

AGENDA

UW-GREEN BAY FACULTY SENATE MEETING NO. 5

Wednesday, 15 February 2006, 3:00 p.m.

Phoenix Room C, University Union

Presiding Officer: Gregory Davis, Speaker

Parliamentarian: Professor Kenneth J. Fleurant

1. CALL TO ORDER

2. APPROVAL OF MINUTES OF FACULTY SENATE MEETING NO. 4, DECEMBER 14, 2005 [page 2 attached]

3. CHANCELLOR'S REPORT

4. NEW BUSINESS

- a. 2006-07 slate of nominees for faculty elective committees [page 5 attached]
Presented by Forrest Baulieu, Chair of Committee on Committees and Nominations
- b. Memorial Resolution for Professor Emeritus Irwin Sonenfield [page 8 attached]
Presented by Andrew Kersten
- c. Memorial Resolution for Professor Emeritus Anthony Galt [page 9 attached]
Presented by Andrew Kersten
- d. Proposed policy regarding procedures followed in response to student complaints made against Faculty members [to be distributed] Presented by Sally Dresdow
- e. Possible Code Change to UWGB 3.08 4(d) and 3.09 1 [page 10 attached]
Presented by Sally Dresdow
- f. Proposed Chapter UWS 7, Wisconsin Administrative Code, Procedures for Dismissal of Faculty in Special Cases [page 11 attached] Presented by Sally Dresdow
- g. Requests for Future Senate Business

5. PROVOST'S REPORT

6. UNIVERSITY COMMITTEE REPORT

Presented by Sally Dresdow, Chair

7. ADJOURNMENT

MINUTES 2005-2006
UW-GREEN BAY FACULTY SENATE MEETING NO. 4
 Wednesday, December 14, 2005
 Phoenix Room C, University Union

Presiding Office: Gregory Davis (NAS-UC), Speaker

Parliamentarian: Kenneth J. Fleurant, Secretary of the Faculty and Academic Staff

PRESENT: Scott Ashman (ED), Forrest Baulieu (ICS-UC), Joy Benson (BUA), Peter Breznay (ICS), Francis Carleton (URS), Gregory Davis (NAS-UC), Sally Dresdow (BUA-UC), Scott Furlong (PEA-UC), Alison Gates (COA), Victoria Goff (ICS), Cheryl Grosso (COA), Sue Hammersmith (Provost, *ex officio*), Derek Jeffreys (HUS), John Katers (NAS), Mark Kiehn (EDU), Harvey Kaye (SCD), Michael Kraft (PEA), Mimi Kubsch (NUR), Daniel Meinhardt (HUB), Terence O'Grady (COA-UC), Tara Reed (NAS), Meir Russ (BUA), Bruce Shepard (Chancellor, *ex officio*), Brian Sutton (HUS), Rebecca Tout (COA), Kristin Vespia (HUD), David Voelker (HUS), Michael Zorn (NAS).

NOT PRESENT: Clifton Ganyard (HUS), Judith Martin (SOCW), Debra Pearson (HUB), Christine Style (COA-UC).

REPRESENTATIVES: Lucy Arendt (Academic Staff Representative), Adam Warpinski (Student Government Association Representative).

GUESTS: Dean Fritz Erickson, Associate Dean Regan Gurung, Scott Hildebrand (University Communications), Interim Dean Fergus Hughes, John Landrum (Student Life), Associate Provost Timothy Sewall, two students.

1. Call to Order. With a quorum present, Speaker Davis called the Senate to order at 3:04 p.m.

2. Approval of Minutes of UW-Green Bay Faculty Senate Meeting No. 3, November 16, 2005.

The minutes were approved without change by voice vote.

3. Chancellor's Report. Following his wish that faculty find time to reestablish a healthy balance between work and personal life during the much-needed break, Chancellor Shepard reported on the following issues:

a. The UC asked him to address the Green Energy Initiative of our students. The Governor announced that government agencies would need to begin providing a certain percentage of energy consumption from green, or more environmentally safe, sources. Students approached him with a request to move in the direction of green energy. He agreed that the campus would split the extra premium for green energy with students who accepted the offer. He will be meeting with the UC on this issue.

b. Recent decisions to reduce operating expenses of the Weidner Center were very painful but there is no way the campus could absorb a multi-million dollar loss each year now that the reserve fund built in the heyday of Broadway shows is gone. Eight positions will need to be cut as of January 12. That will still leave enough employees to finish the season as planned. After this season, the Weidner will return to its original programming model featuring community and campus performing arts groups and whatever visiting artists we can bring in, returning the operating budget to close to what it was at the start, about 200-250 thousand dollars a year. That is still difficult since it costs between 50 and 100 thousand just to maintain the physical facility. In conjunction with the Chamber of Commerce, a task force will consider the question of the future direction of

the Center. We have a stewardship obligation, and can't simply close the doors. It is important to keep them open both for the community and our own fine arts programs. The Chancellor has heard two rumors in need of rectification: that the University's own lack of financial support and philanthropic gifts going elsewhere are responsible for the Weidner's problem. In the first case, while it is true that we used to contribute about \$150,000 more, that money was no longer needed when the reserves expanded, and would be nowhere enough to solve the deficit problem now. In the second case, there is no connection between fundraising for the Kress event center and the Weidner deficit. The problems of performing arts centers like the Weidner with multi-million dollar annual operating expense budgets require regional solutions, community commitment and sense of ownership.

Senator Grosso asked about the day-to-day operation of the Weidner. The University remains responsible for the property, and any solution must make sense to us. We will discuss what makes best sense and make decisions for our campus. Senator O'Grady said we must be clear to community groups that wish to step in, that they assume the risks associated with programming. Senator Kaye expressed concern about a recent story in the local press that implied that the campus took advantage of the community through the Weidner when the reality is that the Weidner is a drain on the campus. The community needs to be made aware of the realities of the situation. The Chancellor's take on the story was that it was too positive; making it sound like nothing would change when change is inevitable.

Senator Furlong returned to the green energy funding, saying that the UC was concerned that we could find some \$17,000 for this at a time when we are forced to cut the budget. The Chancellor looks at this as a way to save money since students are willing to contribute to the Governor's unfunded mandate that would obligate us in any event. Senator Breznay questioned whether this was the right time to ask students to contribute to energy when academic programs are threatened with budget cuts. He questions whether the Student Senate was sufficiently informed about the nature of the financial problems and the threats to programs. Although the unfunded mandate supports a good cause, apparently no area businesses are supporting the WPS green energy facility, while students are being asked to do so. The Chancellor won't second-guess student decisions. As far as program eliminations from the recent past go, if they weren't cut, other programs would have suffered. We need to decide what the best distribution of academic programs is for our campus, and such decisions will be made from the bottom up.

4. Continuing Business.

a. Adding a grade of C/D. The Speaker explained that the topic is open, presented without recommendation by the UC. Any action on the topic will be up to the Senate. UC Chair Dresdow noted that the Student Senate has supported the addition of a C/D grade. Senator Kraft **moved (with second) to change the grading policy by adding a grade of C/D to the grade schedule**. Senator Kubsch argued against the motion. Nursing does not support the change since it could jeopardize some students on the lower end of the "C" range in units such as Nursing that require a "C" average. Senator Kaye sees no reason not to adopt the intermediate grade, but seems to recall an earlier Senate debate in which reasons against it were expressed. He would like to hear those. Chair Dresdow said she has only found one reason for not including the grade at that time—it was not part of the Madison grade scheme that we wished to follow. Senator Kaye also asked why the proposal does not also include a D/F option. Senator Sutton questioned the meaning of a grade half way between passing and failing. Several pointed out that neither individual faculty nor academic programs would be obliged to use the C/D grade. Responding to a suggestion that programs with concerns such as Nursing could reduce their minimum requirement to C/D, Senator Reed questioned whether students should be in nursing practice if they are candidates for a C/D anyway. Senator Ashman indicated that Education, which, like Nursing, requires a "C" average, has decided not to accept students with a C/D average. Professor Kraft pointed out that, as far as

individual grades go, the reality is that a “D” is passing and a C/D doesn’t change that. Professor O’Grady and several others believe that greater precision in grading would be useful. The Student Government representative confirmed that the Student Senate has supported the addition of a C/D grade. The Chair asked whether the Senate was ready to vote. Following a request for more information on the earlier Senate discussion that had been mentioned and a statement that no additional information was necessary, the body expressed readiness to vote. **The motion passed 21 in favor, 1 opposed with 3 abstentions.**

5. New Business. There were no requests for new business.

6. Provost’s Report. Provost Hammersmith previously distributed a written report (see <http://www.uwgb.edu/provost/Report12.14.05.pdf>) that included a budget update and notice of a new comprehensive academic planning process. The Provost noted that the proposed budget reductions contain no proposals for program elimination. Senator Vespia asked about the proposal to reduce two counselor positions by 20%. The Provost responded that there are three counselors and a need to maintain full-time coverage. But in difficult budgetary times it is difficult to justify three full-time positions over the summer, and that is where we will see the reductions. Senator Vespia questioned the reduction in counseling especially in light of the recent high profile episodes of students with serious psychological problems. The Provost and Chancellor agreed that the cuts will hurt. Senator Goff expressed concern that cuts in graduate student assistantships endanger the graduate program. The Provost said she cannot discount such concerns since cutting fundamental support is bound to affect a program, but she sees no better alternative at this point. Senator Sutton, while sympathetic to the need to address budgetary problems, expressed concern that cuts in additional instruction, in an effort not to touch faculty positions, will disproportionately affect programs such as the Writing Center that are staffed principally by teaching academic staff. The Provost acknowledged cuts in the LAS additional instruction budget. However, she insisted that there is no indication that those cuts will come from the writing program. Senator Dresdow asked how labs will be covered if assistants are cut. Noting the need to cover labs either by assistants or faculty, the Provost said she did not yet have an answer. Speaker Davis asked that unit chairs be informed how this will be accomplished before timetable copy is due.

7. University Committee Report. UC Chair Dresdow reported that the Committee has continued to discuss budget issues at considerable length in addition to the Provost’s proposal for an academic program review and comprehensive academic program planning process. She commended the Senate Budget and Planning Committee for being so proactive as budget and planning issues have unfolded. The UC will continue discussing the Provost’s proposal to make strategic program planning a regular part of the campus planning process. They have also spent considerable time discussing the green energy initiative that the Chancellor mentioned in his remarks. There have been numerous requests to bring back the Campus Climate Committee’s recommendation for a schedule change. This will be on the UC agenda shortly. Reports coming from System campuses are depressing. Some are unable to search for needed faculty positions because of budget cuts. Faculty reps are also engaged in discussing governance ramifications of dismissing faculty convicted of felony offenses. Senator Breznay requested that the UC keep an eye on a bill introduced in State legislature to allow collective bargaining for System faculty. He said that Student Government passed a resolution in support of the proposal. Chair Dresdow explained that the bill proposes that faculty be allowed to decide whether to bargain. She said that initial indications are that the bill would not require substantial changes in state statutes for faculty governance, but this is a recent development and the UC has not yet had a chance to look into it closely.

8. Adjournment. The Speaker called for a motion to adjourn, which was made and approved at 4:22 p.m.

Respectfully submitted,
Kenneth Fleurant, Secretary of the Faculty and Academic Staff

FACULTY AND ACADEMIC STAFF GOVERNANCE OFFICE

February 15, 2006

TO: Voting Faculty

FROM: Kenneth Fleurant, Secretary of the Faculty and Academic Staff

SUBJECT: **NOMINEES FOR 2006-07 FACULTY ELECTIVE COMMITTEES**

The Committee on Committees and Nominations has prepared the following slate of candidates for open 2006-07 faculty elective committee positions. Further nominations can be made by a petition of three voting faculty members. These nominations must have consent of the nominee and must be received by the Secretary of the Faculty and Academic Staff no later than February 24.

THIS IS NOT A BALLOT

ACADEMIC AFFAIRS COUNCIL

5 **tenured** members: one from each voting district, plus one at-large member.

Continuing members: Mark Everingham (SS) and Jennifer Ham (AH), both 2-year terms; William Shay (at-large NS), 1-year term

Outgoing members: John Lyon (NS) and Robert Nagy (PS)

2 to be elected for 3-year term: 1 from NS and 1 from PS

Nominees: Forrest Baulieu, NS
Peter Breznay, NS

Sally Dresdow, PS

PERSONNEL COUNCIL

5 **tenured** members: one from each voting district, plus one at-large member.

Continuing members: Jeffrey Entwistle (AH) and William Niedzwiedz (SS), both 2-year terms; Steve Dutch (at-large NS), 1-year term

Outgoing member: Michael Hencheck (NS) and Patricia Ragan (PS)

2 to be elected for 3-year term: 1 from NS and 1 from PS

Nominees: Anjani Mehra, NS
Patricia Terry, NS

Sylvia (Mimi) Kubsch, PS
Linda Tabers-Kwak, PS

GENERAL EDUCATION COUNCIL

6 **tenured** members: one from each voting district, plus two at-large members (with no more than 2 from a single voting district).

Continuing members: William Lepley (PS) and Debra Pearson (at-large NS), both 2-year terms; Kumar Kangayappan (SS) and Brian Sutton (AH), both 1-year terms

Outgoing members: Robert Howe (NS) and Kevin Fermanich (at-large)

2 to be elected for 3-year term: 1 from NS and one from at-large

Nominees: David Dolan, NS
Heidi Fencl, NS

Gregory Aldrete, at-large, AH
E. Nicole Meyer, at-large, AH

UNIVERSITY COMMITTEE

6 **tenured** members: one from each voting district, plus two at-large members (with no more than 2 from a single voting district).

Continuing members: Scott Furlong (SS) and Terence O'Grady (at-large AH), both 2-year terms; Christine Style (AH), 1-year term

Outgoing members: Gregory Davis (NS) and Sally Dresdow (PS) and Forrest Baulieu (at-large)

3 to be elected for 3-year term: 1 each from NS and PS; 1 from at-large

Nominees:	Peter Breznay, NS	Kevin Roeder, PS
	Donna Ritch, NS	Sandra Stokes, PS
	William Niedzwiedz, at-large, SS	
	Dean Von Dras, at-large, SS	

COMMITTEE OF SIX FULL PROFESSORS

6 **tenured, full Professors:** one from each of the voting district, plus two at-large members (with no more than 2 from a single voting district).

Continuing members: Gregory Davis (NS), Cheryl Grosso (at-large AH), and Larry Smith (SS); all 2-year terms; Judith Martin (PS) and Lloyd Noppe (at-large SS), both 1-year terms

Outgoing members: Carol Emmons (AH)

1 to be elected for 3-year term from AH

Nominees:	Clifford Abbott, AH
	Laura Riddle, AH

COMMITTEE ON RIGHTS AND RESPONSIBILITIES

5 **tenured** members: one from voting district, plus one at-large. Members may serve up to three consecutive terms.

Continuing members: Tian-you Hu (at-large NS), 2-year term; Derryl Block (PS) and Brian Merkel (NS), both 1-year terms

Replacement term: Kim Nielsen (SS) 2-year term; on sabbatical

Outgoing members: Brian Sutton (AH)

1 to be elected for 3-year term: 1 from AH

1 to be elected for 2-year replacement term from SS

Nominees:	Cristina Ortiz, AH	Andrew Austin, SS
	Brian Sutton, AH	Dennis Lorenz, SS

GRADUATE FACULTY BOARD OF ADVISORS

2 tenured members: at-large (no more than one member from any one graduate program on the Board) and 5 chairs.

At-large members are elected by Graduate Faculty only. May not be elected for consecutive term. **3-year term**

Continuing member: Marilyn Sagrillo, (at-large), Masters of Management, 2-year term

Outgoing member: Denise Scheberle (at-large) ES&P

1 to be elected from either Environmental Science & Policy, Applied Leadership, or Masters of Social Work

Nominees:	John Katers, Environmental Science & Policy
	Kevin Roeder, Masters of Social Work

COMMITTEE ON COMMITTEES AND NOMINATIONS

5 members of **professional rank**: one from each voting district, plus one at-large member. No member is eligible for more than one consecutive term.

Continuing members: Kaoime Malloy (at-large AH), 2-year term; E. Nicole Meyer (AH), 1-year term,

Replacement term: Georjeanna Wilson-Doenges (SS), 2-year term, on sabbatical

Outgoing members: Forrest Baulieu (NS) and Sally Dresdow (PS)

2 to be elected for 3-year term from NS and one PS

1 to be elected for 2-year replacement term from SS

Nominees:	Steve Dutch, NS	Derryl Block, PS
	Heidi Fencl, NS	Judith Martin, PS
	Illene Noppe, SS	
	Lloyd Noppe, SS	

LIBRARY AND INSTRUCTIONAL TECHNOLOGY COMMITTEE

4 faculty members, **3-year term**: one from each of the 4 voting districts

Continuing members: Franklin Chen (NS) and Andrew Kersten (SS), both 2-year terms

Outgoing members: Kristy Deetz (AH) and Meir Russ (PS)

2 to be elected for 3-year term: 1 from AH and 1 from PS

Nominees:	Paul Bhasin, AH	Mark Kiehn, PS
	Sarah Detweiler, AH	Robin Sronce, PS

STUDENT AFFAIRS COMMITTEE

4 faculty members, one from each of the 4 voting districts. **3-year term**

Continuing members: Denise Bartell (SS) and David Dolan (NS), both 2-year terms; Susan Gallagher-Lepak (PS), 1-year term

Outgoing members: Sarah Detweiler (AH)

1 to be appointed for 3-year term from AH

Nominees:	Benjamin Moritz, AH
	Laura Riddle, AH

**MEMORIAL RESOLUTION
OF THE UNIVERSITY OF WISCONSIN-GREEN BAY
ON THE DEATH OF PROFESSOR EMERITUS IRWIN C. SONENFIELD**

Irwin C. Sonenfield, Professor Emeritus of Humanistic Studies (Music), died on November 1, 2005, after a short illness. He was eighty years old. Born on July 18, 1925, he grew up in New York City during a transformative time in United States history. As a boy, he became involved in radical politics and never lost his critical view of a nation in which some have so much more than others. Also, in his childhood, Irwin learned that he had an exceptional musical gift. He attended New York City's High School of Music and Art. In 1942, he entered Queens College and majored in music. After a short and ill-fitting stint in the U.S. Army, Irwin returned to the United States and enrolled in the Juilliard School of Music where he was a star pupil of the famous Twentieth Century composer Erno von Dohnanyi. In 1950, he graduated from Stetson University in Florida with a B.M. in Music Theory. In 1965, he completed a Ph.D. in Music Theory and Composition with a Minor in English Literature at the University of Wisconsin-Madison.

By the time of his Ph.D., Irwin had already married Anne Cardozo with whom he had started a family. Eventually, he and Anne had three children. To support the family, Irwin taught music at Milton College (Wisconsin) from 1954 to 1965 and at Moorhead State College (Minnesota) from 1965 to 1971. In 1971, Irwin joined the staff at the University of Wisconsin-Green Bay as a full professor in the old Analysis-Synthesis Department. Later, Irwin served as chair of the renamed Humanism and Cultural Change.

Irwin excelled as a teacher, pianist, and composer. His musicological knowledge of the late Eighteenth Century was exceptional. Moreover, his expertise extended into the realms of literature and fine art. He was perfectly situated at an interdisciplinary university. Irwin's major work was commissioned to celebrate the twentieth anniversary of the founding of UW-Green Bay: "Fantasy on a Theme in D Minor" for string trio. In 1991, after twenty years of teaching at UW-Green Bay, Irwin joined the ranks of the emeriti. For a few years after that, he taught a course or two in the humanities. He spent most of his time honing his skills as a photographer and movie critic, playing music, listening to music, talking about politics, and tutoring and mentoring disadvantaged local school children with learning disabilities.

He will be remembered for his music, for his gifts as a teacher, for his incisive wit, and for his kindness. He is survived by his three children: Nancy, David, and John.

Andrew E. Kersten
Social Change and Development

Faculty Senate New Business 4(b)
15 February 2006

**MEMORIAL RESOLUTION
OF THE UNIVERSITY OF WISCONSIN-GREEN BAY
ON THE DEATH OF PROFESSOR EMERITUS ANTHONY H. GALT**

Professor Emeritus Anthony H. Galt died on December 10, 2005, after a brief illness. He began his career at UW-Green Bay in 1971 and retired as a full professor of Social Change and Development and Anthropology in fall, 2005. Tony came to UWGB after finishing his Ph.D. at the University of California-Riverside and quickly became a major contributor to the university, being promoted to full professor in 1985. As a teacher, Tony constantly innovated in his courses, finding new ways to help his students learn difficult, unfamiliar material, and also remained committed to the interdisciplinarity that originally drew him to UWGB. Tony was adept at integrating scholarship and teaching.

Teaching the introductory anthropology course, *Varieties of World Cultures*, to large student audiences every year, he used technology to enhance the learning experience, receiving the Featured Faculty Award for the creation of a web-supported version of the class. Since then, web-based materials became an integral part of all of his anthropology and SCD courses, many of which also served general education students. He was a mentor to many students, some of whom went on to graduate school in Anthropology or related fields.

Tony was also actively involved in scholarship. Tony won the Founders Award for Scholarship, a recognition that his writings on Italy had made him an important figure in European anthropological studies. In addition to many articles and reviews, Tony published two significant books, *Far from the Church Bells: Settlement and Society in an Appulian Town* (Cambridge University Press) and *Town and Country in Locorotundo* (Harcourt Brace Jovanovich), both based on extensive field research in Italy and integrating anthropology with history. Tony also served the larger anthropological community by founding and moderating the Society for the Anthropology of Europe listserv, the major online venue for scholarly exchange and discussion in the field.

Throughout his career at UWGB Tony has devoted countless hours to campus service. He chaired, and served as the main student adviser for, both SCD and Anthropology at various times and served repeatedly on most key faculty governance groups. Teacher, scholar, active member of the campus and Green Bay community, respected colleague, and, for many faculty and staff members, much valued friend, Tony Galt will be missed.

Craig Lockard
Social Change and Development

Faculty Senate New Business 4(c)
15 February 2006

**Proposed Policy
Regarding Procedures Followed in Response to
Student Academic Complaints Made Against Faculty Members**

1. As indicated in the guidelines published by the Dean of Student's office, students who have grievances related to course grades, conduct of classes or other course matters should address those complaints first with the instructor of the course. If the student is not satisfied with the resolution, the grievance can then be taken to the chairperson of the appropriate academic department and, if resolution is not achieved there, the student may then go to the appropriate academic dean.

2. If a student brings the complaint directly to the unit chair, the unit chair should re-direct the student to the relevant faculty member unless the chair determines that a productive dialogue between student and faculty member is unlikely. If the student brings the complaint to the chair of the disciplinary program, that chair should direct the student to the faculty member in question or, alternatively, to the unit chair.

At the point in which the unit chair is considering the student complaint, he/she must immediately inform the faculty member of the nature of the complaint and request that the faculty member respond to it. The chair will then attempt to mediate the situation by discussing the issue with both student and faculty member, either together or independently as the chair chooses. Both the student and the faculty member in question will be immediately informed of any decision made by the chair.

3. If the complaint remains unresolved after these discussions take place, the student has the option to bring the complaint to the relevant dean. The dean will, after consulting with the relevant disciplinary and unit chairs and requesting a written statement from the student articulating the complaint and a written response from the faculty member against whom the complaint is made, attempt to resolve the situation. Both faculty member and student must be informed of the resultant outcome in a timely fashion.

Proposal for Code Change to UWGB 3.08 and 3.09

To clarify and assure that a faculty member's due process is protected, the following changes to code are being proposed. Changes are noted within brackets and in bold.

UWGB 3.08 REVIEW PROCEDURES (Merit, Promotion, Renewal)

4. Authority for Decisions for Renewal and Promotion at All Ranks
 - d. The faculty member shall be notified in writing [**of the recommendation and reasons for the recommendation**] by the committee or office making the recommendation within 20 days after each recommendation at each reviewing level. [**The faculty member and Executive Committee members should receive a copy of the transmittal letter.**]

UWGB 3.09 NONRENEWAL OF PROBATIONARY APPOINTMENTS

1. Statement of Reasons

In cases of a negative recommendation, if requested in writing by the faculty member within 10 days of the receipt of a decision, [**a more detailed explanation of**] the reasons will be provided in writing to the faculty member [**within 10 days of the receipt of the request**] by the chairperson of the interdisciplinary unit executive committee, the appropriate Dean(s), or the Chancellor, depending upon the level at which a decision was reached.

Notes About
Proposed Chapter UWS 7, Wisconsin Administrative Code
Procedures for Dismissal of Faculty in Special Cases

The University Committee has decided to provide the attached material about the current draft of the Proposed Chapter UWS 7 for the February Faculty Senate Meeting. The Board of Regents (BOR) is reviewing this at their meeting on Friday, February 10. We are expecting that after the BOR meeting, all the campuses will be asked for input regarding the policy.

It is anticipated that the timeline for campus review will be short and we may have to have a response to UW System by March 20. What is attached is a cover memo from Regent Spector who chaired the committee that drafted this, a **draft** of UWS 7, and some background material. The University Committee members wanted you to have this as soon as possible. There will be a presentation of this in the February 15 Faculty Senate Meeting. No action will be taken at this time, but there can be a discussion of the proposal.

Over the past two meetings, the Faculty Reps have discussed this policy and raised a number of concerns regarding the proposed policy. To help you as you review the material, I will highlight *some* of the issues raised by the Faculty Reps:

1. The description of “serious criminal misconduct” (UWS 7.02 (2)) is extremely broad and would potentially open the door for many dismissals to fall under this new chapter’s guidelines rather than UWS 4.
2. The Provost is given very broad powers and in one place is given the final word UWS 7.06 (3).
3. The Provost is being placed in the position to determine legal issues and level of evidence (preponderance or substantial likelihood).
4. This policy implies that the faculty member is guilty until proven innocent.
5. It is an overly aggressive timeline (UWS 7.05) for dismissal – 60 days.
6. Without a conviction of a “relevant” felony, it is not feasible to assume that an investigation could proceed at a campus. Neither the prosecution nor the defense would allow evidence to be presented prior to the trial. This would mean most cases would default to suspension without pay where the evidence required is not as stringent.
7. The policy states that the Provost “shall consult with appropriate institution governance representatives” (UWS 7.05 (3)) or “after consultation with appropriate faculty governance representatives” UWS 7.06 (1). It is unclear what consultation means in these situations.
8. The Reporting Responsibility in UWS 7.04 is problematic based on the definition of serious criminal misconduct (UWS 7.0 (2)).
9. The protection for the faculty member is limited.
10. It is unclear about the degree to which restitution will be made.

These notes were prepared by Sally Dresdow, Chair of the University Committee and UWGB’s Faculty Rep.

To: Regents
President Reilly

From: Mike Spector

On behalf of the Committee on Faculty and Academic Staff Disciplinary Process, and in preparation for the Committee's February 10 report to the Regents, I am pleased to enclose the following:

- (a) Proposed Chapter UWS 7, Wisconsin Administrative Code, Procedures for Dismissal of Faculty in Special Cases;
- (b) Summary of Recommended Changes Regarding the Disciplinary Process for Serious Criminal Misconduct.

Please note that the Proposed UWS 7 is a "draft" and will continue to be so until completion of the University's shared governance review process period.

cc: Committee on Faculty and Academic Staff Disciplinary Process
Cabinet
Chancellors

DRAFT--2/7/06

Proposed Chapter UWS 7, Wisconsin Administrative Code
Procedures for Dismissal of Faculty in Special Cases

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 and credibility are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the public trust in the university or the university's ability to fulfill its missions, or 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 engaging in behavior that constitutes the commission of a felony, and that:

- (a) Clearly poses a substantial risk to the safety of members of the university community or others; or
- (b) Seriously impairs the public trust in the university and the university's ability to fulfill its teaching, research or public service missions; or
- (c) Seriously impairs:
 1. The faculty member's fitness or ability to fulfill the duties of his or her position; or
 2. The efficiency of the colleagues and students with whom he or she works.

(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 behavior that constitutes Serious Criminal Misconduct shall be subject to the procedures set forth in ss. UWS 7.03-7.06.

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 engages in Serious Criminal Misconduct shall immediately report that fact to the provost.

UWS 7.05 Expedited process. (1) Whenever the provost 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 engaged in Serious Criminal Misconduct, or where the provost has determined to impose a suspension without pay pending the final decision as to dismissal under s. UWS 7.06, the provost shall:

(a) Within three working days of receipt of the report or information, inform the faculty member of its receipt and, after consultation with appropriate institutional governance representatives, appoint an investigator to investigate the report or information;

(b) Upon appointing an investigator, afford the faculty member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality. In the event that the provost determines that a request for disqualification should be granted, the provost shall, within two working days of the determination, appoint a different investigator.

(2) The investigation shall be completed and a report filed with the provost not later than ten working days following the time allowed for the faculty member to request an investigator's disqualification, or the naming of a different investigator, whichever is later.

(3) Within three working days of receipt of the investigator's report, the provost 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.

(a) If the provost decides to seek dismissal of the faculty member pursuant to this chapter, the provost shall file charges within two working days of reaching the decision.

(b) If the provost decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the provost shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies.

(c) If the provost 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 par. (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 s. UWS 4.05-4.06, 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) Upon receipt of the findings and recommendation of the committee under par. (4), the chancellor shall, within three working days, prepare a written recommendation on the matter.

(a) If the chancellor's recommendation is for dismissal, the recommendation shall be transmitted to the board of regents for review.

(b) 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 may offer an opportunity for filing exceptions to the recommendation, or 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 par. (3)(a) does not request a hearing, 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 proof shall be a preponderance of the evidence.

(9) (a) The time limits set forth in this section may be enlarged 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.

(b) Enlargements of time under this section may be granted by the chair of the faculty hearing body, subject to the approval of the provost.

UWS 7.06 Temporary suspension from duties. (1) The provost, after consultation 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 and the provost finds, in addition, that one or more of the elements of serious criminal misconduct listed in s. UWS 7.01(a)-(c) are present, and that there is a substantial likelihood 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 been convicted of serious criminal misconduct.

(2) Before imposing a suspension without pay, the provost shall evaluate the available information to determine whether the conditions specified in par. (1) are present. If the provost finds that the conditions in par. (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 two 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 provost determines to suspend without pay, the provost shall inform the faculty member of the suspension, in writing. The provost'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 terminated, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, or may order the payment of back pay, as appropriate;

(b) If the board later determines that the faculty member should not be terminated, the board may order a lesser penalty and/or the payment of back pay.

(4) If, after affording the faculty member the opportunity to be heard, the provost determines that the conditions in par. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

UWS 7.07 Initial Applicability. The provisions of this chapter shall first be applicable to conduct occurring on or after the effective date.

Summary of Recommended Changes Regarding the Disciplinary
Process for Serious Criminal Misconduct

Last fall, Regent President David G. Walsh appointed a committee to review the UW System disciplinary processes applicable to faculty and academic staff members in situations involving charges of criminal misconduct. Several recent instances in which faculty members were convicted of felonies prompted concerns that the university's internal disciplinary processes were not effective in resolving related employment issues involved in these cases. Of particular concern were the length of time required to complete the internal process; the continuation of substantial salary payments to those who could not, because of incarceration, or should not, be performing their duties; and the undermining of public confidence in the university's ability to fulfill its teaching, service and research missions. President Walsh created the Committee on Faculty and Academic Staff Disciplinary Process (Committee) to consider these and other problems, and to recommend any necessary rule or policy changes to the Board of Regents, subject to shared governance review.

The Committee has now met five times, and has agreed upon the attached draft of a new, expedited process for the disposition of disciplinary matters involving serious criminal misconduct. The draft creates a new chapter of the Board's administrative rules to deal specifically with circumstances where faculty members have engaged in serious criminal misconduct. While the language as drafted applies to faculty, it is anticipated that parallel provisions would be established to govern the indefinite academic staff, a group of employees which enjoys a status and procedural protections similar to faculty tenure. The new rules would make several significant changes from current procedures:

- (1) *Definition of serious criminal misconduct.* At the heart of the Committee's proposal is the definition of "serious criminal misconduct." This is the term that describes the kind of egregious misbehavior warranting initiation of the expedited dismissal process, possible imposition of suspension without pay, and constituting just cause for dismissal. As defined, "serious criminal misconduct" has two essential elements: (a) conduct that constitutes the commission of a felony *and* (b) either poses a danger to public safety; or seriously impairs the public trust in the university and the university's ability to fulfill its mission; or seriously impairs the faculty member's fitness or ability to fulfill his or her duties, or the efficiency of the colleagues or students with whom he or she works. By requiring both elements, the definition ensures that there is a nexus between the felonious activity and its impact on the university.
- (2) *Expedited time limits.* The time periods for conducting investigations, filing charges for dismissal, conducting hearings at the campus level and moving matters forward to the Board for review and final decision on termination have all been shortened, with the goal of establishing a process that could be completed within approximately 60 days. Enlargement of the time periods as set forth in the new language would occur only if necessary to obtain critical evidence or to meet due process requirements, and only with the approval of the provost. The creation of this expedited process will allow the university to deal promptly with the most serious instances of misconduct.
- (3) *Suspension without pay.* The new language would also clearly provide for suspension without pay during the pendency of the internal process where: (a) A faculty member has been charged with serious criminal misconduct, and the provost has determined that there is a substantial likelihood that the faculty member has engaged in the conduct as alleged; (b) A faculty member is unable to report for work due to incarceration, condition of bail or similar cause; or (c) A faculty member has been convicted of serious criminal misconduct.

In developing these proposals, the Committee has been mindful of a number of related issues, including the rights of employee due process secured by the Fourteenth Amendment to the United States Constitution; state law prohibiting discrimination based on a conviction record, unless it can be shown that the conviction is related to the position in question; and the existing administrative rules and institutional policies and procedures governing the employment of faculty and academic staff. The draft language attempts to achieve a balance between and among the sensitive and important interests at stake. The proposal is now at a point where initiation of the university's shared governance review process is appropriate.

cc: Regents
President Reilly
Chancellors
Cabinet
Committee Members