dean, the provost, the chair of the DRS, and the chair of the Assessment Subcommittee.
2. The department prepares a list of five candidates from other institutions who have credentials sufficient for a tenured appointment in the department to review the Self-Study Report and conduct a site visit to evaluate the department. The dean, in consultation with the provost, will select at least two of these five candidates to comprise the Site Visit Team. One of the Site Visit Team members must be from a UW System Institution and one must be from outside of the UW System. The dean will formally invite the team to campus, arrange travel, and facilitate an appropriate honorarium. Travel costs and honoraria will be paid by the provost's office.

3. The department sends the Self-Study Report to the approved Site Visit Team members and, in consultation with the dean, will arrange a schedule for a one- or two-day site visit. The Site Visit Team will be given at least the following instructions:
 - a) They are to review the Self-Study Report document carefully before the site visit. They may use any other sources of information the deem appropriate and collegial in their review of the department; their final report must list all sources used in the review, including names of individuals with whom the team has materially conferred.
 - b) Their goal is to help the department improve its programs and its academic stature. They are specifically to evaluate the department's efficiencies in discharging its stated mission, the currency of the curricula for departmental programs, and the appropriateness of the scholarship and service of the personnel.
 - c) While on campus, they will meet with appropriate administrators, as requested by the dean. They must submit a single written report to the dean that evaluates the department's strengths and weaknesses and its ability to meet its mission. The report should make specific recommendations to campus decision makers concerning ongoing support to the department.
 - d) The Site Visit Team should orally report their preliminary findings to the department before leaving campus. The written report is to be submitted within two weeks of concluding the site visit.
4. Upon receipt of the report, the dean will immediately forward copies to the department and the DRS. The department will write a response to the Site Visit Team's report. The departmental response may include corrections of fact, rebuttals to conclusions, or simple concurrence and elaborations. The deans will also comment on the department's Self-Study Report and the Site Visit Team report. Both the departmental response and the dean's comments must be submitted to the DRS within two weeks of receipt of the Site Visit Team report.
5. The DRS will review the Departmental Self-Study Report, the report of the Site Visit Team, the department response, and the dean's comments and write an evaluation that includes its recommendations to the department and the administration. The evaluation should also address the quality of the faculty, the curriculum, students, library and other educational resources and facilities, and the academic reputation of the program among its peers. The committee will compile this material together into a single Summary Report to be submitted to the department, the dean, and the provost.
6. A meeting of the provost, the dean, department chair, and chair of the DRS will be the final formal discussion of the DRS Summary Report. The provost will then provide a written comment on the department review, to be appended to the DRS Summary Report. The dean will have the option of appending a second response to the Summary Report as well.
7. The DRS will then forward the final Summary Report to the Academic Affairs Committee (AAC). The AAC will verify that all procedures of this section have been properly followed and the committee minutes will specifically note any delinquencies or irregularities in the review. Following acceptance by the Faculty Senate of the AAC minutes, the provost will write a second response to the departmental review, which will

include a final decision regarding the continued support of the department and each degree program offered under the department's auspices. This will conclude the review of the department.

USES OF DEPARTMENT REVIEW

Department review is intended to provide the primary source of information for administrative decisions regarding the department. All decisions related to structure, budget, and personnel must specifically reference the most recent report. In only rare cases is a decision sufficiently exigent to warrant proceeding without a current department review. A department review is current if the review was completed within the preceding ten years. The reports are intended to be campus resources and will be available to anyone who requests them. The DRS is the custodian of the reports and the reports will be maintained in the Faculty Senate files.

REPONSES TO DELINQUENT REVIEWS

The department review reports are important planning documents that inform decisions throughout the campus. It is therefore important that the reviews and reporting be completed in a timely fashion. When a department fails to complete its self-study according to the "Reporting Cycle for Assessment and Department Review," it makes such decision making difficult. Therefore, the provost will hold all staffing and budgeting decisions for the delinquent department in abeyance. Extenuating circumstances can relax this policy, at the discretion of the provost, if they are communicated by the dean to the provost and DRS.

THE UWSP DEPARTMENT REVIEW SELF-STUDY REPORT

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As a component of the department review process, each department's self-study should consist of the following sections. Departments that undergo professional accreditation may use their most recent accreditation self-studies with the agency reports as the basis for their Self-Study Reports. The department must augment the accreditation report to include the content of this section. Questions regarding completeness of each response should be directed to the chair of the UWSP Department Review Subcommittee.

The Narrative. In this section, the department under review presents information addressing the following areas. As appropriate, appendices I-IV may also be referenced in this section. Page lengths are strictly enforced.

a. Overview of department mission (1/2 page)

- The mission and values statement(s) of the department, if such statements have been formally adopted by the department

- A statement explaining how the department advances the mission and values of the college and the university
- b. Overview of major achievements and relevant trends over the last 10 years **(2-3 pages)**
- Review of successes in accomplishing the goals identified in the previous department review
 - A discussion of relevant trends not anticipated or discussed in previous department review (e.g., impact of GEP implementation)
 - Summary of assessment results (from Appendix III below) and their implications for the department.
- c. Discussion of the most important strengths and challenges related to the following categories: **(5-6 pages)**
- The quality of the faculty
 - The adequacy of the curriculum (including information about Diversity Education and if applicable, General Education, Graduate education, and online offerings)
 - The success of the students before and after graduation
 - The structure and effectiveness of academic advising
 - The adequacy of physical facilities (classroom or lab space, equipment, library resources, etc.)
- d. Goals and plans for the next 10 years, in light of the self-study process. **(~1 page)**

Appendix I – Department-Specific Information

- Evidence of faculty and staff participation in the department review process, including departmental minutes related to the formal acceptance of the Self-Study Report
- A list or table of personnel in the department during the review period that provides the following information:
 - University Staff: title and dates of hire and departure, as appropriate
 - Faculty and Academic Staff: title with rank; dates of hire and departure, as appropriate; all promotions, tenure, or indefinite appointments.
- Other significant information in support of the narrative above, such as faculty research and awards; student research and/or other accomplishments; or results from student, faculty, and/or alumni surveys.

Appendix II – Department Planning Profile

- Provided to departments by the UWSP Office of Institutional Research and Effectiveness.
- Includes data on enrollment, credit production, resources, degrees granted, and other variables as approved by the Department Review Subcommittee in consultation with the Office of Institutional Research and Effectiveness.

Appendix III – Assessment Reports from the 10-Year Period Under Review

Appendix IV – Outside Accreditation reports (if applicable) and External Reviewer comments

SECTION 4: ARTICULATION AGREEMENTS

RESPONSIBILITIES OF THE ADMINISTRATION AND SHARED GOVERNANCE

The submission of a cooperative agreement with another institution, either domestic or foreign, indicates not only commitment of the project coordinator, but of the university. These agreements, if successful, can result in a significant impact on the university. Therefore, UWSP has a vested interest in the agreement since the university is ultimately accountable to insure that the conditions as outlined are fulfilled. Each inter-institutional agreement must be reviewed and approved by the appropriate administrative personnel and shared governance bodies before it is formally submitted to another institution.

The official UWSP Permission to Develop an Articulation/Inter-institutional Agreement form (available from the Office of Academic Affairs) is designed to facilitate this process. Please attach a draft copy of the proposed agreement plus any other appropriate supporting materials to this permission form. Agreements which involve more than one department, school, college or UW-System unit must be reviewed and approved by the appropriate officials of each unit, appropriate shared governance bodies, and ultimately the Provost and Vice Chancellor for Academic Affairs. The purpose of this approval process is not to question the professional skill or approaches of the project coordinator, but rather to give assurance that the university supports the plans for the project, and that these plans are consistent with the activities, priorities, and mission of the university. The opportunity that this formal approval process presents to inform the campus of the proposed activities is important to the faculty member as well as the shared governance bodies and administrators. The responsibilities of the administrative staff in this approval process are as follows:

- The Department Chair or Director will:
 1. review the agreement to assure that faculty and support staff time commitments are reasonable and compatible with departmental workloads, present and planned,
 2. determine that the percentage of time and salaries are accurate, and
 3. agree that the space, facility, and service requirements are within the department's present or planned resource capability if not specifically provided for in the proposal.
- The Dean or Line Officer will review the proposal for completeness and confirm that:
 1. space, service and support requirements are adequately provided for
 2. responsibility is accepted for assuring the availability of local in-kind funds promised in the proposal, and
 3. that the agreement's budget, salary rates, job titles and classifications are reasonable, appropriate, and consistent with UWSP policy.
 4. In addition, the Dean/Director should ascertain to what degree the agreement will commit the college/school or unit to long-term support of project personnel or a program which may evolve from the agreement.
- The Provost and Vice Chancellor will review the proposal to ensure that it conforms to UWSP and Board of Regents' policies and state laws; that it is in proper form for submission to the potential collaborators; that it is conducive to the university's mission by promoting the best academic interests of the university and that implied or definite

university commitment of funds, space, and personnel can be met; and that the commitments for matching funds can be met by the university.

Faculty and staff should allow sufficient time for on-campus processing of the proposals to develop a cooperative agreement. The review responsibilities assigned to administrative personnel and shared governance bodies are of such a nature and extent that "walking a proposal through channels" in a brief period of time is difficult.

Articulation agreements are specific credit transfer agreements between our institution and one or more Wisconsin Technical College System (WTCS) institutions. Prior to seeking shared governance action on an articulation agreement with a WTCS partner, the agreement should be forwarded to the Transfer Counselor in the Admissions Office for review.

After permission is gained from the appropriate administrative and shared governance bodies, the agreement coordinator is then responsible for drafting the *formal* articulation agreement for signatures. The formal agreement needs to be formatted in compliance with UWS ACIS 6.2. The formal agreement is routed by the agreement coordinator for signatures of those authorized to enter into these agreements on behalf of UWSP and other non-UWSP partners. Once the formal articulation agreement is signed by all required signatories, the agreement is then forwarded to UW System to be added to the listing of UW System articulation agreements.

SECTION 5: GRADE REVIEW SUBCOMMITTEE

MEMBERSHIP

1. The subcommittee shall consist of the following voting members:
 - a. Three faculty members representing three distinct academic departments, with the Chairperson appointed by the Academic Affairs Committee, one member elected by the Student Government Association, and one temporary member for each case, appointed by the chairperson of the department of the instructor whose grade is under review.
 - b. An alternate faculty member shall be appointed by the Executive Committee of the Faculty Senate to serve whenever it is necessary to maintain the condition of three faculty members representing three distinct academic departments, but in no case shall there be more than one member from the department of the instructor whose grade is under appeal.
 - c. Two student members shall be selected by the Student Government Association. (Two graduate students will be selected by the Student Government Association for appeals brought by graduate students.)
2. The term of office, except for the temporary member, shall be one year. Members shall take office at the beginning of the fall semester. The Chairperson of the Grade Review Subcommittee shall expedite the formulation of the committee, which shall be complete no later than the third week of the fall semester.
3. The Office of the Provost/Vice Chancellor of Academic Affairs shall designate a Coordinator to review grade appeals and assure continuity and consistency in the screening of grade appeals. The Coordinator will work with the Chairperson of the Grade Review subcommittee throughout the appeal process.

GROUND FOR APPEAL

Grounds for a grade appeal shall ordinarily be as follows:

1. The alleged failure of the instructor to provide to the students, not later than the end of the second week of classes, a written statement of how grades will be determined.
2. The alleged failure of the instructor to assign grades according to the manner described.

PROCEDURES

1. Before a student may initiate an appeal of a grade, the student is required to consult with the instructor concerned. However, if the Coordinator for Grade Review determines that such consultation would place undue burden or stress on the student or the instructor or both, the Coordinator shall have the authority to waive this consultation requirement. If the Coordinator waives this consultation requirement, the Coordinator shall inform both the student and the instructor of this action.

After the student and the instructor have consulted, or after a waiver of the consultation requirement has been authorized, if the student wishes to initiate an appeal, he/she must present, in writing, a request to the Coordinator for Grade Review in the Office of Student Academic Advising no later than the end of the fourth week of classes of the subsequent regular academic year semester.

2. The Coordinator for Grade Review shall, upon receipt of a written request for grade review, take the following steps:
 - a. Meet with the student and discuss the grounds for appeal, the appeal process, and the options available to the Grade Review Subcommittee if the appeal is sustained.
 - b. Provide a copy of the student's allegations or grievances to the instructor concerned and solicit a written statement of explanation from the instructor.
 - c. The instructor shall have twenty working days to respond. Once the Coordinator has received the written response from the professor he/she has up to five working days to send a copy of this response to the student.
 - d. After receiving the response, or at the end of the twenty working days, if no response is received, the Coordinator shall evaluate the allegations and make a determination as to the validity of the appeal.
 - e. If the Coordinator, on the basis of preliminary evaluation and investigation, concludes that any kind of grade change may possibly be warranted, or if the instructor has failed to respond in writing, s/he shall forward all relevant data to the Subcommittee for Grade Review, with a directive that the allegations be investigated and a determination as to its validity made.
 - f. If the student wishes to appeal the decision of the Coordinator, a second appeal may be made to the Chairperson of the Grade Review Subcommittee. The Coordinator shall notify the professor of this action. If further investigation is warranted, the Chairperson will act accordingly. A rejection of an appeal by the Chairperson is final and may not be further appealed within the Faculty governance system. If the Chairperson has a personal conflict with a case the Chairperson of the Academic Affairs Committee will appoint an acting Chairperson.
3. Under ordinary circumstances (i.e., with all parties on campus), the Grade Review Subcommittee shall adhere to a deadline of the end of the semester in which the appeal was initiated to complete its deliberations and decide on the appeal.

4. If the Subcommittee for Grade Review determines that a valid evaluation of grievance requires special academic expertise, or at the request of the instructor concerned, the Subcommittee shall solicit an independent evaluation in writing from a body of three impartial experts appointed by the Chairperson of the instructor's department, in consultation with the instructor and the Subcommittee Chairperson. The Subcommittee for Grade Review shall accept the evaluation and recommendations of the impartial body of experts on matters of academic content when such evaluation and recommendation are solicited.

After its investigation, the Subcommittee for Grade Review shall inform both the student and the instructor of its decision in writing. In the event that the Subcommittee finds that a change of grade is warranted, it shall in addition recommend to the instructor the appropriate grade change. If the instructor refuses to make the recommended grade change within ten school days of the Subcommittee notification, the Subcommittee shall take one or more of the following steps to protect the student's interest:

- a. attach to the student's transcript a statement of the recommended change of grade and the reasons for not changing the grade;
 - b. exempt the challenged grade from any calculation in the student's grade point average, unless the student wishes the grade to be included;
 - c. authorize the student's graduation minus the credit hours represented by the challenged grade in the event that the original grade was an F.
5. Decisions made by the Grade Review Subcommittee may not be appealed further in the faculty governance system.

SECTION 6: GENERAL DEGREE REQUIREMENTS

PURPOSES, COURSE GUIDELINES, AND OBJECTIVES

VERBAL AND QUANTITATIVE SKILLS

FRESHMAN ENGLISH

Purpose:

The purpose of the Freshman English requirement is to foster the complementary skills of critical reading, logical thinking, effective research, and coherent writing. It is designed to develop the student's facility at all stages of the composing process and so to improve her/his ability to write effectively in a range of modes to meet the requirements of varied writing situations, both academic and non-academic.

Guidelines:

The Freshman English requirement provides students the opportunity to develop the following abilities:

1. **Critical Reading / Logical Thinking** / Effective Researching / Coherent Writing
 - 1.1 The ability to read complex works and demonstrate comprehension through writing summaries and paraphrases
 - 1.2 The ability to draw inferences from reading and to distinguish between fact and opinion
 - 1.3 The ability to analyze, evaluate, and critique various kinds of written materials for accuracy, reliability, and soundness of information and arguments
2. Critical Reading / Logical Thinking / **Effective Researching** / Coherent Writing
 - 2.1 The ability to design an effective search strategy that uses a variety of print and non-print materials not restricted to those available in the on-line catalog
 - 2.2 The ability to evaluate the quality and appropriateness of research materials for the writing task and purpose at hand
 - 2.3 The ability to integrate source material coherently through appropriate use of quotation, summary, and paraphrase
 - 2.4 The ability to document research using appropriate style format
3. Critical Reading / Logical Thinking / Effective Researching / **Coherent Writing (Rhetorical Awareness)**
 - 3.1 The ability to analyze the writing situation in order to determine the audience and the purposes for writing
 - 3.2 The ability to make subsequent writing decisions based in part on the context established by audience and purposes
 - 3.3 The ability to write in a variety of academic and non-academic styles and formats including literature research reviews, primary research studies, critical reviews, reports, short articles, and argumentative essays
4. Critical Reading / Logical Thinking / Effective Researching / **Coherent Writing (Writing Procedures)**

- 4.1 The ability to use various pre-writing and invention strategies to discover topics and ideas to be developed into drafts
- 4.2 The ability to create initial drafts with sufficient focus and information to begin revising
- 4.3 The ability to revise drafts focusing on major concerns such as audience, purpose, organization, information, and style
- 4.4 The ability to edit drafts for clarity, coherence, diction, and syntactical correctness
- 4.5 The ability to proofread final copy to eliminate surface errors

Objectives:

Upon successful completion of the Freshman English requirement, students will be able to demonstrate a capacity for sustained complex thinking and writing and the ability to document appropriately and accurately. They will be able to produce:

1. An articulate, readable text that includes
 - 1.1 A focused topic
 - 1.2 A clearly-defined purpose
 - 1.3 A pattern of organization with appropriate transitions
 - 1.4 A concern for audience
 - 1.5 Adequate and relevant support
2. Evidence of the ability to document appropriately and accurately

WRITING EMPHASIS

Purpose:

To provide students with instruction in the kinds of writing appropriate to a discipline and help them develop the skills necessary for successful writing in the discipline.

Guidelines:

1. Instructor must have completed WE training.
2. A WE course includes:
 - 2.1 Instruction in how to do discipline-specific kinds of writing;
 - 2.2 Samples of writing that are typical of the discipline (research reports, laboratory reports, case studies, book reviews, journals, letters, memos);
 - 2.3 Assignments that mirror the kinds of writing typical of the discipline or profession and ample opportunities for students to develop and practice writing skills;
 - 2.4 Detailed instructions and standards for students to follow in writing assignments for the course and clear indications of the grading policy in reference to assessing writing;
 - 2.5 Instruction in how students can effectively edit their own and others' writing and opportunities to rewrite in response to critiques of their writing. Rewriting experiences may include but are not limited to revisions of graded assignments for new grades, collaborative editing of written assignments, revisions of writing in progress during in-class workshops, and new drafts of work following conferences.
3. The instructor has an explicit procedure to provide feedback and instructive criticism to students about their writing.
4. A WE course follows individual department WE standards as well as the above guidelines.

5. Oversight of all WE courses will be the responsibility of departments. If a department wishes to make substantive changes to a WE course that result in departures from the approved WE guidelines, the department must resubmit the course for approval.

Note: Additional information on WE policy and training can be obtained from the Academic Affairs Office or WE Coordinator.

Objectives:

1. Ability to recognize different writing situations with their different kinds of audiences and writing purposes.
2. Ability to identify what are the appropriate documents to use in different writing situations with their respective audiences and writing purposes.
3. Ability to organize ideas and use language in ways that are both clear and persuasive for different audiences and writing situations.
4. Attitudes and perceptions of students and faculty toward the WE experience: whether it is working, whether students are gaining value from it.

COMMUNICATION

Purpose:

To provide students with an enhanced understanding of human communication and the ability to deliver an effective presentation.

Guidelines:

1. Relies upon the standard rhetorical canons (invention, arrangement, style, delivery and memory) for the preparation and analysis of speeches.
2. Provides numerous opportunities to develop and practice speaking skills.
3. Utilize tools (such as Herrmann's Brain Dominance Model) to assess thought processes for audience adaptation.
4. Provides guidelines for assessing presentations and offering useful feedback to speakers.
5. Introduces a broadly based definition of communication (beyond the transfer of information) to understand the role of communication in the social construction of reality.

Objectives:

1. **The primary behavioral outcome is to enable students to improve their** public speaking skills so that they have the competencies necessary to make an effective presentation before an audience. A secondary behavioral outcome is to enable students to be more effective listeners and critics of public discourse.
2. The primary attitudinal outcomes are to reduce the anxiety often associated with public speaking, increase the confidence of students as they make public presentations, and develop a commitment to ethical advocacy. A secondary attitudinal outcome sought is to increase awareness of the important role public discourse plays in personal and professional contexts.
3. The primary cognitive outcomes are for students to know what constitutes effective presentation; to know how to support an idea through the use of evidence and reasoning; to differentiate between fact and inference; to know how to adapt messages to different

audiences and situations; to know how to effectively evaluate oral discourse; and to know how communication plays a central role in the social construction of reality.

MATHEMATICS

Purpose:

The Mathematics GDR courses provide students with knowledge about how the real world can be quantified and understood using mathematics.

Guidelines:

1. Courses satisfying the mathematics GDR requirement provide students with an understanding of the fundamentals of mathematics, including algebra, number sense and concepts of scale.
2. Courses satisfying the mathematics GDR requirement provide tools for the student to mathematically analyze a wide variety of phenomena and construct mathematical models of natural and social phenomena.
3. Courses satisfying the mathematics GDR requirement include strategies of problem solving applicable to problems both inside and outside the mathematics classroom.
4. Courses satisfying the mathematics GDR requirement enable students to make logical decisions and state conclusions based upon mathematical calculations or statistical inference.
5. Courses satisfying the mathematics GDR requirement provide students with the necessary tools to understand scientific topics as they are expressed in the media and everyday life.

Objectives:

1. Students will be able to use strategies of problem solving applicable to problems inside and outside the mathematics classroom.
2. Students will be able to use the necessary tools to understand mathematics contained in scientific topics as they are expressed in the media and everyday life.
3. Students will be able to use strategies of problem solving applicable to problems both inside and outside the mathematics classroom.
4. Students will be able to state a conclusion using mathematical justification.
5. Students will be able to use the necessary tools to understand mathematics contained in scientific topics as they are expressed in the media and everyday life.

CRITICAL THINKING/NATURAL SCIENCE

Purpose:

Courses meeting the Natural Science (NS) GDR expose students to scientific methods for evaluating evidence or information derived from the natural, physical world and the progression from hypothesis, experimentation to the development of theory. The goal of these courses is to provide to students a broad understanding of the pure sciences. Students will develop critical thinking skills, such as the ability to draw conclusions, infer relationships, solve problems, make predictions, and classify according to principles of taxonomy. NS courses will also provide an understanding of how science relates to individuals and/or society at large.

Guidelines:

1. Courses meeting the Natural Science component of GDR will be offered under the disciplinary domain of biology, chemistry, geography/geology and physics. NS courses expose students to a scientific method for evaluating information (e.g., experimental data, field observations, spatial patterns, or temporal trends) with reference to one of the following:
 - 1.1 Knowledge of the physical environment, including materials, features and processes that occur within the lithosphere, hydrosphere, biosphere and atmosphere.
 - 1.2 Knowledge of chemical composition and chemical transformations of matter, the structure-reactivity correlation and the role of chemicals in our everyday world.
 - 1.3 Knowledge of the universe that provides organized and reproducible answers to our questions about the physical world, from subatomic particles to the universe as a whole, and the process by which we obtain those answers.
 - 1.4 The knowledge of structure, function and adaptation of organisms, as well as the inter-relationships between biological entities and the physical environment; an understanding of life's unity, as well as diversity; a realization that humans are not the pivotal point nor culmination of life, rather a part of a great, interrelated network.
2. NS courses provide students with the opportunity to draw logical conclusions, infer relationships, solve problems, make predictions and learn the principles of taxonomy based on an evaluation of evidence or scientific information that pertains to the natural, physical world.
3. NS courses give students an appreciation for how natural science is relevant to their lives and/or society.

Objectives:

1. Students will be able to use a scientific method to evaluate evidence or information that is pertinent to the course.
2. Students will be able to draw logical conclusions, infer relationships, solve problems, or use concepts of classification/categorization based on an evaluation of evidence or scientific information that is pertinent to the course.
3. Students will be able to describe the relevance of some aspect of natural science to their lives and/or society.
4. Students will be able to demonstrate general knowledge of at least two specific discipline areas.

CRITICAL THINKING/CULTURAL AWARENESS**NON-WESTERN CULTURE****Purpose:**

Non-Western (NW) courses study peoples, countries, or regions that, despite exposure to ideas and institutions from the Western tradition, differ in fundamental ways from that tradition. Significant portions of a Non-Western class examine political, economic, intellectual, and

cultural concepts that offer alternative approaches to human organization, ethical and cultural values, political structures, and economic development.

Guidelines:

To receive a Non-Western designation, a course must satisfy three or more of the following criteria:

1. The dominant religious influence(s) in the area is (are) such religions as Buddhism, Eastern Orthodoxy, Hinduism, Islam, Shintoism, Taoism, or local religions;
2. The historical periodization differs significantly from the Western paradigm (that is, that the people or area of study experienced developments different from such movements as the Renaissance and the Reformation);
3. The country or people is or was the object of Western imperialism or experienced the political domination of a Non-Western state such as the Ottoman Empire;
4. The dominant political ideas differ from classical liberal democracy or traditional European monarchies;
5. The dominant economic system demonstrates alternative developments to classical capitalism;
6. The region differs from the United States and Western Europe in the degree of industrialization or has industrialized in a way variant to the dominant European paradigm;
7. The arts and culture draw primarily on local tradition and custom; and
8. The geographic region demonstrates patterns of cultural pluralism or coexistence among racial, linguistic, religious, or ethnic groups that are distinct from the experience of, for example, the United States, Canada, and Western Europe.

Objectives:

1. Students will be able to identify the components of a Non-Western culture.
2. Students will be able to understand and analyze the political, economic, intellectual, and cultural characteristics of the particular Non-Western culture studied.
3. Students will better understand that people in different societies often make choices within political, economic, cultural, and ethical frameworks that are fundamentally different from the frameworks in, for example, the United States and Western Europe
4. Students will be able to express their understanding and interpretation of Non-Western cultures clearly and in forms appropriate to the particular discipline that they studied.

MINORITY STUDIES

Purpose:

Minority Studies (MNS) courses are designed to consider (a) the specific culture and history of racial and ethnic groups, including but not limited to one or more of the following: African-Americans, Hispanic-Americans, Asian-Americans, and Native Americans, and (b) the relationships (either historical or contemporary) between the above designated racial and ethnic groups and the white majority culture in the United States.

Guidelines:

1. MNS courses focus on one or more racial and/or ethnic groups, including but not limited to African-Americans, Hispanic-Americans, Asian-Americans and Native Americans.

2. MNS courses substantially address the culture and history of racial and/or ethnic groups, including but not limited to the groups designated above.
3. MNS courses substantially address the relationships between racial and ethnic groups, including but not limited to the groups designated above, and the white majority culture.
4. Books and reading materials used in MNS courses substantially address the culture and history of racial and/or ethnic groups, including but not limited to the groups designated above and their relationships to the white majority culture.
5. Learning strategies focus on helping students examine the relationships between racial and/or ethnic groups, including but not limited to those designated above, and the white majority culture.
6. Learning strategies are directed towards encouraging students to examine their biases, discriminatory attitudes, stereotypes, and values in relation to racial and/or ethnic groups.
7. Materials related to racial and ethnic groups are integrated with all course material rather than isolated in a separate section of the course; at least one-third of an MNS course will specifically address minority issues.

Objectives:

1. To understand and become more respectful of the pluralistic/diverse/multicultural nature of American society.
2. To learn about the distinctive cultural heritages of minority groups.
3. To be prepared to interact with diverse peoples in the community and workplace.
4. To understand diversity issues in the community and workplace.
5. To understand the history and current circumstances of harassment, bigotry, prejudice and discrimination in all settings through exploring scholarly views on race, gender, class, ethnicity, and religion.
6. To become more aware of and to think critically and with an open mind about gender, race, class, ethnic, and religious issues.
7. To be aware of the impact gender, race, class, ethnicity, and religion have on the lives of majority and minority people.

HISTORY

Purpose:

History GDRs provide an appreciation of human behavior and heritage over time and an understanding of the nature, development and interaction of cultures, societies, and civilizations.

Guidelines:

1. A history GDR course provides cultural, social, geographical and temporal breadth (i.e. cover a relatively large cultural area, society or civilization over an extended period of time).
2. A history GDR course provides a unifying theme appropriate to the discipline (e.g. topical, national, regional).
3. A history GDR course provides a historical perspective, which helps students appreciate the dynamics of change and continuity over time.
4. A history GDR course provides an understanding of historical causality and consequence.
5. A history GDR course provides an awareness of historical concepts and events, interpretations, and analysis.

6. A history GDR course provides an awareness of the impact of the past on the present and the future.

Objectives:

1. Students will be able to demonstrate an understanding of the history of a relatively large cultural area, society or civilization over an extended period of time.
2. Students will be able to demonstrate an understanding of the unifying theme of the course (e.g. topical, national, regional).
3. Students will be able to demonstrate an understanding of historical perspective and the development of a culture, society, or civilization over time.
4. Students will be able to demonstrate an awareness of historical causality and consequence.
5. Students will be able to demonstrate an understanding of important social, cultural, economic, and political concepts and events.
6. Students will be able to demonstrate an awareness of the historical antecedents of current social, cultural and political trends

HUMANITIES

Purpose:

Courses in the Humanities (HU) introduce students to the enduring expressions of the human mind and culture, and provide them with the critical thinking, the interpretive skills, and the historical perspectives to understand and evaluate these expressions.

Guidelines:

1. Courses in the humanities equip students with the critical skills to render value judgments, both ethical and aesthetic.
2. Courses in the humanities encourage students to develop and maintain an intellectual perspective that continually shifts between the particulars of context and culture, and enduring truths and values.
3. Courses in the humanities cultivate the imagination of students. This imagination may be exercised in the appreciation of art in its many forms, in the fostering of empathy with other minds and emotional lives, and in the envisioning of a more humane and just humanity.
4. Courses in the humanities foster students' curiosity about the world, develop critical thinking about presuppositions which shape each student's own world and the world of others, and transform students into globally-oriented citizens sensitive to the culture of others.
5. Courses in the humanities enable students to express their knowledge and appreciation of various cultural contributions.

Objectives:

1. Students will be able to formulate ethical judgments about human conduct (in life and as represented in art), and render judgments about the merits of artistic expressions.
2. Students will be able to grasp particular intellectual, cultural, and aesthetic concepts, and also see these particulars in relation to larger, more universal, and more enduring concepts.

3. Students will be able to make an imaginative leap outside their own particular perspective, and, for example, empathize with a character in literature or the drama or another work of art, or with a historical figure, seeing the world as it existed in another time and another place.
4. Students will develop the critical ability not only to understand intellectual, cultural, and aesthetic concepts, but also to challenge them, and envision possibilities beyond the known and established.
5. Students will be able to express their understanding and interpretation of humanistic studies clearly and in forms appropriate to the particular discipline.

SOCIAL SCIENCE

Purpose:

Courses in the Social Sciences develop students' understanding of human behavior, the structures of society and the interrelationships among social institutions. They assist students in developing a framework for participating as thoughtful and informed members of society at all levels.

Guidelines:

1. Social Science General Degree courses meet the following criteria:
 - 1.1 A course must accomplish at least one of the Objectives for Social Science courses (listed below).
 - 1.2 A course must accomplish at least one of the following:
 - 1.21 Develop students' understanding of fundamental theories, concepts, and research methods of a particular social science discipline.
 - 1.22 Develop students' understanding of the place of individuals in social structures and the relationships among individuals, social groups, and institutions.
 - 1.23 Develop students' understanding of how individuals and groups create, influence, and are affected by social institutions, social structures, and culture.
 - 1.24 Provide opportunities for students to develop a framework for participating as informed citizens of the community, state, nation, and world.
 - 1.3 A course must have as its primary aim the understanding of general social science principles.
 - 1.4 A course must not be primarily concerned with technical areas or value advocacy (such as statistics, research design, evaluation research).
2. Social Science courses will be organized into two areas:
 - 2.1 Category 1 courses must be offered from the departments of Business/Economics (Economics only), Geography/Geology (Cultural Geography only), Philosophy/Anthropology (Anthropology only), Political Science, Psychology, and Sociology and Social Work. Courses must be broad in orientation and must not have as their primary focus narrowly defined or applied topics (e.g., clinical psychology, social work, consumer economics, or public administration).
 - 2.2 *Category 2 courses may be from disciplines listed in Category 1 or from other disciplines that have social science expertise or application. While Category 2*

courses must primarily focus on basic social science, and meet all of the criteria described in Section 1 above, they may have components dealing with the application of social science theories, concepts, and research methods.

3. Coursework in social science courses should be offered by faculty with appropriate training and research experience in the relevant areas.

Objectives:

1. Students will be able to understand the fundamental theories, concepts, and research methods as applicable in the fields of at least two of the social sciences.
2. Students will be able to understand the place of individuals in social structures and the relationships among individuals, social groups and institutions.
3. Students will be able to understand how individuals and groups create, influence, and are affected by social institutions, social structures, and culture.
4. Students will be able to develop a framework for participating as informed citizens of the nation and the world.

FOREIGN LANGUAGE

Purpose:

To introduce students to a second language, increasing their knowledge of how language functions and cultures differ, leading them toward a greater understanding of peoples across national borders.

Guidelines:

Courses approved to meet the one-year GDR foreign language requirement (B.A.)

1. Provide opportunities for students to engage in basic conversation, expressing feelings and exchanging opinions and information with speakers of the target language,
2. Enable students to read basic materials on familiar topics (e.g. weather, family, personal experiences past and present) and to comprehend central concepts in selected authentic materials;
3. Teach students to write short narratives and brief messages about personal experiences, showing signs of creativity with set language forms
4. Enable students to identify and describe features of the culture(s) studied, comparing them with their own
5. Provide students with a comparative perspective on the structure of language, including sound systems, word formation processes and syntax.

Objectives:

1. Students will be able to engage in simple conversation, provide and obtain basic information, express feelings and emotions, and exchange opinions with speakers of the target language.
2. Students will be able to read basic materials on familiar topics (e.g. weather, family, personal experiences past and present) and to comprehend central concepts in selected authentic materials.
3. Students will be able to write short narratives and brief messages about personal experiences, showing signs of creativity with set language forms.
4. Students will be able to identify and describe features of the culture(s) studied, comparing them with their own.

5. Students will be able to analyze various elements of the target language (e.g. time, tense, sound systems, word formation and syntax), comparing them with comparable elements in English.

ENVIRONMENTAL LITERACY

Purpose:

The main theme of all Environmental Literacy (EL) courses is to study the ways human societies interact with and affect the natural or biophysical environment. The preponderance of course content will address the four EL guidelines below:

Guidelines:

1. EL courses provide students with the ability to describe the relationship of human society to natural systems and how they have affected each other.
2. EL courses provide students with the ability to analyze a wide variety of historic and current environmental issues ranging from local to global importance.
3. EL courses explore the ecological, political, social, economic and ethical implications of selected environmental issues and assess alternative solutions to these issues.
4. EL courses provide students with the ability to identify, describe and evaluate their own individual impacts on the environment.

Objectives:

1. Students will be able to describe the relationship of human society to natural systems and how they affect each other.
2. Students will be able to analyze a wide variety of historic and current environmental issues ranging from local to global importance.
3. Students will be able to describe the ecological, political, social economic and ethical implications of selected environmental issues and assess alternative solutions to these issues.
4. Students will be able to identify, describe and evaluate their own individual impacts on the environment.

WELLNESS

Purpose:

Understand concepts of wellness and apply them to personal lifestyles. Students will be knowledgeable in a variety of health issues and gain experiences and life skills that promote health now and after graduation.

Guidelines:

1. Wellness courses will provide students with examples of concepts of wellness.
2. Wellness courses will encourage students to apply wellness concepts to personal lifestyles.
3. Wellness courses will provide opportunities for students to attain knowledge about a variety of health issues.
4. Wellness courses will provide experiences that develop healthy life skills.
5. Wellness courses will promote sound health practices.

Objectives:

1. Students will be able to provide examples of healthy activities.
2. Students will be able to identify skills and behaviors that enhance a healthy lifestyle.
3. Students will be able to describe a contemporary health issue and its impact on personal, community, and global health.
4. Students will be able to demonstrate or describe a specific healthy life skill.
5. Students will be able to explain how a chosen activity or behavior promotes a healthy lifestyle.

SECTION 7: UWSP CATALOG DEADLINES

Schedule for curricular changes to appear in the biennial catalog:

1. The deadline for having revisions/new material approved by the Curriculum Committee will be the end of the third catalog semester.
2. A notice about the new schedule will go to departments at the beginning of the second catalog semester.
3. "Catalog copy" for department verification will be sent to departments in August-September, prior to the third catalog semester.
4. The fourth catalog semester will be spent editing and entering revisions, correcting last minute problems, etc., while department chairs and discipline coordinators are still available.
5. The catalog will go to the printer by May 15 to be delivered in early June in time for summer orientation.

SECTION 8: REORGANIZING ACADEMIC UNITS

PROCEDURES FOR REORGANIZING ACADEMIC UNITS

(Departments, Divisions, Schools, Colleges, or Equivalent Units)

- A. Any academic unit as defined above, or a line administrator may initiate a proposal/plan for reorganization at UW-Stevens Point.
- B. A final proposal/plan for reorganization that changes reporting lines from academic units to dean and beyond must be submitted to the Executive Committee of the Faculty Senate for its consideration.
- C. The Executive Committee of the Faculty Senate shall submit proposals and plans for reorganization to the Faculty Senate with sufficient time for the Senate to deliberate and make a recommendation to the Chancellor prior to the proposed date of implementation.
- D. The written proposal/plan for reorganization is expected to address the following items:
 - 1. A description of the proposed/planned reorganization, including appropriate organizational charts.
 - 2. A list of job responsibilities for new or modified administrative positions.
 - 3. A rationale which explains and supports the recommended organizational changes.
 - 4. A statement of support or opposition from any and/or all university employees affected by the proposed/planned reorganization.

PROCEDURES TO BE FOLLOWED IN DEVELOPING THE PROPOSAL/PLAN

- A. All meetings should be conducted in accordance with the Wisconsin Open Meetings Law. In particular,
 - 1. all meetings should be publicly announced in advance, and
 - 2. minutes that include the action items approved in those meetings should be kept.
- B. All staff members whose units are directly affected by the proposed/planned reorganization should be consulted and their input sought throughout the planning process.

PROCEDURES TO BE FOLLOWED BY THE FACULTY SENATE AFTER RECEIVING THE PROPOSAL/PLAN FOR REORGANIZATION

- A. The proposal/plan will be distributed to the campus community and the Faculty Senate will invite written input regarding the plan from any individual or unit on campus.
- B. The above input will be collated and appended to the proposal/plan.
- C. The plan/ proposal will be placed on the agenda for a meeting of the Faculty Senate.

SECTION 9: LATENT COURSE FILE

At the beginning of each even-numbered academic year (the second year of the two-year catalog), the chair of the Curriculum Committee will send to every department chair a list of courses that have not been offered for at least the previous six academic years to inform them that these courses will then be moved into the Latent Course File. Departments should send a request for these courses to remain active to the chair of the Curriculum Committee.

CHAPTER 8

STAFF BENEFITS

For the most up-to-date information on employee benefits for academic staff, faculty, and university staff, including retirement, insurance, vacation, sick leave, and domestic partners, please see: <https://www.wisconsin.edu/ohrwd/benefits/>.

SECTION 1: RETIREMENT

EMERITUS STATUS

A faculty or academic staff member who has rendered meritorious service to the University of Wisconsin-Stevens Point and who has served for at least 15 years prior to retirement at this University, may be recommended by the appropriate department or functional equivalent for the title of Emeritus/a. Such status may also be granted in exceptional cases to those with less than 15 years of service.

RETIREMENT PRIVILEGES

All retired faculty and academic staff should be included in the privileges outlined below. No distinction is made between emeriti and non-emeriti professors with respect to these privileges. Retired faculty and academic staff are encouraged to participate in commencement, convocation, and other such activities.

1. Retired faculty and academic staff, upon request, may receive any publications normally distributed to the general faculty and staff.
2. Upon annual application, the University will provide parking space according to policy approved by the Chancellor and monitored by the Parking Office. For information on current policy, contact the Parking Office.
3. The first priority for office space is for teaching faculty. Office and research space for retired faculty and academic staff will be provided if available. Availability is to be determined by individual departments in consultation with the appropriate dean or administrative officer on an annual basis. Shared facilities between retirees can be expected. A telephone normally will not be provided.
4. With the consent of the department, appropriate dean or administrative office, and the Vice Chancellor, retired faculty or academic staff members may volunteer their services to the University.
5. All University facilities normally available to faculty members (e.g. University Library, University Center, and Health Enhancement Center) are also available to retired faculty and academic staff. The individual departments shall determine which facilities for which there is a charge will be made available for the retirees.

SECTION 2: LIABILITY AND PROPERTY COVERAGE

The University of Wisconsin-Stevens Point as part of the University of Wisconsin System is an agency of the State of Wisconsin and provided property and liability coverage through the State of Wisconsin's self-funded programs for most insurance related needs. The self-funded liability and property programs at the UW-Stevens Point campus level are administered by the [University of Wisconsin-Stevens Point Risk Management Office](#), 101 George Stien Building, 715-346-3901.

We are required to administer our Risk Management program in accordance with the guidelines provided to the University by [UW-System Administration Risk Management](#) and [Wisconsin Department of Administration](#).

GENERAL LIABILITY PROTECTION

The University of Wisconsin-Stevens Point is currently protected for liability arising out of the negligent actions of its employees, agents and officers through the Wisconsin State Self-Funded Liability Program (SSLP). This program is administered for the entire State by the [Department of Administration under Wisconsin State Statutes 893.82 and 895.46](#).

In order for coverage to exist, negligence must be proven on the part of a University agent, employee, or officer. Negligence can be determined through a four step analysis of the situation in which the injury occurred. The UWSP Risk Management Department will evaluate each liability claim based on these four requirements:

- A. A duty of some type is owed by the University to the third party in the particular situation where injury occurred. For example, the University has the duty to drive safely when using vehicles on public roads.
- B. The University employee, agent, or officer fails to fulfill the duty that is owed, for example, fails to drive safely.
- C. An injury or damage to a third party occurs.
- D. The injury or damage which occurred was a proximate result of the University's failure to meet its duty.

Based on these criteria, the UWSP Risk Management Department can more clearly determine when negligence has occurred and when claim payment should be considered. Payment will also be dependent upon the fact whether a University employee, agent, or officer was responsible for the negligence and that the individual was acting within the scope of his/her duties at the time of the incident.

Protection can be extended to provide liability coverage for agents of the University (persons not employed by the University such as students, volunteers and other agents) when there is a direct and substantial benefit to the University. Contact UWSP Risk Management for direction of extension of liability coverage to various parties.

The University does not provide liability protection for its employees, agents, or officers while they are acting outside of the scope of their employment duties. In most all cases UW-Stevens Point will not extend liability coverage to external third parties (such as vendors, contractors, external sites, etc.). If these coverages are necessary, contact UW-Stevens Point Risk Management for options to procure external insurance coverage.

If a covered employee or agent is name in a claim, coverage for that individual under Wisconsin State Statutes [895.46](#) includes assignment of legal counsel and payment of subsequent judgments when all requirements are satisfied. See [895.46](#) for details and contact UW Stevens Point Risk Management with questions.

Report all liability cases, claims or concerns immediately to UW-Stevens Point Risk Management at 715-346-3901. See [UWSP Risk Management](#) for further campus details. Details on [State Self-Funded Liability Program](#) may be found at [UW-System Administration Risk Management](#).

PROPERTY PROTECTION

The [Wisconsin State Self-Funded Property Program](#) provides coverage for loss of University-owned property, motor vehicle physical damage, business interruption (revenue loss that occurs as a result of property loss), extra expense (incurred after a property loss to maintain operations), and some bailments.

There is no coverage for employee personal property unless this property is utilized for mission of campus with proper written authorization in place prior to any loss. In addition, agreements for loaned and borrowed equipment/property from third parties can be developed when necessary to meet campus mission. Shipments of property valued at and over \$50,000 require reporting to WI DOA prior to shipment. Contact UW-Stevens Point Risk Management at 715-346-3901 for details and instructions.

All property claims shall be reported to UW-Stevens Point Risk Management at 715-346-3901. See [Property Loss Insurance Claim Process](#) for further details. Details on [State Self-Funded Property Program](#) may be found at [UW-System Administration Risk Management](#).

VEHICLE USE AND DRIVER AUTHORIZATION

As described in the [State Self-Funded Liability Program \(SSLP\)](#) section of the [UWSA Risk Management manual](#), University officers, employees, students and volunteer/agents are provided liability protection while acting within the scope of their employment or agency through the SSLP. This includes those **actions** which arise out of the use of an authorized vehicle while on university business. To control the liability exposure that vehicle use generates, University System administrators and/or institution risk managers must monitor the use of vehicles while on university business carefully. This exposure can most effectively be controlled through the use of a systematic driver approval and authorization program at each institution. It is critical that those making the determination on who is authorized to drive remember that driving a vehicle on university business is not a right but a privilege, and the exposure is extreme. All individuals driving a vehicle for university business (including personal and rental vehicles) while acting with scope of employment must successfully complete the driver authorization process through [UW-Stevens Point Transportation Department](#) prior to driving.

Use of Personally Owned Vehicles on University Business

University officers, employees, and agents may drive their personally owned vehicles on university business when authorized. In the event of a loss, however, their personal auto liability insurance will be primary to the State coverage. The State will only provide excess liability coverage to drivers when they are using their personally owned vehicles. Property coverage for damage to the personally owned vehicle is not provided. All drivers using their personally owned vehicle for university business shall complete the driver authorization process prior to the trip and shall carry personal auto liability insurance with limits of at least \$100,000/\$300,000/\$50,000.

If you plan on using a personal vehicle for university business, consult your insurance carrier for information on coverage and any limitations.

Vehicle Reporting Accidents

All accidents involving a vehicle utilized for university business must be reported no matter how minor. Follow Vehicle Accident/Incident Kit instructions available in each fleet vehicle and report to your Supervisor. See [Accident Reporting](#) for details on reporting including personal and rental. Contact UW-Stevens Point Risk Management at 715-346-3901 for details.

Details on Vehicle Program may be found at [UW-System Administration Risk Management Manual Site, Part 7](#).

Questions on any property, liability or vehicle risk management topic please contact Director of Risk Management at (715) 346-3901.

APPROVAL OF CHANGES TO CHAPTERS 5-8

- Changes to Chapter 5, Sections 1, 3, 4, 7, and 9, require the approval of Common Council and the Chancellor.
- Changes to Chapter 5, Sections 2 and 8, require the approval of Common Council, the Chancellor, and the Board of Regents.
- Chapter 5, Sections 5 and 6, are not subject to change by the University.
- Changes to Chapter 6 require the approval of Common Council and the Chancellor.
- Changes to Chapter 7 require the approval of Common Council and the Chancellor.
- The majority of Chapter 8 consists of federal, state, and System policies that are not subject to change by the University. Changes to the sub-sections labeled “Emeritus Status” and “Retirement Privileges” in Chapter 8, Section 1, and “Domestic Partnership Policy, and Procedure” in Chapter 8, Section 6, require approval of Common Council and the Chancellor.

CHAPTER 9

OTHER INSTITUTIONAL POLICIES AND DOCUMENTS

SECTION 1

COMMUNAL BILL OF RIGHTS AND RESPONSIBILITIES

PREAMBLE

The University of Wisconsin Stevens Point is an academic community of individuals committed to the pursuit of learning, the acquisition of knowledge, and the education of all who seek it. The members of the community include students, faculty, staff, administrators, and support personnel. The mission of the University is to stimulate intellectual growth through the discovery and dissemination of knowledge which commits its members to scholarship in all of its forms. The mission also directs all members to work for the application of knowledge beyond the physical boundaries of the campus for the betterment of all members of society.

All who open their minds in this community are considered students and all students engage the academic enterprise with basic expectations, needs, freedoms, and responsibilities. As the academic community seeks to achieve its mission it can be expected:

- to develop in its members a heightened intellectual, cultural, and humane sensitivity;
- to instill a passion for learning and a sense of value and purpose;
- to develop fundamental abilities which would allow one to thoughtfully engage the world, carefully consider the relationships between ideas, critically evaluate conclusions, and responsibly select among competing choices.

All who are members of this community share an obligation to provide an environment conducive to the best possible education for all who genuinely and sincerely seek it.

As members of the Stevens Point community, UW-SP has a commitment to work with the complete Stevens Point community to maintain an appropriate community environment. Each member of the campus community has an obligation to foster positive university-community relationships wherever possible.

The members of the UW-SP community are dedicated to personal and academic excellence. Becoming a member of the community obligates each member to a code of behavior, which includes:

- The practice of personal and academic integrity. A commitment to this ideal is inconsistent with cheating in classes, in games, or in sports. It should eliminate the practice of plagiarism or borrowing others work, lying, deceit, and excuse making. And it should foster caring and concern with personal relationships.
- The respect of all people. A commitment to this ideal is inconsistent with behaviors which compromise or demean the dignity of individuals or groups, including hazing, intimidating, taunting, baiting, ridiculing, insulting, harassing, and discrimination.

- The respect of the rights and property of others. A commitment to this ideal is inconsistent with all forms of theft, vandalism, arson, misappropriation, malicious damage, and desecration or destruction of property. Respect for another's personal rights is inconsistent with any behavior which violates persons' right to move about freely, to express themselves appropriately, and to enjoy privacy.
- The respect for equal rights and opportunity. This is essential in order to learn from the differences in people, ideas, and opinions. A commitment to this ideal pledges affirmative support for equal rights and opportunities for all members regardless of their age, sex, race, religion, disability, ethnic heritage, socioeconomic status, political, social or other affiliation, or disaffiliation, sexual orientation, and/or gender identity/expression.
- The respect for the individual's needs of conditions which support work and development. A commitment to this ideal encourages behavior which is sensitive, hospitable and just.

Allegiance to these ideals obligates each member to refrain from and discourage behaviors which threaten the freedom and respect all community members of UW-SP deserve. This last clause reminds community members that they are not only obliged to avoid these behaviors, but that they also have an affirmative obligation to confront and challenge, and respond to, or report the behaviors whenever or wherever they are encountered.

ACCESS TO INFORMATION

Access to information is absolutely critical to the functioning of the university. Therefore, the university is committed to establishing and maintaining a high quantity flow of high quality information while seeking to eliminate or restrict anything that interferes or reduces the effectiveness of information dissemination.

Some forms of information are important to the completion of the mission of the university. Important information concerns:

- The legal rights and safeguards established by law for the well-being of all individuals. All members of the university community have a right to the privacy and confidentiality ensured by these laws.
- The set of requirements and obligations which students must fulfill in order to graduate in a timely fashion. Students will receive clear, accurate and timely, comprehensive and readily accessible information about academic programs, services and requirements. The university is obligated to provide accurate and timely information about requirements and/or changes to requirements. Students are obligated to maintain accurate information on their progress, to seek out appropriate information, and to be responsible for making appropriate choices for degree progress.
- The university policies and procedures that guide the operation of the university and the behavior of all members of the university community. The primary information included here tells members of the academic community how to go about achieving legitimate ends connected with university community. A critical part of this information concerns the identification of what constitutes a violation of acceptable behavior and the procedures for adjudicating such offenses.
- The learning activities of the classroom including any extensions such as field trips, etc. Nothing should be allowed to interrupt the activities of the classroom unless officially sanctioned by the proper university authority.

- The data related to the effective selection of courses and degree programs. Students have access to the aggregate results of student evaluations on each instructor, per UW-SP policy.
- Opportunities and benefits that members of the academic community might wish to take part in as supplements to the accrual of academic credits toward graduation: intramural sports, professional organizations, etc.
- The social interactions of the university. Campus organizations should be afforded reasonable opportunity to disseminate information to members of the academic community. Use of class time, however, remains at the sole discretion of the instructor.

CAMPUS ENVIRONMENT

Members of this campus community can expect a safe and inviting campus environment.

Such a safe environment should include:

- The ability to access all parts of the campus without fear of interference, harassment, or physical harm.
- Timely information about the existence of known dangerous and/or toxic substances.
- Timely information about the existence of known hazards.
- The ability to become members of organizations without threat of hazing or other forms of humiliation.
- Access to accurate aggregate statistics on UW-SP campus crimes, including patterns and trends.

Such an inviting environment should include:

- An openness and receptivity to a wide range of ideas, regardless of source, which are engaged on the basis of merit.
- A protection and receptivity to differences consistent with the enforcement of federal, state and university protections against discriminatory treatment because of race, ethnicity, gender, religion, sexual orientation, gender identity/expression, age, disability, military status, socioeconomic status, family status, or political views.
- A physical plant and technological support that facilitate learning.
- Campus facilities that are accessible to documented disabled persons in compliance with applicable regulations.
- The right, as provided by applicable UW system policy and federal and state statutes, to lobby, demonstrate, circulate petitions, distribute leaflets, listen to speakers of their choice, use campus facilities for all lawful purposes and respect of others to do the same.
- The right to express (or not express) beliefs and opinions on all issues, and to challenge the beliefs and opinions of others.
- Publication and broadcast media that may cover, describe, and interpret all issues and events without prior interference, within limits of procedures and applicable federal and state statutes and consistent with principles of ethical and responsible journalism.

GENERAL ACADEMICS

- Students can expect regularly scheduled and reasonably followed instructor office hours, and are responsible for keeping and scheduling appointments. Instructors and students need to make reasonable attempts to inform each other of necessary changes.

- Students can expect, and should take advantage of opportunities for expanded learning experiences beyond the classroom.
- Students can expect reasonable opportunities to enroll in courses required for timely graduation. This includes accurate, timely, comprehensive, and readily accessible information about academic programs, services and requirements.

CURRICULUM.

- All members of the university community can expect a curriculum that provides opportunities to enhance the skills and knowledge outlined in the preamble of this document.
- Students can expect a curriculum that considers significant social and cultural issues and includes the contributions of diverse peoples. The development and content of such curricula remains faculty prerogative and responsibility. Faculty are encouraged to consider student needs and interests.

CLASSROOM.

- Students can expect to receive a syllabus in the first class meeting of each course. The syllabus should include a statement of course objectives and requirements, a description of the grading system, tentative examination schedule, as appropriate to the course, and a clear attendance policy. Faculty can expect students to keep up with class assignments and requirements.
- Students have the right to be evaluated in a fair and equitable manner according to course objectives as outlined in the syllabus and without reference to their personal or political views. Evaluations shall be based on demonstrated learning of course content and meeting other course requirements. Students have the responsibility to participate fully in the learning experience and to complete all course requirements.
- Members of the university community have the right to reasonable accommodation of their demonstrable religious beliefs with regard to the scheduling of all examinations and other academic requirements. Persons with disabilities have the right to reasonable accommodation with regard to the scheduling of all examinations and other academic requirements. Students should inform instructors of their accommodation needs in a timely manner.
- Students can expect timely and accurate information and feedback about their academic progress and achievements, as well as feedback prior to the deadline for dropping courses.
- Students have an obligation to respect the integrity of the academic process, and to comply with the rules governing academic dishonesty such as prohibitions against cheating on examinations, false representation of work submitted for evaluation, and plagiarism.
- Members of the university community have the right to expect a harassment free classroom environment.

ADVISING

Students are responsible for:

- Determining a course of study that satisfies the requirements defined for the appropriate degree in the UW-SP catalog.
- Scheduling and appearing promptly for appointments with the adviser when necessary (at least once each semester).

- Preparing for an advising session by having the necessary forms available and a list of questions and courses (and alternatives) needed.
- Being knowledgeable about policies, procedures, and requirements as published.
- Being prepared to discuss personal values and goals as they related to academic and career-related needs.
- Following through with appropriate action after the advising meeting.
- Accepting responsibility for the decisions being made.
- Taking primary responsibility for determining their own course selections.

Faculty who serve as advisers are responsible for:

- Providing timely and accurate advising on academic and career matters.
- Making advising readily available.
- Maintaining files on advisees necessary to monitor progress toward the advisee's educational goals.
- Conveying information on academic requirements, policies, and procedures.
- Assisting the student in identifying and pursuing educational goals and objectives and in securing information about career opportunities.
- Helping the student examine course offerings in the major; relate these to courses in his/her broader field of study; and understand the graduation requirements for the chosen curriculum.
- Tailoring the advising approach to individual students and making referrals appropriate to their needs and interests.
- Being responsive to discussions of students' personal values and goals as they relate to academic and career-related needs.
- Being sensitive to issues relating to the student's retention at UW-SP, and making appropriate referrals when necessary/possible.

IMPLEMENTATION

The Vice Chancellor for Academic Affairs and/or the vice Chancellor for Student Affairs has the responsibility to insure that the rights and responsibilities listed above are implemented and to identify clearly the person(s) to whom members of the University community can turn to for assistance if they believe that their needs regarding the above have not been met. The above enumeration shall not be construed as exhaustive of the rights and responsibilities of all.

SECTION 2

INSTITUTIONAL USE

FACILITIES USE POLICY

IMPLEMENTATION

The director of conference and reservations is responsible for scheduling non-curricular use of institutional facilities in accordance with the provisions of this policy.

This authority has been delegated to the director by the vice chancellor for student affairs, who is responsible for the implementation of the facilities use policy.

PURPOSE AND SCHEDULING

PURPOSE.

The University of Wisconsin-Stevens Point recognizes and establishes the primacy of academic programs and co-curricular activities in the use of institutional facilities. Further, as part of its outreach and community service endeavors, the university will also provide its facilities for the use of residents of the state to the extent that the facilities are available and institutional resources permit.

To meet this goal, requests for the use of facilities are granted when facilities are available and when the requested use

- will not conflict nor interfere with curricular and co-curricular programs of the university;
- will not conflict nor interfere with the general welfare of students or other members of the university community; and
- is compatible with the function of the facility to be used.

NOTE. The use of state facilities, including faculty and staff offices, for soliciting, receiving, or making political contributions by mail or in person is prohibited by law (11.36 Wis. Stats.).

SCHEDULING.

Facilities are normally scheduled on a first come, first served basis. Reservations for facilities may be made by calling, writing, or visiting the conference and reservations office in the university center. The telephone extension is 2427.

PRIORITIES FOR USE AND DEFINITIONS OF CLASSIFICATIONS

PRIORITIES.

Preferential Scheduling.

Academic programs and co-curricular activities receive primary consideration.

Annual Events.

Annual or on-going university events and activities are normally scheduled well in advance of the date of the activity and before other reservations are accepted.

PRIORITIES.

Scheduling and assignment of university facilities is handled and fees assessed (refer to the appropriate subsection below) in accordance with these priorities, based on the

- type of event;
- relationship to the university's mission and goals;
- sponsoring organization; and
- charges to event participants.

Priority One.

Curricular programs regularly scheduled on the academic calendar.

Priority Two.

Co-curricular programs regularly scheduled during the academic year or summer session.

Priority Three.

Class A.

Sponsors of non-curricular events and programs, and within this priority, in this order:

- student organizations and groups;
- faculty events;
- educational events sponsored by the university or a subunit;
- state, county, or city governmental agencies; and
- educational events sponsored by the university in conjunction with outside organizations.

Class B.

Events fulfilling university requirements but sponsored by outside nonprofit organizations.

Class C.

Commercial events.

DEFINITIONS FOR PRIORITY THREE CLASSIFICATIONS.

Class A

(university groups or individuals and governmental agencies). Included in this category are

- recognized UWSP student organizations;
- groups of students who have temporary recognition;
- university departments and units;
- university personnel meeting to pursue an area of interest related to the welfare or mission of the university; and
- state, county, or city governmental agencies, agency subunits, or committees meeting for business purposes.

Class B

(nonprofit organizations and organizations not affiliated with or sponsored by the university). Included in this category are

- nonprofit civic or community service groups;
- professionally recognized nonprofit organizations related to education;
- nonprofit groups wanting to use facilities for programs of public or social significance; and

- organizations whose programs are not directly related to the curricular or co-curricular programs of the university but which have a broad general relationship to the mission or goals of the university.

NOTES. (1) Nonprofit organizations sponsored by the university or university subunits receive priority three status.

(2) A priority four organization which assesses a fee other than to cover basic program costs will be administered and assessed fees under group C.

Class C.

Commercial enterprises and private agencies.

FACILITY RENTAL FEES

ASSESSMENT BASIS.

Facility Use.

Groups and organizations are assessed fees based on the priority classifications for use.

- Priority one and two users are assessed no fees for facility use;
- Priority three:
 - ♦ Class A users are assessed no fees;
 - ♦ Class B users are assessed the full rental cost; and
 - ♦ Class C users are assessed double the full rental cost.

Set-up Fees.

Facility use charges are only for the physical facility but includes the standard set-up of the facility requested.

Additional fees are assessed for special set-up, additional cleaning, or overtime maintenance. These fees are based on labor costs.

Fee Schedule.

The Facility Usage Fee Schedule establishes a minimum fee charged for each facility. The fee schedule, constructed on an hourly rate formula, is included at the end of this policy statement.

Waivers.

The vice chancellor for student affairs may grant waivers from the published fee schedule for youth conferences, workshops, and institutes held in facilities supported by general purpose revenue funds.

The director of university centers may grant waivers of the published facilities use fees for events for youth groups held exclusively in the centers.

PARKING FOR EVENTS

Conference and reservations personnel will assist planners of events in securing parking. Visitors attending conferences, workshops, institutes, or similar activities or events scheduled through the conference and reservations office are assessed parking fees through either

- assignment to a coin-operated lot; or

- issuance of a temporary parking permit.

When a university department, unit, or office hosts an individual or small group, no parking fee is assessed but the host organization must contact parking services to make appropriate arrangements.

AUTHORITY

Authority for and limitations on granting the use of university facilities to the public is in 16.845 Wis. Stats., chapter UWS 21 of the Administrative Code, and Regent policies.

Behavior on university lands is governed by Chapter UWS 18 of the Code (a copy is in chapter 4, section 7, of this *Handbook*).

STATUTORY AUTHORITY.

Section 16.845 of the statutes provides for the use of state owned facilities:

Except as elsewhere expressly prohibited, the managing authority of any facility owned by the State may permit its use for free discussion of public questions, or for civic, social, recreational or athletic activities. No such use shall be permitted if it would unduly burden the managing authority or interfere with the prime use of such facility. The applicant for use shall be liable to the state for any injury done to its property, for any expense arising out of any such use and for such sum as the managing authority may charge for such use. All such sums are to be into the general fund and to be credited to the appropriation for the operation of the facility used. The managing authority may permit such use notwithstanding the fact that a reasonable admission fee may be charged to the public. Whoever does or attempts to do an act for which a permit is required under this section without first obtaining the permit may be fined not more than \$100 or imprisoned not more than 30 days, or both. This section applies only to those building, facilities and grounds for which a procedure for obtaining a permit has been established.

Definitions.

Two definitions from this statute are pertinent to UWSP:

- *facility* includes buildings and any surrounding or connecting grounds; and
- *managing authority* means, among other definitions, the officer responsible for the management of a particular facility.

CHAPTER UWS 21.

A copy of chapter UWS 21, Rules of the Board of Regents of the University of Wisconsin System, Wisconsin Administrative Code, is in chapter 4, section 16, of this *Handbook*.

Primary Use.

Board policy establishes primacy of use of university facilities for fulfilling the university's mission of teaching, research, and public service.

Groups Not Part of the University.

If a university department or unit believes that the meetings or activities of a group not associated with the university will contribute to and serve the university's purposes, the department/unit may sponsor the group's use of university facilities.

FACILITIES USE FEES

NOTE. Because the Facilities Use Fees document has distinct formatting, the only change made to bring the original text into conformity with other sections of the *Handbook* was to use the font used everywhere else in the *Handbook*.

UNIVERSITY CENTERS MEETING ROOMS

Class B rate (nonprofit groups)

Class C (outside groups)

- Room charge is a minimum of \$10.00 or the actual cost, whichever is greater.
- When a center is normally closed and part of the facility is rented, there is an opening fee charge of \$200.00 or the actual use fee, whichever is greater.
 - ♦ *Student organizations* are not charged an opening fee if the programs for which the facility is used is for the benefit of students.
 - ♦ The *Alumni Office* is not charged an opening fee for events which it sponsors.
- Class B and C users are charged room set-up fees when no meal is served if they use a room other than as is:
 - ♦ \$25.00 for any small room;
 - ♦ \$75.00 for Laird, Alumni, and Wright (\$50 to Maintenance and \$25 to Program Services if the sound system is used; full amount to Maintenance if no sound system used)

UNIVERSITY CENTER

<i>Room</i>	<i>Number</i>	<i>Sq Ft</i>	<i>Capacity</i>	<i>Class B</i>	<i>Class C</i>
				<i>Hourly Rate</i>	
104	104	384		.65	1.30
108	108	392		.70	1.40
125/125A	125/125A	1450	120	2.50	5.00

DEBOT CENTER

<i>Room</i>	<i>Number</i>	<i>Sq Ft</i>	<i>Capacity</i>	<i>Class B</i>	<i>Class C</i>
				<i>Hourly Rate</i>	
125/125A	125/125A	1450	120	2.50	5.00
North Dining Room	125	4422	250	5.35	10.70
South Dining Room	116	4422	250	5.35	10.70
Room 028	028	1949	75	2.33	4.66

Room 073	073	2454	86	2.95	5.90
East Dining Room	107	4422	250	5.35	10.70
Room 008	008	633		.75	1.50

ALLEN CENTER

<i>Room</i>	<i>Number</i>	<i>Sq Ft</i>	<i>Capacity</i>	<i>Class B Hourly Rate</i>	<i>Class C</i>
Allen Upper	101A	8315	420	34.95	69.90
Brass Hat	005	490	32	2.10	4.20
Depot	001	489	32	2.05	4.10
Freightyard Lounge	003	2422	65	10.20	20.40

GPR AREAS

Class B rate (nonprofit groups)

Class C (outside groups)

- Facility charge is a minimum of \$10.00 or the actual cost, whichever is greater.

<i>Facility</i>	<i>Replacement Cost</i>	<i>Physical Plant Costs</i>	<i>Class B Total Hourly Rate</i>	<i>Class C</i>
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ACADEMIC FACILITIES

Classrooms					
10 - 40 capacity	.41	.72	1.13	2.26	
40 - 80	.82	1.44	2.25	4.50	
80 - 200	2.04	3.60	5.64	11.28	
200+	2.55	4.50	7.05	14.10	

<i>Facility</i>	<i>Replacement Cost</i>	<i>Physical Plant Costs</i>	<i>Class B Total Hourly Rate</i>	<i>Class C</i>
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Wet Labs					
CNR 220			2.53	5.06	
CNR 410			.92	1.84	

Dry Labs					
Sci A212			2.43	4.86	
Sci B104			1.92	3.84	
Sci 102			2.46	4.92	

Fine Arts Labs					
FAC A101			4.82	9.64	
FAC A102			3.96	7.92	
FAC A103			4.22	8.44	
FAC A106			2.91	5.82	
FAC A107			2.08	4.16	

FAC A107C			2.09	4.18
FAC A112			4.44	8.88
FAC A113			5.32	10.64
Computer Lab			2.30	4.30
Telecommunications Studio			6.09	12.18
Dance Studios				
PE 154/156	1.32	3.63	4.95	9.90
PE 154/156 and lockers	1.65	4.53	6.18	12.36
PE 110	1.57	4.30	5.86	11.72
PE 110 and lockers	1.89	5.20	7.09	14.18
LRC 005	.57	1.55	2.12	4.24
College of Fine Arts Building				
Jenkins Theatre	6.71	8.27	14.98	29.96
Michelsen Hall	4.39	5.41	9.81	19.62
Courtyard	3.23	3.98	7.21	14.42
Carlsten Gallery	2.20	2.70	4.90	9.80
Dressing Rooms	1.18	1.46	2.64	5.28
Memorial Forum	1.00	1.00	2.00	4.00
Learning Resources Center				
Lobby (Room 101)	3.03	6.07	9.10	18.20
Founders Room, Old Main	.75	1.75	2.49	5.98

ATHLETIC FACILITIES

Berg Gymnasium	5.30	14.54	19.83	39.66
Berg Gymnasium and lockers	5.62	15.44	21.06	42.12
<i>Facility</i>	<i>Replacement</i>	<i>Physical Plant</i>	<i>Class B</i>	<i>Class C</i>
	<i>Cost</i>	<i>Costs</i>	<i>Total Hourly Rate</i>	
Quandt Gymnasium	7.81	21.43	29.23	58.46
Quandt Gymnasium and lockers	8.37	22.97	31.34	62.68
Quandt Balcony	2.00	5.49	7.49	14.98
Wrestling Room	1.23	3.38	4.61	9.22
Wrestling Room and lockers	1.56	4.28	5.84	11.68
Swimming Pool	9.50	17.13	26.63	53.26
Swimming Pool and lockers	11.07	19.96	31.04	62.08
Adaptive Pool	.92	1.66	2.59	5.18
Adaptive Pool and lockers	2.49	4.50	6.99	13.98
Fitness Center	1.91	5.25	7.16	14.32

Fitness Center and lockers	5.20	14.27	19.47	38.94
Indoor Track	21.78	59.77	81.55	163.10
Indoor Track and lockers	22.81	62.61	85.42	170.84
Handball Courts				
#36	.33	.90	1.23	2.46
#36 and lockers	3.61	.92	4.53	9.06
104/108	.33	.91	1.25	2.50
104/108 and lockers	.66	1.81	2.47	4.94
Track	17.50	.10	17.60	35.20
Baseball Field	6.25		6.25	12.50
Soccer Field			.16	.32
Tennis Court	.65		.65	1.30
Lighted Tennis Court	.90	.80	1.70	3.40
Outdoor Volleyball Court			.03	.06
Intramural Field			.16	.32

FUND-RAISING

DEVELOPMENT OFFICE AUTHORIZATION

AUTHORIZATION REQUIRED.

Any proposed fund-raising projects to solicit over \$500 in funds or contributions of durable goods during a calendar year on behalf of the University or any of its components must have authorization from the Development Office before solicitation or negotiations to accept funds or contributions begins.

Applicability.

This policy applies to any solicitation of funds or goods initiated by individuals employed by or affiliated with UWSP, campus and off-campus support groups, departments, units, alumni associations, student organizations, friends, booster clubs, or similar individuals or groups.

Rationale.

The decline in general purpose revenue and the increase in institutional needs for external funding requires an efficient, broad-based network of funding prospects. To be productive, seeking funding from external sources also requires the elimination of unnecessary duplication of solicitation efforts of the same donor.

PROJECT APPROVAL AND PRIORITY

DEPARTMENT/UNIT APPROVAL.

When a fund-raising project is initiated, the project must have the approval of the department or unit and the appropriate dean or vice chancellor. The provost and chancellor must approve projects for departments or units reporting directly to them.

Priorities.

Any unit requesting special funding for projects must establish priorities for such projects. The Development Office will not authorize solicitation without

- department/unit approval;
- administrative approval; and
- establishment of priorities for solicitation.

COSTS AND STAFF SUPPORT

DEVELOPMENT CAMPAIGN.

In general, when the Development Office conducts a fund-raising campaign for a project, the material cost of the campaign is charged to the specific area for which the campaign is conducted. This includes but is not limited to costs for

- mailing and postage;
- supplies;
- clerical service and support;
- telephone charges; and
- printing.

Funding.

Arrangements for funding major campaigns must be confirmed before the campaign actually begins. An estimate of expenses will be available from the Development Office.

Staff and Departmental/Unit Liaisons.

The Development Office employs personnel specifically to solicit private gifts for the University. Colleges, departments, and units contemplating any external solicitation are encouraged to appoint an individual to serve as a liaison with Development Office personnel.

OPEN RECORDS LAW, SECTIONS 19.21-19.39, WIS. STATS. (1993-94)

SUBCHAPTER II: PUBLIC RECORDS AND PROPERTY

NOTE: Although some formatting changes have been made, the following is a verbatim copy of the statute, except that historical and case citations have been omitted.

19.21 Custody and delivery of official property and records.

(1) Each and every officer of the state, or of any county, town, city, village, school district, or other municipality or district, is the legal custodian of and shall safely keep and preserve all property and things received from the officer's predecessor or other persons and required by law to be filed, deposited, or kept in the officer's office, or which are in the lawful possession or control of the officer or the officer's deputies, or to the possession or control of which the officer or the officer's deputies may be lawfully entitled, as such officers.

(2) Upon the expiration of each such officer's term of office, or whenever the office becomes vacant, the officer, or on the officer's death the officer's legal representative, shall on demand deliver to the officer's successor all such property and things then in the officer's custody, and the officer's successor shall receipt therefor to said officer, who shall file said receipt, as the case may be, in the office of the secretary of state, county clerk, town clerk, city clerk, village clerk, school district clerk, or clerk or other secretarial officer of the municipality or district, respectively; but if a vacancy occurs before such successor is qualified, such property and things shall be delivered to and be receipted for by such secretary or clerk, respectively, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(3) Any person who violates this section shall, in addition to any other liability or penalty, civil or criminal, forfeit not less than \$25 nor more than \$2,000; such forfeiture to be enforced by a civil action on behalf of, and the proceeds to be paid into the treasury of the state, municipality, or district, as the case may be.

(4)(a) Any city council, village board or town board may provide by ordinance for the destruction of obsolete public records. Prior to the destruction at least 60 days' notice in writing of such destruction shall be given the historical society which shall preserve any such records it determines to be of historical interest. The historical society may, upon application, waive such notice. No assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of revenue. This paragraph does not apply to school records of a 1st class city school district.

(b) The period of time any town, city or village public record is kept before destruction shall be as prescribed by ordinance unless a specific period of time is provided by statute. The period prescribed in the ordinance may not be less than 2 years with respect to water stubs, receipts of current billings and customer's ledgers of any municipal utility, and 7 years for other records unless a shorter period has been fixed by the public records board under s. 16.61 (3) (e) and except as provided under sub. (7). This paragraph does not apply to school records of a 1st class city school district.

(c) Any local governmental unit or agency may provide for the keeping and preservation of public records kept by that governmental unit through the use of microfilm or another reproductive device, optical imaging or electronic formatting. A local governmental unit or agency shall make such provision by ordinance or resolution. Any such action by a subunit of a local governmental unit or agency shall be in conformity with the action of the unit or agency of which it is a part. Any photographic reproduction of a record authorized to be reproduced under this paragraph is deemed an original record for all purposes if it meets the applicable standards established in ss. 16.61 (7) and 16.612. This paragraph does not apply to public records kept by counties electing to be governed by ch. 228.

(cm) Paragraph (c) does not apply to court records kept by a clerk of circuit court and subject to SCR chapter 72.

(5)(a) Any county having a population of 500,000 or more may provide by ordinance for the destruction of obsolete public records, except for court records subject to SCR chapter 72.

(b) Any county having a population of less than 500,000 may provide by ordinance for the destruction of obsolete public records, subject to s. 59.52 (4) (b) and (c), except for court records governed by SCR chapter 72.

(c) The period of time any public record shall be kept before destruction shall be determined by ordinance except that in all counties the specific period of time expressed within s. 7.23 or 59.52 (4) (a) or any other law requiring a specific retention period shall apply. The period of time prescribed in the ordinance for the destruction of all records not governed by s. 7.23 or 59.52 (4) (a) or any other law prescribing a specific retention period may not be less than 7 years, unless a shorter period is fixed by the public records board under s. 16.61 (3) (e).

(d) 1. Except as provided in subd. 2., prior to any destruction of records under this subsection, except those specified within s. 59.52 (4) (a), at least 60 days' notice of such destruction shall be given in writing, to the historical society, which may preserve any records it determines to be of historical interest. Notice is not required for any records for which destruction has previously been approved by the historical society or in which the society has indicated that it has no interest for historical purposes. Records which have a confidential character while in the possession of the original custodian shall retain such confidential character after transfer to the historical society unless the director of the historical society, with the concurrence of the original custodian, determines that such records shall be made accessible to the public under such proper and reasonable rules as the historical society promulgates.

2. Subdivision 1. does not apply to patient health care records, as defined in s. 146.81 (4), that are in the custody or control of a local health department, as defined in s. 250.01 (4).

(e) The county board of any county may provide, by ordinance, a program for the keeping, preservation, retention and disposition of public records including the establishment of a committee on public records and may institute a records management service for the county and may appropriate funds to accomplish such purposes.

(f) District attorney records are state records and are subject to s. 978.07.

(6) A school district may provide for the destruction of obsolete school records. Prior to any such destruction, at least 60 days' notice in writing of such destruction shall be given to the historical society, which shall preserve any records it determines to be of historical interest. The historical society may, upon application, waive the notice. The period of time a school district record shall be kept before destruction shall be not less than 7 years, unless a shorter period is fixed by the public records board under s. 16.61 (3) (e) and except as provided under sub. (7). This section does not apply to pupil records under s. 118.125.

(7) Notwithstanding any minimum period of time for retention set under s. 16.61 (3) (e), any taped recording of a meeting, as defined in s. 19.82 (2), by any governmental body, as defined under s. 19.82 (1), of a city, village, town or school district may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.

(8) Any metropolitan sewerage commission created under ss. 66.88 to 66.918 may provide for the destruction of obsolete commission records. No record of the metropolitan sewerage

district may be destroyed except by action of the commission specifically authorizing the destruction of that record. Prior to any destruction of records under this subsection, the commission shall give at least 60 days' prior notice of the proposed destruction to the state historical society, which may preserve records it determines to be of historical interest. Upon the application of the commission, the state historical society may waive this notice. Except as provided under sub. (7), the commission may only destroy a record under this subsection after 7 years elapse from the date of the record's creation, unless a shorter period is fixed by the public records board under s. 16.61 (3) (e).

19.22 Proceedings to compel the delivery of official property.

(1) If any public officer refuses or neglects to deliver to his or her successor any official property or things as required in s. 19.21, or if the property or things shall come to the hands of any other person who refuses or neglects, on demand, to deliver them to the successor in the office, the successor may make complaint to any circuit judge for the county where the person refusing or neglecting resides. If the judge is satisfied by the oath of the complainant and other testimony as may be offered that the property or things are withheld, the judge shall grant an order directing the person so refusing to show cause, within some short and reasonable time, why the person should not be compelled to deliver the property or things.

(2) At the time appointed, or at any other time to which the matter may be adjourned, upon due proof of service of the order issued under sub. (1), if the person complained against makes affidavit before the judge that the person has delivered to the person's successor all of the official property and things in the person's custody or possession pertaining to the office, within the person's knowledge, the person complained against shall be discharged and all further proceedings in the matter before the judge shall cease.

(3) If the person complained against does not make such affidavit the matter shall proceed as follows:

(a) The judge shall inquire further into the matters set forth in the complaint, and if it appears that any such property or things are withheld by the person complained against the judge shall by warrant commit the person complained against to the county jail, there to remain until the delivery of such property and things to the complainant or until the person complained against be otherwise discharged according to law.

(b) If required by the complainant the judge shall also issue a warrant, directed to the sheriff or any constable of the county, commanding the sheriff or constable in the daytime to search such places as shall be designated in such warrant for such official property and things as were in the custody of the officer whose term of office expired or whose office became vacant, or of which the officer was the legal custodian, and seize and bring them before the judge issuing such warrant.

(c) When any such property or things are brought before the judge by virtue of such warrant, the judge shall inquire whether the same pertain to such office, and if it thereupon appears that the property or things pertain thereto the judge shall order the delivery of the property or things to the complainant.

19.23 Transfer of records or materials to historical society.

(1) Any public records, in any state office, that are not required for current use may, in the discretion of the public records board, be transferred into the custody of the historical society, as provided in s. 16.61.

(2) The proper officer of any county, city, village, town, school district or other local governmental unit, may under s. 44.09 (1) offer title and transfer custody to the historical society of any records deemed by the society to be of permanent historical importance.

(3) The proper officer of any court may, on order of the judge of that court, transfer to the historical society title to such court records as have been photographed or microphotographed or which have been on file for at least 75 years, and which are deemed by the society to be of permanent historical value.

(4) Any other articles or materials which are of historic value and are not required for current use may, in the discretion of the department or agency where such articles or materials are located, be transferred into the custody of the historical society as trustee for the state, and shall thereupon become part of the permanent collections of said society.

19.24 Refusal to deliver money, etc., to successor.

Any public officer whatever, in this state, who shall, at the expiration of the officer's term of office, refuse or willfully [*sic*] neglect to deliver, on demand, to the officer's successor in office, after such successor shall have been duly qualified and be entitled to said office according to law, all moneys, records, books, papers or other property belonging to the office and in the officer's hands or under the officer's control by virtue thereof, shall be imprisoned not more than 6 months or fined not more than \$100.

19.25 State officers may require searches, etc., without fees.

The secretary of state, treasurer and attorney general, respectively, are authorized to require searches in the respective offices of each other and in the offices of the clerk of the supreme court, of the court of appeals, of the circuit courts, of the registers of deeds for any papers, records or documents necessary to the discharge of the duties of their respective offices, and to require copies thereof and extracts therefrom without the payment of any fee or charge whatever.

19.31 Declaration of policy.

In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, ss. 19.32 to 19.37 shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.

19.32 Definitions.

As used in ss. 19.33 to 19.39:

(1) "Authority" means any of the following having custody of a record: a state or local office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation; a local exposition district under subch. II of ch. 229; any public purpose corporation, as defined in s. 181.79 (1); any court of law; the assembly or senate; a nonprofit corporation which receives more than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and which provides services related to public health or safety to the county or municipality; a nonprofit corporation operating the Olympic ice training center under s. 42.11 (3); or a formally constituted subunit of any of the foregoing.

(1c) "Incarcerated person" means a person who is incarcerated in a penal facility or who is placed on probation and given confinement under s. 973.09 (4) as a condition of placement, during the period of confinement for which the person has been sentenced.

(1e) "Penal facility" means a state prison under s. 302.01, county jail, county house of correction or other state, county or municipal correctional or detention facility.

(1m) "Person authorized by the individual" means the parent, guardian, as defined in s. 48.02 (8), or legal custodian, as defined in s. 48.02 (11), of a child, as defined in s. 48.02 (2), the guardian, as defined in s. 880.01 (3), of an individual adjudged incompetent, as defined in s. 880.01 (4), the personal representative or spouse of an individual who is deceased or any person authorized, in writing, by the individual to exercise the rights granted under this section.

(1r) "Personally identifiable information" has the meaning specified in s. 19.62 (5).

(2) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(3) "Requester" means any person who requests inspection or copies of a record, except an incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom he or she has not been denied physical placement under ch. 767, and the record is otherwise accessible to the person by law.

1994).

19.33 Legal custodians.

(1) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(2) The chairperson of a committee of elected officials, or the designee of the chairperson, is the legal custodian of the records of the committee.

(3) The co-chairpersons of a joint committee of elected officials, or the designee of the co-chairpersons, are the legal custodians of the records of the joint committee.

(4) Every authority not specified in subs. (1) to (3) shall designate in writing one or more positions occupied by an officer or employee of the authority or the unit of government of which it is a part as a legal custodian to fulfill its duties under this subchapter. In the absence of a designation the authority's highest ranking officer and the chief administrative officer, if any, are the legal custodians for the authority. The legal custodian shall be vested by the authority with full legal power to render decisions and carry out the duties of the authority under this subchapter. Each authority shall provide the name of the legal custodian and a description of the nature of his or her duties under this subchapter to all employees of the authority entrusted with records subject to the legal custodian's supervision.

(5) Notwithstanding sub. (4), if an authority specified in sub. (4) or the members of such an authority are appointed by another authority, the appointing authority may designate a legal custodian for records of the authority or members of the authority appointed by the appointing authority, except that if such an authority is attached for administrative purposes to another authority, the authority performing administrative duties shall designate the legal custodian for the authority for whom administrative duties are performed.

(6) The legal custodian of records maintained in a publicly owned or leased building or the authority appointing the legal custodian shall designate one or more deputies to act as legal custodian of such records in his or her absence or as otherwise required to respond to requests as provided in s. 19.35 (4). This subsection does not apply to members of the legislature or to members of any local governmental body.

(7) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

(8) No elected official of a legislative body has a duty to act as or designate a legal custodian under sub. (4) for the records of any committee of the body unless the official is the highest ranking officer or chief administrative officer of the committee or is designated the legal custodian of the committee's records by rule or by law.

19.34 Procedural information.

(1) Each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian under s. 19.33

from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the legislature or to members of any local governmental body.

(2)(a) Each authority which maintains regular office hours at the location where records in the custody of the authority are kept shall permit access to the records of the authority at all times during those office hours, unless otherwise specifically authorized by law.

(b) Each authority which does not maintain regular office hours at the location where records in the custody of the authority are kept shall:

1. Permit access to its records upon at least 48 hours' written or oral notice of intent to inspect or copy a record; or

2. Establish a period of at least 2 consecutive hours per week during which access to the records of the authority is permitted. In such case, the authority may require 24 hours' advance written or oral notice of intent to inspect or copy a record.

(c) An authority imposing a notice requirement under par. (b) shall include a statement of the requirement in its notice under sub. (1), if the authority is required to adopt a notice under that subsection.

(d) If a record of an authority is occasionally taken to a location other than the location where records of the authority are regularly kept, and the record may be inspected at the place at which records of the authority are regularly kept upon one business days' notice, the authority or legal custodian of the record need not provide access to the record at the occasional location.

19.35 Access to records; fees.

(1) Right to inspection. (a) Except as otherwise provided by law, any requester has a right to inspect any record. Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect. The exemptions to the requirement of a governmental body to meet in open session under s. 19.85 are indicative of public policy, but may be used as grounds for denying public access to a record only if the authority or legal custodian under s. 19.33 makes a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy the record is made.

(am) In addition to any right under par. (a), any requester who is an individual or person authorized by the individual, has a right to inspect any record containing personally identifiable information pertaining to the individual that is maintained by an authority and to make or receive a copy of any such information. The right to inspect or copy a record under this paragraph does not apply to any of the following:

1. Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding, or

any such record that is collected or maintained in connection with such an action or proceeding.

2. Any record containing personally identifiable information that, if disclosed, would do any of the following:

a. Endanger an individual's life or safety.

b. Identify a confidential informant.

c. Endanger the security of any state correctional institution, as defined in s. 301.01 (4), jail, as defined in s. 165.85 (2) (bg), secured correctional facility, as defined in s. 938.02 (15m), secured child caring institution, as defined in s. 938.02 (15g), mental health institute, as defined in s. 51.01 (12), center for the developmentally disabled, as defined in s. 51.01 (3), or the population or staff of any of these institutions, facilities or jails.

d. Compromise the rehabilitation of a person in the custody of the department of corrections or detained in a jail or facility identified in subd. 2. c.

3. Any record that is part of a records series, as defined in s. 19.62 (7), that is not indexed, arranged or automated in a way that the record can be retrieved by the authority maintaining the records series by use of an individual's name, address or other identifier.

(b) Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record which appears in written form. If a requester appears personally to request a copy of a record, the authority having custody of the record may, at its option, permit the requester to photocopy the record or provide the requester with a copy substantially as readable as the original.

(c) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is in the form of a comprehensible audio tape recording a copy of the tape recording substantially as audible as the original. The authority may instead provide a transcript of the recording to the requester if he or she requests.

(d) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is in the form of a video tape recording a copy of the tape recording substantially as good as the original.

(e) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is not in a readily comprehensible form a copy of the information contained in the record assembled and reduced to written form on paper.

(em) If an authority receives a request to inspect or copy a record that is in handwritten form or a record that is in the form of a voice recording which the authority is required to withhold or from which the authority is required to delete information under s. 19.36 (8) (b) because the handwriting or the recorded voice would identify an informant, the authority shall provide to the requester, upon his or her request, a transcript of the record or the information contained in the record if the record or information is otherwise subject to public inspection and copying under this subsection.

(f) Except as otherwise provided by law, any requester has a right to inspect any record not specified in pars. (b) to (e) the form of which does not permit copying. If a requester requests permission to photograph the record, the authority having custody of the record may permit the requester to photograph the record. If a requester requests that a photograph of the record be provided, the authority shall provide a good quality photograph of the record.

(g) Paragraphs (a) to (c), (e) and (f) do not apply to a record which has been or will be promptly published with copies offered for sale or distribution.

(h) A request under pars. (a) to (f) is deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under s. 19.37.

(i) Except as authorized under this paragraph, no request under pars. (a) and (b) to (f) may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. Except as authorized under this paragraph, no request under pars. (a) to (f) may be refused because the request is received by mail, unless prepayment of a fee is required under sub. (3) (f). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(j) Notwithstanding pars. (a) to (f), a requester shall comply with any regulations or restrictions upon access to or use of information which are specifically prescribed by law.

(k) Notwithstanding pars. (a), (am), (b) and (f), a legal custodian may impose reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(l) Except as necessary to comply with pars. (c) to (e) or s. 19.36 (6), this subsection does not require an authority to create a new record by extracting information from existing records and compiling the information in a new format.

(2) Facilities. The authority shall provide any person who is authorized to inspect or copy a record under sub. (1) (a), (am), (b) or (f) with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(3) Fees. (a) An authority may impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law.

(b) Except as otherwise provided by law or as authorized to be prescribed by law an authority may impose a fee upon the requester of a copy of a record that does not exceed the

actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(c) Except as otherwise provided by law or as authorized to be prescribed by law, an authority may impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

(d) An authority may impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

(e) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

(f) An authority may require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.

(4) Time for compliance and procedures. (a) Each authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor.

(b) If a request is made orally, the authority may deny the request orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request. Every written denial of a request by an authority shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37 (1) or upon application to the attorney general or a district attorney.

(c) If an authority receives a request under sub. (1) (a) or (am) from an individual or person authorized by the individual who identifies himself or herself and states that the purpose of the request is to inspect or copy a record containing personally identifiable information pertaining to the individual that is maintained by the authority, the authority shall deny or grant the request in accordance with the following procedure:

1. The authority shall first determine if the requester has a right to inspect or copy the record under sub. (1) (a).

2. If the authority determines that the requester has a right to inspect or copy the record under sub. (1) (a), the authority shall grant the request.

3. If the authority determines that the requester does not have a right to inspect or copy the record under sub. (1) (a), the authority shall then determine if the requester has a right to inspect or copy the record under sub. (1) (am) and grant or deny the request accordingly.

(5) Record destruction. No authority may destroy any record at any time after the receipt of a request for inspection or copying of the record under sub. (1) until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is

an incarcerated person, until at least 90 days after the date that the request is denied. If an authority receives written notice that an action relating to a record has been commenced under s. 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.

(6) Elected official responsibilities. No elected official is responsible for the record of any other elected official unless he or she has possession of the record of that other official.

19.36 Limitations upon access and withholding.

(1) Application of other laws. Any record which is specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law is exempt from disclosure under s. 19.35 (1), except that any portion of that record which contains public information is open to public inspection as provided in sub. (6).

(2) Law enforcement records. Except as otherwise provided by law, whenever federal law or regulations require or as a condition to receipt of aids by this state require that any record relating to investigative information obtained for law enforcement purposes be withheld from public access, then that information is exempt from disclosure under s. 19.35 (1).

(3) Contractors' records. Each authority shall make available for inspection and copying under s. 19.35 (1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority. This subsection does not apply to the inspection or copying of a record under s. 19.35 (1) (am).

(4) Computer programs and data. A computer program, as defined in s. 16.971 (4) (c), is not subject to examination or copying under s. 19.35 (1), but the material used as input for a computer program or the material produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in s. 19.35 or this section.

(5) Trade secrets. An authority may withhold access to any record or portion of a record containing information qualifying as a trade secret as defined in s. 134.90 (1) (c).

(6) Separation of information. If a record contains information that is subject to disclosure under s. 19.35 (1) (a) or (am) and information that is not subject to such disclosure, the authority having custody of the record shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.

(7) Identities of applicants for public positions. (a) In this section, "final candidate" means each applicant for a position who is seriously considered for appointment or whose name is certified for appointment and whose name is submitted for final consideration to an authority for appointment to any state position, except a position in the classified service, or to any local public office, as defined in s. 19.42 (7w). "Final candidate" includes, whenever there are at least 5 candidates for an office or position, each of the 5 candidates who are considered most qualified for the office or position by an authority, and whenever there are less than 5

candidates for an office or position, each such candidate. Whenever an appointment is to be made from a group of more than 5 candidates, "final candidate" also includes each candidate in the group.

(b) Every applicant for a position with any authority may indicate in writing to the authority that the applicant does not wish the authority to reveal his or her identity. Except with respect to an applicant whose name is certified for appointment to a position in the state classified service or a final candidate, if an applicant makes such an indication in writing, the authority shall not provide access to any record related to the application that may reveal the identity of the applicant.

(8) Identities of law enforcement informants. (a) In this subsection:

1. "Informant" means an individual who requests confidentiality from a law enforcement agency in conjunction with providing information to that agency or, pursuant to an express promise of confidentiality by a law enforcement agency or under circumstances in which a promise of confidentiality would reasonably be implied, provides information to a law enforcement agency or, is working with a law enforcement agency to obtain information, related in any case to any of the following:

a. Another person who the individual or the law enforcement agency suspects has violated, is violating or will violate a federal law, a law of any state or an ordinance of any local government.

b. Past, present or future activities that the individual or law enforcement agency believes may violate a federal law, a law of any state or an ordinance of any local government.

2. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b), and includes the department of corrections.

(b) If an authority that is a law enforcement agency receives a request to inspect or copy a record or portion of a record under s. 19.35 (1) (a) that contains specific information including but not limited to a name, address, telephone number, voice recording or handwriting sample which, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained or, if no portion of the record can be inspected or copied without identifying the informant, shall withhold the record unless the legal custodian of the record, designated under s. 19.33, makes a determination, at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access.

(9) Records of plans or specifications for state buildings. Records containing plans or specifications for any state-owned or state-leased building, structure or facility or any proposed state-owned or state-leased building, structure or facility are not subject to the right of inspection or copying under s. 19.35 (1) except as the department of administration otherwise provides by rule.

19.365 Rights of data subject to challenge; authority corrections.

(1) Except as provided under sub. (2), an individual or person authorized by the individual may challenge the accuracy of a record containing personally identifiable information pertaining to the individual that is maintained by an authority if the individual is authorized to inspect the record under s. 19.35 (1) (a) or (am) and the individual notifies the authority, in writing, of the challenge. After receiving the notice, the authority shall do one of the following:

(a) Concur with the challenge and correct the information.

(b) Deny the challenge, notify the individual or person authorized by the individual of the denial and allow the individual or person authorized by the individual to file a concise statement setting forth the reasons for the individual's disagreement with the disputed portion of the record. A state authority that denies a challenge shall also notify the individual or person authorized by the individual of the reasons for the denial.

(2) This section does not apply to any of the following records:

(a) Any record transferred to an archival depository under s. 16.61 (13).

(b) Any record pertaining to an individual if a specific state statute or federal law governs challenges to the accuracy of the record.

19.37 Enforcement and penalties.

(1) Mandamus. If an authority withholds a record or a part of a record or delays granting access to a record or part of a record after a written request for disclosure is made, the requester may pursue either, or both, of the alternatives under pars. (a) and (b).

(a) The requester may bring an action for mandamus asking a court to order release of the record. The court may permit the parties or their attorneys to have access to the requested record under restrictions or protective orders as the court deems appropriate.

(b) The requester may, in writing, request the district attorney of the county where the record is found, or request the attorney general, to bring an action for mandamus asking a court to order release of the record to the requester. The district attorney or attorney general may bring such an action.

(1m) Time for commencing action. No action for mandamus under sub. (1) to challenge the denial of a request for access to a record or part of a record may be commenced by any incarcerated person later than 90 days after the date that the request is denied by the authority having custody of the record or part of the record.

(1n) Notice of claim. Sections 893.80 and 893.82 do not apply to actions commenced under this section.

(2) Costs, fees and damages. (a) Except as provided in this paragraph, the court shall award reasonable attorney fees, damages of not less than \$100, and other actual costs to the requester if the requester prevails in whole or in substantial part in any action filed under sub. (1) relating to access to a record or part of a record under s. 19.35 (1) (a). If the requester is an incarcerated person, the requester is not entitled to any minimum amount of damages, but

the court may award damages. Costs and fees shall be paid by the authority affected or the unit of government of which it is a part, or by the unit of government by which the legal custodian under s. 19.33 is employed and may not become a personal liability of any public official.

(b) In any action filed under sub. (1) relating to access to a record or part of a record under s. 19.35 (1) (am), if the court finds that the authority acted in a willful or intentional manner, the court shall award the individual actual damages sustained by the individual as a consequence of the failure.

(3) Punitive damages. If a court finds that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously denied or delayed response to a request or charged excessive fees, the court may award punitive damages to the requester.

(4) Penalty. Any authority which or legal custodian under s. 19.33 who arbitrarily and capriciously denies or delays response to a request or charges excessive fees may be required to forfeit not more than \$1,000. Forfeitures under this section shall be enforced by action on behalf of the state by the attorney general or by the district attorney of any county where a violation occurs. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county.

19.39 Interpretation by attorney general.

Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances. The attorney general may respond to such a request.

WISLAW: 1993-94 WISCONSIN STATUTES UPDATED THROUGH 95 WIS. ACT 226.

PARKING REGULATIONS

July, 1996

NOTE. These regulations appear basically in the format under which they are maintained and distributed by General Services. Some minor changes in formatting and capitalization have been made to conform stylistically to the remainder of the *Handbook*.

I. AUTHORITY, LIABILITY AND JURISDICTION

SECTION A:

Authorization for these parking regulations, which have been approved by the chancellor of the university, is derived from Chapter 36 of the Wisconsin Statutes and Chapter 18 of the State Administrative Code. Provisions of Chapter 346 of the Wisconsin Statutes relating to vehicular travel upon the highway open to the use of the public are also applicable to the University of Wisconsin-Stevens Point. These regulations are in effect as of the first day of August of each year.

SECTION B:

The University of Wisconsin-Stevens Point assumes no responsibility for damage to any vehicle, or its contents, that is operated or parked on the campus.

SECTION C:

City streets that are within the boundaries of the university are under the jurisdiction of the **Stevens Point Police Department** and all city rules and regulations applying to the city streets will be enforced by the referenced agency.

Section D:

Vehicle may be towed at owner's expense under the following conditions.

1. A vehicle is parked in a location that creates a safety hazard.
2. A vehicle (operator) is a chronic offender who chooses to violate even after being warned.
3. An operator who displays abusive behavior to staff, faculty or students when being asked to correct an illegal parking situation and still fails to correct the problem.

II. PARKING RESTRICTIONS

SECTION A:

Parking on campus is by permit only, except in metered areas. Only those vehicles with a current and properly displayed decal or hangtag are authorized to use campus parking lots.

SECTION B:

Parking is **not** permitted in service drives at any time.

SECTION C:

In order to accommodate short-term emergency parking needs, vehicle flashers may be used for a period not to exceed 20 minutes in campus lots. This rule does **not** apply in metered lots. Parking for the purpose of loading/unloading is also permitted in loading zones for a period not to exceed 20 minutes provided that the vehicle's flashers or headlights are on.

The fact that a vehicle's battery is low or has inoperable flashers does not excuse this requirement. Vehicles that do not have flashers or headlights on will be ticketed. **This section applies only to university lots; not city streets.**

SECTION D:

Parking spaces designated for disabled parking are to be used only by persons who qualify as described by Wisconsin Statutes Section 343.51. Wisconsin statutes provide that a disabled

person must provide documentation of the disabling condition to secure a decal or state permit.

Posted parking spaces for individuals with disabilities are located in most parking lots and are in close proximity to entrances of university buildings. No parking fee is required for use of posted areas or at meters by vehicles with an authorized state permit or decal. Forms necessary for obtaining a state permit can be obtained at the Department of Transportation Division of Motor Vehicles.

A university permit for persons with disabilities is necessary to park in spaces other than those posted for disabled parking. A vehicle with a university disabled decal is authorized to park in any regular parking stall when posted areas are filled. Vehicles with only a state disabled permit are authorized to use only posted areas or meters without charge. If the posted areas are full, Parking Services should be called at 346-3900 to make arrangements for purchase of a temporary permit. In order to obtain a university disabled decal, the disability must be documented as specified in Wisconsin Statutes, Section 343.51.

Unauthorized use of areas posted for disabled parking, meters or university parking lots will result in a citation.

SECTION E:

Operators of university and other state vehicles are required to park in designated spaces and adhere to all parking regulations. Drivers of fleet vehicles will be held personally responsible for any citations issued.

III. PARKING PERMITS (STAFF AND STUDENTS)

University parking decals or hangtags must be obtained from Parking Services in order to park on campus. Decals or hangtags will be issued to registered students, staff and other personnel who require frequent access to the campus (e.g., service and maintenance personnel). For parking purposes, employees or contractors doing business with the university and located on campus (such as food service employees) will be considered employees of the university.

IV. VISITORS

SECTION A:

Visitors are welcome on campus but are asked to follow all parking rules. Paid visitor parking is available in metered lots in various locations on campus. Meters are enforced 6:00am to 7:00pm Monday through Friday. They are open from 7:00pm until 2:00am, and closed from 2:00am to 6:00am (NO OVERNIGHT PARKING AT METERS).

SECTION B:

Visitor permits are available from Parking Services for a daily fee. Visitors are considered all persons who do not qualify for a permit, decal or hangtag as previously described.

SECTION C:

Departments may call Parking Services at 346-3900 or 346-2188 to secure parking privileges for visitors who have not obtained a permit.

SECTION D:

Visitor temporary permits are valid only for the lot and date(s) specified. The temporary permit must be placed on the inside lower left corner of the passenger window behind the driver.

Visitor permits are not valid in metered lots.

SECTION E:

Parking for conferences or meetings may be arranged through either the office of Conference and Reservations or Parking Services. Meter Feeder cards may be purchased for conferences, guest speakers and visitors. Cards must be returned to Parking Services, within 5 days after the intended dates of use. Failure to do so will result in a \$10 surcharge per card. This surcharge covers the cost of the card. Parking Services will also issue a hanging permit for Lot X that is date specific and costs \$6.00 per day. These can be arranged in advance of the conference, but are **not refundable** if not used.

SECTION F:

Parking Services has provided 3 parking spaces for classroom speakers. They are located on the west end of Lot X near the Science Building. These spaces are marked as **Reserved for Guest Lecturers Only**. If you have a guest speaker, you must call the vehicle license plate number into the parking office. Vehicles and plates numbers not called in will be ticketed.

SECTION G:

Visitor parking is available at the Schmeeckle Reserve Visitor Center Parking Lot, free of charge from 6:00 am until 10:30 pm, seven days a week. The Schmeeckle Reserve Center Parking lot shall close at 10:30 pm until 6:00 am seven days a week and violators will be ticketed.

V. PARKING DECALS, HANGTAGS & TEMPORARY PERMITS

SECTION A:

Parking decals must be displayed on the outside lower right corner of the passenger window behind the driver. Hangtags must be displayed clearly from the rear view mirror facing the front of the vehicle. Decals & hangtags are valid from the first day of classes of the fall semester for a 12-month period. **ALL OLD DECALS MUST BE REMOVED.**

SECTION B:

Decals for **staff** lots (A, C, D, E, H, K, R, S, T, U, V and W) must be displayed on vehicles one (1) week prior to the first day of classes of the fall semester. Hangtags for **student** lots (J, P, T and W) must be displayed on vehicles by the first day of classes of the fall semester. **Student Lot Q** will be open for the first five (5) days of classes in both the fall and spring semester. After the fifth day of classes, all vehicles parked in Lot Q must display a valid hangtag. **Lots J,**

P & Q hangtag will be a hunting permit. Parking in those lots will be on the first come first served basis.

SECTION C:

All vehicles parked in university lots must be parked in such a manner that the **rear bumper area is displayed to the driving lane** unless special arrangements have been made with Parking Services prior to parking the vehicle.

SECTION D:

A window stick-on decal may be used only by the person to whom it is issued and only on the vehicle for which it is registered. Only those vehicles belonging to the individual or a member of the individual's immediate family may be registered for a university parking decal. Old university decals **MUST** be removed. Decals will be honored only if they are readable. Taping or clipping decals or temporary permits to a vehicle is not considered permanent or proper display. Decals/temporary permits displayed in this manner will not be honored. Hangtags can be used on any vehicle. Owner of the hangtag will be responsible for any citation issued to their hangtag. If your hangtag is lost or stolen a report must be filed with Parking Services and appropriate fee must be paid for a replacement.

VI. PARKING LOT DESIGNATIONS

SECTION A:

Student Lots: J, P, and Q

Student/Staff Lots: T and W

Staff Lots: A, C, D, E, H, K, R, S, U, and V

Metered Lots: F, FW, G, R, V, and X.

SECTION B:

There is no permit required for parking in campus metered lots. Meter parking is available near the University Center in Lot R, east and west of the Health Enhancement Center in Lot F, & FW, six meters in Lot R near the Learning Resources Building, Lot G, 10 meters behind Allen Center, 20 meters on the east side of Lot V and Lot X on the corner of Fremont and Stanley Street. If a meter is inoperable or defective, please notify Parking Services at 346-3900. Until such time as the meter is repaired, the space is considered "No Parking." Citations issued for parking at an expired or inoperable meter are non-appealable. **Citations may be issued every two hours at meters.**

SECTION C:

UWSP parking meters can now accept card technology. The Meter Feeder card is the size of your current student ID. It has an embedded microchip that stores electronic data and programs. You can advance money onto the card and use it just as you would use change.

Cards can be purchased in the Parking Services Office in the amounts of \$5, \$10, \$15, \$20, \$30, or \$40. Cards can be recharged at any time.

VII. LOT REGULATIONS

SECTION A:

No group, department or organization except Parking Services, is allowed to use university decals, meter or other revenue producing parking lots to generate income.

SECTION B:

The vice chancellor for business affairs can authorize parking for non-university personnel in any university lot. Requests must be submitted **in writing** at least seven (7) working days prior to the event.

SECTION C:

Departments, groups and organizations can reserve spaces in decal, meter or other revenue-producing lots. Parking Services will approve such requests based upon availability. Request must be submitted at least fourteen (14) working days prior to the event.

SECTION D:

Parking regulations for all parking lots, except H and U are enforced from 2:00 a.m. until 7:00 p.m. Monday through Friday. Lots H and U are restricted to decal holders for these specific lots, 24 hours a day, 7 days a week. **“No Parking” areas, sidewalks, fire zones, 20-minute zones, grass, disabled stalls and reserved stalls are restricted 24 hours a day, 7 days a week.**

1. After 3:00 p.m., staff with decals may park in non-metered areas in any lot except G, H and U.
2. After 3:00 p.m., students with hangtags may park in any student lot until 2:00 a.m.
3. All university lots and metered areas, except H, U, E, R, and A have open parking from 7:00 p.m. until 2:00 a.m. Monday through Friday. E, R, and A have open parking beginning at 5:00 p.m. rather than 7:00 p.m.
4. All lots and metered areas, except H and U, are open on the weekend from 7:00 p.m. Friday until 2:00 a.m. Monday.
5. When there is open parking in any lot, limited parking areas are enforced.

SECTION E:

Metered areas are closed from 2:00 a.m. until 6:00 a.m. No overnight parking is allowed in these areas. Vehicles parked in these areas after 2:00 a.m. and prior to 6:00 a.m. will be issued a citation for parking in a closed area.

SECTION F:

Staff lots (A, C, K, H, S, and U) are restricted to decal holders for that specific lot during the entire year. **All other staff lots (W, T, R, E and D) are open only to valid decal holders when school is not in session.** All staff lots are restricted to decal holders beginning seven (7) days prior to the first day of classes of the fall semester. Due to the confusion caused by interim classes, call Parking Services for verification that classes are not in session.

SECTION G:

Decals are valid only for the vehicle to which they are registered and only in the lot assigned. Temporary permits are valid only for the vehicle to which they are registered, only in the lot(s) assigned and only for the dates specified on the permit. Decal holders using a vehicle other than the one registered must obtain authorization from Parking Services prior to parking on campus. Hangtags can be used on any vehicle. Any citations written on the hangtag will be the responsibility of the hangtag owner.

VIII. LOT ASSIGNMENTS

SECTION A:

Application forms for parking decals and hangtags are available from the Parking Services office, or online at www.uwsp.edu/parking. The Parking Office in accordance with the current parking regulations will make assignment to a specific lot.

SECTION B:

Student Assignments

Student assignments will be made on a first come, first serve basis. Applications are available beginning May 8th for the following fall semester. Payment must be made at time of application, online or in the office.

SECTION C:

Staff Assignments

1. Except as noted in Section D and E, all assignments of parking spaces will be made on the basis of seniority of service **at this university**.
2. In order to be considered on the basis of seniority at this university, staff members must apply no later than August 1 of the current year. After August 1, space is assigned on the first-come, first served basis.

SECTION D:

Special Needs

1. Senior citizens attending university courses are exempt from normal parking lot fees. However, their vehicles must have the appropriated decal or hangtag that may be obtained from Parking Services for 50% of the normal parking fee. The office will make an effort to assign them parking spaces most convenient to the classroom area on a space available basis. Senior citizens for the purpose of Parking Services

- are those individuals who have attained their 62nd birthday and can provide documentation of that fact.
2. Applications used to obtain decals or hangtags for individuals with “Special Needs” may be obtained at Parking Services.
 3. Three parking spaces in Lot R will be assigned for use by Suzuki patrons. L permits (hang tags) will be sold to Suzuki participants allowing them parking in the three spaces in Lot R during the day, and unrestricted access after 3:00 p.m. to any regular parking stall, except for those in Lot G, H and U and metered stalls. The Suzuki program will be responsible for all cost associated with the three reserved spaces in Lot R. Permits will be sold directly from Parking Services.

SECTION E:

Special Assignments and Priorities

1. The chancellor shall have a designated space in Lot A and an all-lot decal.
2. Unless otherwise specified in this section or documented exceptional need warrants it, any person granted eligibility for a multiple lot decal designation by the appeal process shall use the lot assigned on the basis of seniority as their primary parking area.
3. Parking Services shall annually review the titles listed in numbers 4 through 6 and make necessary changes in titles and assignments.
4. The following positions shall be eligible for a first choice of lot as their primary parking area and shall also be assigned an all-lot decal: Provost, Vice Chancellor for Business Affairs, Vice Chancellor for Student Affairs, Associate Vice Chancellor for Teaching Learning and Academic Programs, Executive Director of UWSP Foundation, Director of Facility Planning and Space Management, Director of Safety and Loss Control, Director of Facility Services, Director of University Police and Security Services, Assistant Director of Facility Services, Associate Director of Facility Services, Environmental Health and Safety Officer, Facilities Planning Specialist, Director of News Services, and WSEU Safety Officer.
5. Provisions for a three-lot decal. The following shall be eligible for the first choice of lot as their primary parking area and shall also be assigned the two (2) additional lots designated: Director of Residential Living (T, R), Director of Conference and Reservation (T, V), Director of Center Maintenance (T, V), Director of University Center (T, V), Director of Affirmative Action (E, T), and Manager of Point Card Office (T, V).
6. Provision for a two-lot decal.
 - a. The following positions shall be eligible for a first choice of lot as their primary parking area and shall also be assigned the additional lot designated: Executive Assistant to the Chancellor (E).
 - b. The following positions shall be eligible for a first choice of lot as their primary parking area and shall also be assigned the additional lot as designated: Catering Manager (V), Assistant Director for Centers Activities and Programs (T), Director of Food Services (V), Managers of University Center Food Services (V), Managers of Debot Food Services (R).
 - c. The Director of Schmeekle Reserve shall be eligible for a decal for Lot J and for one other lot according to seniority.
 - d. The Head of the School of Education shall be eligible for a Lot E decal as a primary parking area and shall also be assigned limited Lot A parking privileges.

7. Deans and the Chair of Faculty Senate shall have first choice of lot as their primary parking area plus limited Lot A privileges. In addition, the Theatre Arts Costume Designer shall be granted parking privileges in Lot R as primary parking area. The Director of Military Science shall be granted parking privileges in Lot K as a primary parking area.
8. Residence Hall Directors shall be eligible for their first choice of lot.
9. The Lot N decal is designed for staff that work at night and is **valid only between the hours of 10:30 p.m. and 7:00 a.m.** If an individual with an N decal wishes to park on campus at any other time of day, a temporary parking permit is required. Parking Services must be notified **prior** to parking the vehicle on campus. The temporary parking fee of \$5.10 per day, may be paid at Parking Services, 124 George Stien Bldg. in person or may be placed in campus mail. **Do not send cash through campus mail.**
10. When space is available, daily and weekly permits are issued by Parking Services upon payment of the appropriate fee.
11. Special needs not explicitly covered by these regulations will be considered on the basis of written application to Parking Services. Unless otherwise specifically stated in writing by Parking Services, special assignments are valid only for the year in which they are issued.

SECTION F:

Applications may be filed with the Office of Parking Services for a second-lot permit. Such permits, available to staff and students may be purchased as available. The cost of the permit shall be \$6.35 or the difference between the cost of the original and the second lot whichever is greater.

SECTION G:

A hangtag shall be provided for all personnel retired from the university. The hangtag shall allow retired personnel to park in a non-metered university lot except C, D, G and U. The hangtag shall not be valid in limited parking areas, fire zones, disabled spaces, or at meters. Only one application will be necessary. Retirement designations will be verified with payroll and a hangtag will be issued. This will be an ongoing hangtag and will not have to be reissued year after year. The hangtag can be moved to any vehicle. Only one hangtag will be issued per person. If the owner of the hangtag purchases a new vehicle, this will eliminate the need to return to the parking office for a new hangtag.

If the hangtag is reported stolen, a police report will be filed, a new hangtag will be issued. The hangtag owner must take proper care to reduce the opportunity for theft. If the hanger wears out, breaks, etc. a new hangtag will be issued when the old hangtag is returned to Parking Services. **Any citations written on the hangtag will be the responsibility of the permit holder.**

Retired permits shall be issued annually with the following criteria to be met:

- Retiree is eligible to receive Wisconsin Retirement System annuity check for years of service
- Retiree is at least 55 years of age
- Retiree completed 10 years of service at UWSP

- Retiree retired/separated from UWSP in good standing
- Retiree is not currently employed by UWSP

As in the past, if a retired employee returns to the campus as an employee, the proper fees will be assessed.

SECTION H:

The Parking Appeals Committee will consider any appeal of lot assignment. Assignment appeal forms are available from Parking Services.

IX. PERMIT FEES

SECTION A:

All persons wishing to park **any type** of motor vehicle, (except mopeds), in any university lot must register for a parking decal or hangtag.

SECTION B:

Annual fees must be paid at the time of purchase unless a Payroll Deduction Authorization form is completed. Fees are dependent upon lot assignment and choice according to the following schedule (see map):

1. Faculty/Staff & Student Lots: \$150.00
2. Evening Faculty/Staff & Student (after 3:00 p.m. permit): \$61.70
3. N Decal valid after 10:30 PM: \$29.85
4. No decal/hangtag is required for metered areas. Metered areas are enforced from 6:00 AM to 7:00 PM Monday through Friday. Metered areas are open from 7:00 PM to 2:00 AM.
5. Motorcycle parking spaces are available in most lots for half the standard decal cost.
6. The fee for a car pool is the regular lot price.

All parking fees include Wisconsin State and Portage County sales tax.

SECTION C:

The second semester fee is 60% of the annual fee. Fees for summer sessions are 25% of the annual fee. Any person who purchases an annual decal/hangtag at the beginning of the academic year and leaves the university at the end of the first semester may obtain a refund of 40% of the annual fee by filling out a refund form and returning the decal/hangtag to Parking Services. In order to obtain a refund, the completed form and the decal/hangtag must be returned no later than the end of the second week of classes of the second semester.

SECTION D:

Additional Fee Information

1. The evening hangtag (after 3 p.m.) may be purchased by either students or faculty/staff. Only one hangtag will be issued per person. The hangtag can be moved from vehicle to vehicle and may park in any lot (except G, H, U and metered areas) after 3 p.m. If the permit is reported stolen or lost a report must be filed with Parking Services and an appropriate fee assessed for replacement. The hangtag owner must take proper care to reduce the opportunity for theft. Any citation written on the hangtag will be the responsibility of the hangtag owner. If a hangtag is damaged and needs to be replaced, the hangtag must be returned and a replacement fee will be assessed.
2. **No more than one vehicle may be parked on campus at any given time unless the additional vehicle has paid the temporary parking fee. Parking Services will direct the additional vehicle to an available lot. ADDITIONAL PERMIT WILL NOT BE AVAILABLE FOR HANGTAGS, ONLY ONE HANGTAG WILL BE ISSUED PER PERSON.**
3. Motorcycle decals are available for half the price of the regular lot fee plus applicable tax. If a second vehicle decal is desired when the primary vehicle is a motorcycle the fee will be the difference in the lot price plus \$3.85 including tax. **Motorcycles may be parked only in appropriately marked spots.**
4. A daily temporary parking permit may be purchased by staff, student or visitors from Parking Services for \$5.10 including tax. Weekly permits are available for \$20.25 including tax.
5. A single decal/hangtag will be issued for each car pool. "A car pool shall consist of at least two people. They will share transportation in a single vehicle to and/or from campus on a regular and consistent basis." The decal/hangtag must be transferred to the vehicle that will be on campus for that day. Only one (1) vehicle of a car pool is authorized on campus at a time. Additional vehicles must be registered with Parking Services and payment of the temporary fee must be made prior to parking on campus. Parking Services will direct drivers of the additional vehicle to an available lot. If a car pool decal/hangtag is lost or stolen, a report **must** be filed with Parking Services. The decal/hangtag will be declared invalid and a replacement issued upon payment of the appropriate fee.
6. A fee of \$20.00 including tax will be charged for all regular replacement decals. If a motor vehicle is sold, Parking Services will generally require that the original decal be removed from the vehicle and presented at the time of application for a replacement decal. In any case, the original decal shall be declared **INVALID** and its use on campus will result in a citation being issued.

SECTION E:

All parking privileges are terminated when students or staff terminate their association with the university. Any refund of parking fees is dependent upon return of the decal/hangtag to Parking Services. For staff on payroll deduction, future deductions will be cancelled upon return of the decal/hangtag to Parking Services. No refund will be issued on previously deducted payments, as they are pre-tax deductions.

X. VIOLATIONS AND FINES

SECTION A:

The following is a list of violations of these regulations and the amount of fine to be assessed when a citation is issued.

1. Failure to park with rear bumper exposed to the driving lane - \$2.00
2. Failure to display decal/permit or hangtag properly - \$5.00
3. Failure to obey university signs - \$2.00
4. Parking at an expired meter - \$10.00 **(NON-APPEALABLE)**
5. Parking in "limited" zone - \$7.50
6. Parking in a lot other than that assigned - \$20.00
7. Parking in a "No Parking" area, closed area or disabled meter - \$15.00
8. Parking on university facilities without a valid parking decal/permit or hangtag - \$20.00
9. Manufacturing, or altering an official decal, hangtag, temporary permit or guest permit to obtain services - \$200.00.
10. Selling or using an unofficial decal, temporary permit or guest permit to obtain service OR intentional sale, application or use of an official decal, or temporary permit on a vehicle other than for which it is intended - \$100.00 each for both seller and user.
11. Abuse of car pool or additional vehicle option - \$100.00
12. Parking in an area reserved for individuals with disabilities - \$50.00 **(NON-APPEALABLE)**
13. Parking in a fire zone area - \$25.00 **(NON-APPEALABLE)**

Violations, other than those received for parking at expired or disabled meters, parking in a disabled space or parking in a fire zone, may be appealed within twenty-one (21) days of the date of the citation. Appeal forms may be obtained at Parking Services. 124 George Stien Bldg., 1925 Maria Drive (near the power plant smoke stack). **All citations must be paid prior to filing an appeal.**

SECTION B:

If fines are not paid within twenty-one (21) days of the issue date, the penalty increases according to the following schedule:

\$ 2.00 increases to \$ 4.00
\$ 5.00 increases to \$ 10.00
\$ 6.00 increases to \$ 12.00
\$ 7.50 increases to \$ 12.50
\$10.00 increases to \$ 15.00
\$20.00 increases to \$ 30.00
\$25.00 increases to \$ 50.00
\$50.00 increases to \$100.00

Appropriate collection action will be taken to collect unpaid fines. Such action includes, but is not limited to, referral to the Department of Transportation and withholding of transcripts.

SECTION C:

Rates and fines are subject to annual review.

XI. APPEALS

SECTION A:

Any person may appeal a parking lot assignment or rejection of a special needs request by completing the appropriate appeal form at Parking Services.

SECTION B:

Unless otherwise stated in writing by the Parking Appeals Committee, an appeal granted by the committee shall be valid only for the parking year in which the appeal was requested.

SECTION C:

The Director of University Police and Security Services and Parking Services may, at his/her discretion, review all appeals before they are submitted to the 1st level parking appeals committee. This review may be done during discussions with parking office personnel. Fines may be reduced or appeals approved at this level. Appeals not resolved will be forwarded to the appeal committee.

XII. PARKING APPEALS COMMITTEE

SECTION A:

Membership of the Parking Appeals Committee shall be determined by the following guidelines.

1. A member of the faculty and a member of academic staff shall be appointed by the Executive Committee of Faculty Senate. One of the members shall be appointed to a term running from January 1 to December 31 and the other member shall be appointed to a term running from August 1 to July 31.
2. The committee shall have two (2) classified staff members. One of the members shall be non-represented and shall be appointed by the director of personnel. The other member shall be a represented employee and shall be appointed by the president of the Wisconsin State Employees Union Local 584. Both members shall serve from January 1 to December 31.
3. The president of the Student Government Association shall appoint two (2) student members. One member shall represent off-campus students while the other will represent resident students. The terms of their office shall be from August 1 to July 31.
4. One member shall be appointed by the vice chancellor for business affairs and shall serve a two (2) year term beginning August 1 of odd numbered years
5. No member of the Parking Appeals Committee may serve more than two (2) consecutive terms.

SECTION B:

The Parking Appeals Committee shall establish its own procedural rules within the following guidelines.

1. The committee shall elect its own chairperson from among its members. The chairperson will have voting privileges.

2. A quorum shall consist of a majority of the committee except during the period from the last day of the spring semester to the day preceding the first day of classes of the fall semester during which a quorum shall consist of those members present.
3. Appeals shall be reviewed and decisions made, based on the information provided by the appellant and information provided by Parking Services
4. Parking Services will provide secretarial and staff support to the Appeal Committee.
5. Decision of the Appeal Committee will be provided to the appellant in writing. Should the appeal be denied the appellant has the right to appeal the decision in writing to the Director of University Police and Security Services and Parking within 10 days of notification of the initial appeal.
6. All appeals will end with the Vice Chancellor of Business Affairs and his/her decision will be final.
7. The times and place of the Parking Appeals Committee meetings will be communicated and publicized during the first month of each semester.

XIII. REVOCATION OF PARKING PRIVILEGES

The revocation of university parking privileges may be for a period of up to ten (10) months. Revocation may be considered for the following offenses:

1. Falsification of information when applying for a vehicle decal or permit.
2. Manufacturing, altering or using an unofficial decal, hangtag, temporary permit or guest permit to obtain service from the university.
3. The intentional application or use of a decal or temporary permit on a vehicle other than that for which the decal or temporary permit is registered.
4. Falsification of information to any Parking Appeals Committee.

XIV. ABANDONED VEHICLES WILL BE TOWED AWAY AT THE OWNERS EXPENSE.

For more information, call 715-346-3900.

To register a vehicle with no decal in a university lot, call 715-346-2188. This number is operational 24 hours a day, seven days a week. After hours there is an informational message.

All parking decals (temporary, staff, etc.), must be placed on the inside lower left corner of the rear side window, drivers side of the vehicle.

FACILITIES PLANNING AND SPACE ALLOCATION COMMITTEE POLICIES

INTRODUCTION

Space is a total university resource and must be utilized to support all aspects of the university mission. The wise allocation of this resource is essential to the university's commitment to quality education.

SPACE ALLOCATION DECISIONS

MODIFIED DECENTRALIZED MODEL.

The university uses a modified decentralized space allocation model. This model captures the best aspects of both the centralized and the decentralized models.

DECISION AUTHORITY.

Authority for space allocation decisions, which shall be made according to these procedures and guidelines, is delegated according to the location of the space.

Academic Buildings.

Deans have authority over space in academic buildings--

- dean, Professional Studies: CPS and HPERA;
- dean, Natural Resources: CNR, Paper Science, and Field Stations;
- dean, Letters and Science: CCC and Science;
- dean, Fine Arts and Communication: Fine Arts Center and Communication Arts Center; and
- dean, Academic Support Programs and Information Technology: LRC.

Deans sharing spaces shall consult and cooperate on space allocation.

Residential Complex.

The vice chancellor for student affairs has authority over South Hall, residence halls, and centers.

GPR Buildings.

The vice chancellor for business affairs has authority for space decisions for GPR administrative buildings (Delzell, George Stien, Main, Maintenance and Materiel, Nelson Hall, and Park Student Services Center).

University Facilities Planning and Space Allocation Committee.

Responsibility.

The University Facilities Planning and Space Allocation Committee has authority to

- review requests for space which cannot be met by the appropriate administrative officer; and
- make recommendations to the chancellor for a decision.

Membership.

The members of the Space Allocations Committee are

- the vice chancellor for business affairs or a designee;
- the vice chancellor for academic affairs or a designee;
- the vice chancellor for student affairs or a designee;
- the chairperson of the Faculty Senate or a designee;
- the president of the Student Government Association or a designee;
- a student appointed by the president of SGA;
- the director of space management and facilities planning;
- the director of physical plant;
- two deans selected by the Deans' Council;
- a representative from the Stevens Point Community Development Department;
- and

- a representative from among the classified staff.

Appointment shall alternate annually between a represented employee, appointed by Local 584, and a non-represented employee, appointed by the director of personnel services.

Chairperson.

The committee shall annually elect its chairperson from among its members.

Evaluation.

The chancellor's cabinet shall annually evaluate the committee's process.

SPACE REQUESTS.

Initial Request.

Requests for space from a department or unit shall be submitted to the administrator responsible for the department/unit. If the administrator cannot satisfy the department/unit's need for space, the administrator shall consult with other deans or vice chancellors for possible available space.

Request to Other Area(s).

Following consultation, the request shall be submitted to the administrator responsible for the desired space.

No Space Assigned.

If the space needs cannot be satisfied, requests are sent to the University Facilities Planning and Space Allocation Committee for review.

Committee Action.

Initial Consideration.

The committee shall consider the request for its recommendations and shall include in its deliberations

- consideration of the space utilization guidelines;
- data from the audit program; and
- information provided by the individuals who have requested the review.

Recommendations.

Recommendations from the committee shall be sent to the individual who sent the request to the committee for reactions. Reactions will be reported by the chair at the next meeting of the committee. Thereafter, the committee will forward its recommendations to the chancellor for a final decision.

Relocation.

When programs, departments, or units are asked to relocate as the result of space allocation decisions, a reasonable amount of time shall be given to plan for and accomplish the move.

SPACE UTILIZATION PRIORITIES

ACADEMIC BUILDINGS.

Standard Facilities

(Professional Studies, Collins Classroom Center, Science, Natural Resources, Communication Arts Center, and Fine Arts Center). Priorities in these academic buildings, and within each priority, shall be given to

Classrooms.

1. Instruction (credit producing).
 - a. Department office in same building.
 - b. Overflow instruction in next closest building to department office.
2. Academic department meetings.
3. Student activities.
4. Outside University needs approved by Conference and Reservations.

Laboratories.

1. Instruction (credit producing; scheduled and nonscheduled).
 - a. Department located in same building.
 - b. Overflow instruction in next closest building to department office.
2. Faculty research.
3. University service units.
4. Agencies cosponsored by the university.

Offices.

1. Instruction
 - a. Dean's office.
 - b. Department office.
 - c. Faculty and teaching academic staff office (8 credits to full-time, private office).
 - d. Academic staff office (1-7 credits, bull pen arrangement).
 - e. University support staff office.
 - f. Work space for funded full-time graduate students.
2. Emeritus faculty and academic staff.
3. Student organizations (full-time private office if necessary to perform service, bull pen if not).
4. Activities cosponsored by the university.

Special Facilities.

HPERA.

1. Academic instruction.
2. Intercollegiate activities.
3. Intramurals.
4. Other student activities.
5. Activities cosponsored by the university.

Learning Resources Center.

1. Library services (e.g., acquisition, instruction, IMC).
2. Other Academic Support Programs service units (AAC, ACS, ARCS).
3. Museum.
4. Instruction.

UNIVERSITY CENTER.

1. University Center administration and operations.
2. Campus Activities offices.
3. Student Government Association offices.
4. Student organizations.

DELZELL HALL.

1. GPR student services functions under Student Development.
2. PR student services functions under Student Development.
3. Other GPR student services functions.

PARK STUDENT SERVICES CENTER

(chief student services building).

1. Student services offices.
2. Administrative offices.
3. Student activities.
4. Activities cosponsored by the university.

OLD MAIN

(chief administrative building).

1. Office use (except Founders' Room)
 - a. Chancellor and immediate staff.
 - b. Provost and immediate support staff.
 - c. Vice Chancellors and immediate support staff.
 - d. Other university departments needing direct liaison with the Chancellor, Provost, or Vice Chancellors
2. Founders' Room: meetings, instruction, receptions, etc.

NELSON HALL

(GPR; university service building).

1. Administrative offices associated with functions in Old Main.
2. Academic related programs.
3. Student services.
4. Student activities.
5. Activities cosponsored by the university.

SOUTH HALL

(PR).

1. University units and organizations.
2. Activities cosponsored by the university.

GEORGE STIEN BUILDING.

1. Business Affairs functions.
2. Physical Plant functions under Student Development.

MAINTENANCE AND MATERIEL BUILDING.

1. Physical Plant functions under Business Affairs.
2. General Services functions under Business Affairs.
3. Physical Plant functions under Student Development.
4. Physical Plant functions under academic departments.

STORAGE: ALL BUILDINGS.

1. Building occupants.
2. Other university departments and units.

MAJOR/MINOR PROJECTS PLANNING PROCEDURES

PROJECT PROPOSALS.

A major or minor project may be recommended by an individual or a department/unit. The proposal is then forwarded successively to the

- department or unit administrator (department chairperson, associate dean, director, etc.);
- appropriate dean or assistant vice chancellor or vice chancellor; and finally

In Academic Affairs, requests are next sent to the council of deans and then the provost.

- University Facilities Planning and Space Allocation Committee.

The provost and vice chancellors place major and minor projects in priority order before submitting them to the committee.

INSTITUTIONAL PRIORITY LIST.

The University Facilities Planning and Space Allocation Committee establishes an institutional priority list for major and minor projects which

- shall include only items presented to the committee by the provost or vice chancellors; and
- respects the priority sequence provided by the provost and vice chancellors.

For example, the list shall not include the second item on a submitted priority list without also including that list's first item and placing it higher on the institution's priority list.

CHANCELLOR'S ACTION.

The completed institutional priority list is forwarded to the chancellor, whose decision on major and minor priority lists is final.

CRITERIA.

Among the criteria used for priority setting, each review level shall consider

- the university's mission;

- academic or service needs;
- need for change in order to be in a leadership mode of operation (e.g., computerization); and
- what cannot be funded out of other allocations (e.g., lab modernization, health, safety and environment).

TRANSPORTATION SERVICES POLICIES

VEHICLES AND RATES

VEHICLES AVAILABLE.

Transportation Services offers

- full-size sedans at a cost of .21 per mile;
- subcompact sedans at .195 per mile;
- minivans at .37 per mile;
- 15-passenger vans at .63 per mile; or
- vehicles at a rate of \$10 per day with no mileage charges for less than
 - ♦ 48 miles for sedans;
 - ♦ 51 miles for subcompacts;
 - ♦ 27 miles for minivans;
 - ♦ 16 miles for vans; and
- credit cards with each vehicle for gas and oil purchases, which are covered by the mileage rate.

Van Training.

Individuals wishing to drive 15-passenger vans are required to complete the Van Driver Training Program offered through Transportation Services prior to driving a van.

RESERVATIONS AND VEHICLE PICK-UP/RETURN

RESERVATIONS.

Vehicles may be reserved during normal business hours at Transportation Services, George Stien Building, 1925 Maria Drive, or by telephone at extension 2884.

PACKET AND VEHICLE PICK-UP.

Vehicles may be picked up or returned 24 hours a day, seven days a week. During normal business hours, users pick up vehicle packets at Transportation Services and vehicles from the appropriate numbered space in the Maintenance and Materiel Building parking lot across the street from the George Stien Building.

After Hours.

After hours and on weekends, packets are available at the University Police and Security Services Office, also in the George Stien Building.

PACKET AND VEHICLE RETURN.

Vehicles are returned to the appropriate numbered parking space; packets are returned in the slot in the wall north of the vehicle maintenance garage doors.

Trip Tickets.

Drivers are responsible for filling out all items of the trip ticket and returning the ticket with the packet.

CANCELLATIONS.

Cancellations normally require 24-hour notice. Administrative fees may be charged to an account for forms not completed or returned, vehicles not canceled, or vehicles not picked up.

VEHICLE USE AND DRIVER AUTHORIZATION

OFFICIAL BUSINESS.

The use of state-owned vehicles is for official state business. Employees who wish to travel with their families or to combine business with personal travel are encouraged to use their personal vehicles. Insurance waivers for employees who wish to travel with family members in state vehicles may be authorized by the vice chancellor for business affairs.

VEHICLE USE AGREEMENT.

Faculty and Staff.

All fleet vehicle users are required to have a Vehicle Use Agreement form on file with Transportation Services.

Student Drivers.

Student drivers are required to have a Student Driver Authorization form on file. The student form must be signed by the student's supervisor or student organization advisor. The form expires on May 31 and must be renewed annually if students intend to use state vehicles.

Driving Records.

State policy requires driving records be checked annually. Use of the state vehicles may be denied if an individual's driving record shows multiple accidents and/or violations. Driving records obtained by Transportation Services are handled confidentially. Individuals with questions regarding their records may contact Transportation Services.

Authorization Forms.

Vehicle use forms are available from Transportation Services.

MILEAGE REIMBURSEMENT FOR PERSONAL VEHICLE USE

FLEET VEHICLE AVAILABLE.

An employee who elects to drive a personal vehicle when a state vehicle is available is reimbursed at the rate of .18 per mile when the round trip is more than 50 miles.

OTHER CONDITIONS.

Reimbursement is .26 per mile when

- the reimbursement claim is accompanied by a Certificate of Non-availability issued by Transportation Services; or
- the round trip is 50 miles or less; or
- the driver engaged in university business is not a state employee.

Non-availability.

A Certificate of Non-availability will be issued when no fleet vehicle is available and the reservation request is made at least 24 hours before the vehicle is required.

USE OF 15-PASSENGER VANS

DRIVER TRAINING REQUIRED.

The University of Wisconsin System Risk Management Office requires that any individual requesting to drive a 15-passenger van must complete a van driver training program or hold a valid commercial driver's license.

Driver Training Program.

Transportation Services has developed a van driver training program which includes

- completion of the van training program registration form;
- viewing the Operation Van Pool--Part I & II video tapes (available at the IMC);
- completion of the quiz on the back of the registration form with 80% accuracy; and
- completion of a behind-the-wheel session scheduled through Transportation Services.

Upon completion, drivers are issued a Van Driver Training Certification Card.

STUDENT ORGANIZATIONS

A student organization seeking to reserve a fleet vehicle must complete the Student Organization State Vehicle Approval Form.

All SFO account users (9000 accounts) and all 1800 account users (other than those for a class requirement) must also complete the form.

Completed forms must be signed by the student organization's advisor and if the organization receives SGA funding for the trip, the budget director of SGA.

SECTION 3

GOVERNANCE DOCUMENTS

CONSTITUTION OF THE COMMON COUNCIL UNIVERSITY OF WISCONSIN-STEVENSON POINT

The Constitution of the Common Council was last approved on April 20, 2016 (Common Council). For the full text, please see:

http://www.uwsp.edu/commoncouncil/Documents/Constitution_of_the_Common%20Council_C4-20-16.pdf

SECTION 4

FACULTY POLICIES

LAYOFF TENURE LAW (1969-1974)

The following is applicable to faculty who acquired tenure prior to July 9, 1974, and those probationary faculty whose appointments began before that date and who have not elected to be governed by the 1974 Merger Law.

Guidelines on decisions involving layoff of tenured faculty for budgetary reasons Chapter 37:

The following guideline concerns tenure rights for faculty in Chapter 37 and is provided as an interpretation of the meaning of "tenure within the System" which follows from the opinion of Attorney General Warren, dated March 31, 1971.

1. The right of "tenure within the System" applies only to faculty in the former Chapter 37 institutions and branch campuses who started employment at a former Chapter 37 institution or branch campus on or before July 9, 1974 and have been so employed continuously since, and has reference only to employment rights within these Chapter 37 institutions.

2. The tenure right of the faculty member is in the department or budget area of the former Chapter 37 institution in which the faculty member is currently employed.

3. Judgments by the institution that positions must be eliminated because of fiscal necessity should be made on the basis of prudent and equitable academic assessments concerning the numbers and kinds of positions which must be maintained for the institution to fulfill its mission.

This means that positions which must be eliminated must be taken from departments or budget areas judged to be relatively overstaffed in relation to teaching or workloads of other departments or budget areas or judged to have staff assigned to functions which have lower priority in relation to maintenance of the institution's performance than other functions maintained by the institution.

4. Within the departments or budget areas from which faculty positions are identified for layoff, tenured faculty should not be laid off until all non-essential non-tenured faculty and fixed term academic staff appointees have been notified of their non-renewal. Then, if tenured faculty shall be laid off, they should be laid off on the basis of seniority, as the faculty have determined it pursuant to UWS 5.08, Wis. Adm. Code, unless a clear and convincing case is made that program needs dictate other considerations, as permitted in s. UWS 5.07, Wis. Adm. Code.

5. Within the institution, layoff of a tenured faculty member for fiscal reasons in one department or budget area gives to that faculty member a right of first consideration for any open position in another department or budget area at that institution for which he or she is professionally prepared and which involve duties he or she is judged competent to perform.

An "open position" is one which is vacated by the incumbent, becomes vacant due to a non-renewal, discharge or death, or is a new additional faculty position authorized for the institution. The judgment on preparation and competence is appropriately made by the employing department or budget unit, subject to the approval of the relevant administrative officers, including the Chancellor. Denial of the opening to a tenured faculty member of the institution who has been laid off must be based on documented evidence from the employing department or budget area which supports its judgment.

6. A laid off tenured faculty member from one former UW institution shall have first claim to an open position in another former Chapter 37 institution. An "open position" is one which is vacated by the incumbent, becomes vacant due to a non-renewal, discharge, or death, or is a new, additional faculty position authorized for the institution. In order to guarantee a laid off tenured faculty member's claim to such an open position, former UW institutions and branch campuses shall obtain Central Administration clearance before seeking candidates for an open faculty position. The laid off faculty member must also register his or her name with Central Administration in order to receive first consideration rights.

The institution must develop a position description/qualifications sheet for the open position and submit a copy to Central Administration. Upon receipt of the position description/qualifications sheet from a campus, Central Administration will review the qualifications of the faculty who have registered their names and will notify any who appear to be possible candidates for the position. An individual so notified has ten working days after receipt of notice to apply to the institution for the position. The individual must also send a copy of the notice of application to Central Administration.

If no individuals so notified apply within ten working days, Central Administration will authorize open recruitment for the position. If a notified individual applied, the institution shall interview the person within fifteen working days of the application unless the institution and the applicant mutually agree to an interview at a later date.

The institution shall be the judge of whether or not the applicant is professionally prepared for the open position and competent to perform the duties associated with the position. Judgment concerning preparation and competence shall be made by the employing department or division, subject to approval by the relevant administrative officers of the institution. If the institution determines that the laid off faculty member does not meet the qualifications for the position, the institution must be prepared to provide documentary evidence to Central Administration from the employing department or division to support its judgment. If an applicant under this section is judged to not meet the qualifications for the position, he or she will be notified in writing by the institution with a copy furnished to Central Administration. Central Administration is then authorized to approve open recruitment.

7. If a tenure layoff designee relocates under the provisions of 6. above he or she does not automatically gain institutional tenure as defined by Chapter 36, Wis. Stats. (1973), and UWS Administrative Code, Section 3.01(1)(2). Unless the new employing institution grants institutional tenure, the individual retains tenure rights earned under former Chapter 37, Wis. Stats. The individual's seniority in the new employing institution will be calculated on the basis of time employed there. The individual's rank and salary in the new institution are determined by that institution in line with its specifications in the position description and the budgetary allocation for the position. Tenure in the receiving institution may be granted upon affirmative

action of the Board of Regents of the UW System upon the affirmative recommendation of the appropriate Chancellor and faculty, and, if granted, tenure in the sending institution is ended.

Memo from System Vice Presidents, June 16, 1976.

UWS POLICY ON FACULTY SERVING IN ACADEMIC STAFF POSITIONS

President Shaw, March 28, 1988

NOTE. The statement has been rewritten--no substantive changes have been made--and format changes have been made to conform to the remainder of the *Handbook*.

These guidelines apply to persons appointed as ranked and unranked faculty prior to merger.

- An unclassified staff employee serving in, performing duties under, and budgeted under a ranked faculty title only, with no concurrent academic staff or limited appointment, retains the faculty title and rank and is not assigned an academic staff or limited title. The individual continues to exercise tenure and governance rights as a member of the faculty.
- An unclassified staff employee currently serving in an academic staff or limited title (such as Director), performing duties under that title, and receiving compensation under that title normally shall be assigned an academic staff or limited appointment title.
 - ♦ Any such individual who also has a pre-merger appointment as ranked or unranked faculty retains tenure and other faculty rights and is entitled to participate in faculty governance matters under applicable institutional policies, procedures, and practices.
 - ♦ Any such individual currently serving in an academic staff position but who attained tenure prior to merger and who wishes to participate in academic staff governance matters while serving in that position is entitled to participate in academic staff governance under applicable institutional policies, procedures, and practices.

NOTE. An individual who earned tenure prior to merger may participate either in faculty or academic staff governance systems as noted in the two preceding paragraphs but not in both systems simultaneously.

- ♦ Any such individual having a ranked faculty appointment dating prior to merger as a concurrent/backup appointment to an academic staff or limited position appointment in which the individual is currently serving may, with the agreement of the university, resign the academic staff or limited position and return to a tenured faculty position.
- ♦ Any such individual having an unranked faculty appointment dating prior to merger as a concurrent/backup appointment to an academic staff or limited position appointment in which the individual is currently serving may, with the agreement of

the university, resign the current academic staff or limited position and return to another position (presumably with administrative duties) and continue to be tenured.

SECTION 5

OTHER POLICIES

SECURITY CAMERA POLICY

Security cameras may be installed in situations and places where the security of either equipment or people would be enhanced. Cameras will be limited to uses that do not violate the reasonable expectation of privacy as defined by law. When appropriate, the cameras may be placed campus-wide, inside and outside buildings. Although the physical cameras may be identical, the functions of these cameras fall into three main categories:

- a. Anti-theft and Vandalism: where the main intent is to take pictures and store them on a remote device so that if an item is discovered stolen or vandalized, the pictures will show the perpetrator. Examples: an un-staffed computer lab, an un-staffed science lab, or a parking lot.
- b. Personal Security: where the main intent is to take pictures and store them on a remote device so that if a person is assaulted, the picture will show the perpetrator. These cameras may also be monitored live by someone from University Police and Security Services. Examples: a major hallway, or a parking lot.
- c. Extended Responsibility: where the main intent is to have the video in one room monitored by a staff member in a different room who is responsible for people and equipment in both rooms. In this case, pictures may or may not be stored. Example: a computer lab with multiple rooms and only one staff.

This policy does not apply to cameras used for instructional purposes. Further, cameras being used for research would be governed by other policies involving human subjects and are therefore excluded from this policy.

Requests for installation of security cameras should be made to and approved by the Security Camera Officer (a position appointed by and responsible to the Provost). Information obtained from the cameras would be used exclusively for law and/or policy enforcement.

All camera installations are subject to federal and state laws.

The places where these cameras may be installed may be restricted access sites such as a departmental computer lab; however, they are not places where a person has a reasonable expectation of privacy. Cameras will be located so that personal privacy is maximized. No audio should be recorded.

Unless the camera is being used for criminal surveillance, or in extraordinary circumstances, the following places should not be monitored by security cameras

- a. Bathrooms
- b. Locker rooms
- c. Offices

- d. Residence Hall rooms
- e. Classrooms not used a lab

For Anti-theft/Vandalism and Personal Security cameras, access to live or archived images from cameras should be limited to the Director of University Police and Security Services, his/her designee and/or the Security Camera Officer. If images are retained, the images should be retained for a period of at least one week and no longer than 28 days, unless it is part of an investigation. Information that directly affects an investigation will be kept for at least one year (or for a period of time determined by the investigating agency.) Anti-theft/Vandalism cameras requested in locations that may not be utilized for extended periods (such as a storage room during summer break) may have images retained for a period longer than 28 days as determined appropriate by the Security Camera Officer.

When an incident has been reported or is suspected to have occurred, personnel responsible for the area in question may request that the Director of University Police and Security Services or his/her designee review the images from the camera. As circumstances require, the Provost or the Security Camera Officer may authorize others to review images. A record log will be kept of all instances of access to, and use of, recorded material.

The Security Camera Officer will give a semi-annual report to the University Affairs Committee.

Units requesting security cameras will be required to follow the procedures outlined in this policy. Concerns or questions should be directed to the Security Camera Officer. The Security Camera Officer's job description needs to clearly outline his/her responsibilities, and his/her performance in these areas will be evaluated by the Provost on an annual basis. Breaches of this policy can result in disciplinary action.

Unless the camera is being used for criminal surveillance, areas being monitored should have at least two signs indicating that security camera monitoring may be taking place. The wording on the signs should not create a false sense of security to lead someone to believe that the cameras were being monitored live when in fact they were not. These signs should be at the entrance to the areas being monitored. Recommended wording for the signage is included below:

Video surveillance in use in public areas on these premises
(UWSP University Police and Security Services)

GUIDELINES FOR HUMAN SUBJECTS RESEARCH AT UW–STEVENS POINT

Statement of Principles, Summary of General Institutional Policies and Applicability

The University of Wisconsin–Stevens Point is guided by the ethical principles set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research entitled "Ethical Principles and Guidelines for the Protection of Human Subjects of Research," also known as "The Belmont Report."

The University is committed to compliance with federal rules for the protection of human research subjects. In general, the requirements set forth in Title 45, Part 46 of the Code of Federal Regulations (45 CFR Part 46), known as the "Common Rule," are followed by UW–Stevens Point regardless of the source of project funding. This commitment is in compliance

with the Office for Human Research Protections (OHRP, formerly OPRR) now under the direction of the Office of the Secretary, Department of Health and Human Services. This commitment requires UW–Stevens Point to comply with the comprehensive regulations published in the Common Rule which require that all research projects involving human subjects be approved by an Institutional Review Board (IRB). The Food and Drug Administration (FDA) also protects human research subjects through its investigational drug and device regulations.

Research is defined as a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

The regulatory requirements are applicable to all University authorized activities which in whole or in part involve research with human subjects if one or more of the following apply:

- The research is sponsored by this University.
- The research is conducted by or under the direction of any employee or agent of the University in connection with his or her institutional responsibilities.
- The research is conducted by or under the direction of any employee or agent of this University using any property or facility of this University.
- The research involves the use of the University's non-public information to identify or contact human research subjects or prospective subjects.

In accordance with federal regulations, all research involving human subjects must be reviewed by the Institutional Review Board for the Protection of Human Subjects (IRB). The IRB has the authority to review, approve, disapprove, or require changes for approval in research activities involving human subjects. IRB members come from a variety of disciplines, including at least one member who is not affiliated with the university.

The IRB requires completion of a research protocol form. The form contains explanatory information about the specific requirements. IRB approval is required for all research involving human subjects. In addition, the IRB requires that everyone dealing with subjects must receive training in research ethics. This requirement can be met by completing the Human Subjects Protection Training.

If the protocol is for a sponsored project, IRB approval must be provided to the office of Academic Programs and Grant Support before an account can be established by the university. Protocols may be submitted as part of an application for external funding, which may require IRB approval at the time of submission of the grant proposal. Approval must be indicated on the UW Transmittal Form.

If a project does not initially include human subjects, but human subject participation is needed at later time, the PI must submit a protocol and obtain IRB approval prior to initiating the research activities involving human subjects. For such projects that have extramural support, the office of Academic Programs and Grant Support must be notified of IRB approval. The

office of Academic Programs and Grant Support will notify the sponsor of the IRB's approval and human subject participation will not be permitted until this certification of IRB review and approval is received by the sponsor.

Usually, IRB approval is granted for a period of one year. For projects of longer duration, the PI must submit a renewal application. Each IRB conducts continuing review of all research involving human subjects at intervals appropriate to the degree of risk, but not less than once per year, depending on the nature of the research and the risks to human subjects. In accordance with federal regulations, the IRB has the authority to suspend or terminate approval of research that is not being conducted in accordance with the IRB's decisions, conditions, and requirements, or that has been associated with unexpected serious harm to subjects.

Changes in research protocols, which may alter the risks to the research subjects and occur during the period for which IRB approval has already been given, must not be initiated by the PI until the proposed changes are approved by the IRB. An exception is made for changes necessary to eliminate apparent immediate hazards to the subjects.

Human research involves risks that may be social, psychological, financial, or physical. Others, in addition to the research subject, also may be at risk, including persons discussed in the study, the investigator, society at large, and UW–Stevens Point. The IRB does not expect research to be free from risk, but does expect the investigator to be aware of the risks, to minimize risk when possible, and to take appropriate precautions whenever necessary.

COPYRIGHTABLE INSTRUCTIONAL MATERIALS OWNERSHIP, USE AND CONTROL

Normally the UW system does not assert property interest in materials developed from the author's pursuit of traditional teaching, research and scholarly activities. Normally rights to control access and use of these materials, including instructional materials, belong solely to the author as stipulated in Financial Administration documents G27 "Copyrightable Instructions Material Ownership, Use and Control." (<http://www.uwsa.edu/fadmin/gapp/gapp27.htm>)

INFORMATION AND COMMUNICATION TECHNOLOGY ONLINE ACCESSIBILITY POLICY AND IMPLEMENTATION PLAN

BACKGROUND

The World Wide Web (Web) is a major, if not a primary, source of information for many people. Acknowledging that the University of Wisconsin–Stevens Point (University) is engaged in web development and publishing for all its constituencies, this policy establishes minimum standards for web accessibility.

Information made available electronically can be structured so that all individuals, regardless of disability, can access it via desktop or mobile web browsers, text-to-speech applications, mobile applications and a host of other technologies. Accessible design practices can ensure University documents are readable by all who need them. The University, along with UW System, endorses the Web Content Accessibility Guidelines (WCAG), Version 2.0, of the World Wide Web Consortium (W3C) as the standard for Web accessibility and compliance with the Americans with Disabilities Act. W3C is composed of over 400-member organization

worldwide developing common protocols to promote the evolution of the Web and ensure its interoperability. As part of its work, the W3C has developed accessibility guidelines for the web. The standards of the Federal Rehabilitation Act Section 508 (Section 508) specifically subsections 1194.22 and subsection 1194.31, are consistent with the W3C Guidelines and provide achievable, well documented guidelines for implementation.

POLICY

1. All new or revised web pages and other web resources published, hosted or otherwise provided by the University must be in compliance with the web standards defined in the most recent version of Section 508. Additionally, it is strongly suggested that University web pages and resources strive to comply with the WCAG 2.0 AA standards for accessibility, or future versions that may replace those as web technology advances.
 - a. Reasonable effort must be made to ensure that legacy web pages and resources are in compliance with Section 508 no later than September 1, 2017. That effort must be documented. Legacy web pages and resources will be considered those that are published prior to September 1, 2015.
 - b. Upon specific request, information on legacy web pages and resources, as well as those in archive status (e.g. no longer in use but subject to records retention plans) containing core administrative or academic information, official records, and similar information, are to be made accessible to any individual needing access to such content, by revision or otherwise. The unit responsible for the information is responsible for providing that access as soon as possible.
 - c. What constitutes a web page or other web resource is to be interpreted broadly. It does not depend upon the type of client or host device, the type of software on the client or host devices, or the technical means by which the client and host communicate over the Web.
2. Web pages or resources specifically requested to be made accessible as part of a formal accommodation request shall be made accessible as soon as possible, or an equally effective alternative shall be provided. "Equally effective" means that it communicates the same information and provides, if possible, the equivalent functions in as timely a fashion as does the web page or resource.
3. Campus developers shall implement accessible design practices when creating web applications. For web applications procured via a Request-for-Proposal (RFP) process, accessibility must be included among the preferred product features. For all other Web applications, such as the library's e-resources, accessibility must be considered during the selection process. Vendors whose products are under consideration will be asked to provide Voluntary Product Accessibility Templates (VPATs). If a web application is not available in an accessible format, or if its purchase would constitute an undue burden, the reason for selecting an inaccessible product must be documented. For products procured through a RFP process, the selection of inaccessible products requires the approval of the Office of the Chief Information Officer (CIO).
4. All web pages or resources created or maintained by the University must contain a link to a contact where users having trouble accessing content can seek help. This would usually be the web developer or publisher. The addition of a link or contact person is not sufficient, in and of itself, to comply with the Information and Communication Technology Accessibility Policy.

OVERSIGHT

Implementation, training, education, technical support and the monitoring of compliance according to the standards and recommendations set forth in this policy will be overseen by the University Information Technology department.

Although the Disability and Assistive Technology Center (DATC) is not responsible for the enforcement, training or production of electronic accessible materials, the DATC will maintain a contact list of staff capable and willing to assist in the development of accessible materials so that developers may contact the DATC for referral information.

Each UWSP unit with a presence on the University Web, such as a department, division, organization, or program must be in compliance with accessibility standards according to the timelines established in this policy. Each unit is also responsible for insuring that adequate staff and financial resources are allocated to enable such compliance. Site authors are ultimately responsible for insuring that their web content is current, correct, functional, and standards-compliant.

POLICY REVIEW

This policy and its implementation will be reviewed beginning no later than September 30, 2017 by a committee comprised of no less than 6 members drawn from the shared governance technology committee, the faculty, The Disability and Assistive Technology Center, the Library, Continuing Education, the office of the University ADA Coordinator, Information Technology, and a student - preferably a person with a disability who is affected by this policy. The shared governance technology committee shall be responsible for forming the review committee. The review shall be a public process, open to comments and suggestions from other persons or units on campus.

RELATED DOCUMENTS

- Section 508 Checklist (WebAIM): <http://webaim.org/standards/508/checklist>
- WIA/W3G Web Content Accessibility Guidelines: <http://www.w3.org/TR/2008/REC-WCAG20-20081211/>
- WIA/W3G Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies (WCAG2ICT): <http://www.w3.org/TR/wcag2ict>

CONTACT

Please direct questions about this policy to accessibility@uwsp.edu.

POLICY REGARDING STAFF LEAVING SERVICE AND INFORMATION TECHNOLOGY ACCESS AND SYSTEMS

All retired staff/faculty/emeritus faculty will be expected to adhere to the UW - Stevens Point Acceptable Use Policy, Email Policy, and UWS 18. Failure to abide by these requirements may result in action up to and including discontinuance of account access. Personnel who resign

their position and do not retire from the University lose access to all University data systems on their last day of employment.

The University does not provide hardware repair for devices or support for software owned by employees or retirees. The Information Technology Department will provide limited support if the problem the retiree is experiencing is related to a UWSP service that they do have access to.

Information Technology will not purchase items on behalf of former employees or retirees. University departments may not purchase devices or software for a retired faculty/staff member.

Retirees and those resigning need to return University- and grant-owned equipment to the Information Technology department. The Information Technology department will return the equipment to the home department that purchased the device after it has been wiped and reconfigured for another user.

Upon retirement from a university position the following will apply with regards to access to University information technology systems:

Retired Faculty/Staff Member

- Will be granted a University retired/alumni email account.
- Files and email left behind by departing personnel will be transferred to a virtual drive exclusive to the department.
- The retiree will receive this new account prior to their official retirement date so that key research data can be transferred from active employee account to new email account. IT or the University department the employee worked in retains the right to review the data transferred between accounts.
- Student data deemed private and protected by federal and state legislation may not be transferred to a retiree's account. The Information Technology department will scan Office 365 data storage and transfers for any private student data, and such data will be removed or prevented from transfer.
- Access to all University computer systems and the University network via the network login credentials will be discontinued. Public access will remain.

Emeritus Faculty

- Obtains all of the same email and file storage privileges that retirees receive.
- May have access to an office within a college or department where a PC is provided. The PC may or may not be specific to an emeritus faculty member.
- Membership on any distribution lists needs to be approved by the user's department in an email to the mail administrator in IT. Access will be reviewed annually and an updated memo will be requested to continue access.
- Volunteer work requiring IT access needs to be requested by the department in a memo outlining specific data systems to be accessed. IT will request an annual written update for continued access.

Retirees Returning to Active Employment Status

- Must be rehired through Human Resources and have an active appointment.
- Access will be provided to University IT systems that are necessary for the terms of employment.
- Access is withdrawn once employment is complete and returned to the previous retiree access level.
- Active employee gets access to WISC software discounts.

Upon resignation or termination of employment the following will apply with regards to access to University information technology systems:

- University email, network, and systems accounts are inactivated based on last date of employment provided to Information Technology by the Human Resources Department.
- The user account will be archived and retained in accordance with University email retention policy. Data will be inaccessible to any former employees.
- All equipment issued to a user will be surrendered to the Information Technology Department and reassigned to the appropriate home department.

INFORMATION TECHNOLOGY ACCESSIBILITY IMPLEMENTATION PROCEDURES FOR THE UWSP WORLD WIDE WEB ACCESSIBILITY POLICY

Below are the implementation procedures for Information and Communication Technology Accessibility Policy. These procedures implement the UW-Stevens Point Information Accessibility Policy. The rationale is discussed in the background section of the policy.

1. Recommended Assessment Procedures

It is recommended that a variety of evaluation methods be used to test the accessibility of web pages and resources, including automated testing, client and/or device testing, expert evaluation, and user testing.

2. Exception Procedure

Narrowly tailored exceptions to this policy may be granted by the UWSP Office of the Chief Information Officer (CIO) in specific instances where compliance is not possible or would constitute an undue administrative or financial burden. To request an exception send an email to accessibility@uwsp.edu.

3. Training, Consulting, and Technological Tools

Information about training, consulting, and technological tools can be found at the University Accessibility Resources page, as well as definitions and resources related to Section 508 and W3C.

APPROVAL OF CHANGES TO CHAPTER 9

- Changes to Chapter 9, Section 1 require the approval of the Common Council and the Chancellor
- With the exception of the Open Records Law, which is statutory, and the Facilities Planning Committee and Transportation Services policies, changes to which require only administrative approval, changes to Chapter 9, Section 2, require the approval of Common Council and the Chancellor.
- Changes to Chapter 9, Section 3, require approval of the respective governance organizations, according to their procedures.
- Chapter 9, Section 4, is not subject to change by the University.
 - Changes to Chapter 9, Section 5 require approval of the Common Council.