

AGENDA

UW-GREEN BAY FACULTY SENATE MEETING NO. 5

Wednesday, 13 December 2006, 3:00 p.m.

Phoenix Room C, University Union

Presiding Officer: Christine Style, Speaker

Parliamentarian: Professor Clifford F. Abbott

1. CALL TO ORDER

2. APPROVAL OF MINUTES OF FACULTY SENATE MEETING NO.4, NOVEMBER 15, 2006 [page 2]

3. CHANCELLOR'S REPORT

4. CONTINUING BUSINESS:

- a. Resolution for Board of Regents on UWS 7 (action item) [page 4]
Presented by Professor Scott Furlong

5. NEW BUSINESS

- a. Change in General Education Requirements (first reading) [page 18]
Presented by Brian Sutton
- b. Report of the Comprehensive Program Review Committee (for discussion)
Presented by Deans Fritz Erickson and Fergus Hughes
- c. Requests for Future Senate Business

6. PROVOST'S REPORT [page 20]

7. UNIVERSITY COMMITTEE REPORT

Presented by Scott Furlong, Chair

8. ADJOURNMENT

MINUTES 2006-2007

UW-GREEN BAY FACULTY SENATE MEETING NO. 4

Wednesday, November 15, 2006
Phoenix Room C, University Union

Presiding Officer: Christine Style (COA-UC), Speaker

Parliamentarian: Clifford Abbott, Secretary of the Faculty and Academic Staff

PRESENT: Derryl Block (NUR), Peter Breznay (ICS), Francis Carleton (URS), Scott Furlong (PEA-UC), Clifton Ganyard (HUS), Allison Gates (COA), Cheryl Grosso (COA), Stefan Hall (HUS), Sue Hammersmith (Provost, *ex officio*), Tian-you Hu (NAS), John Katers (NAS), Harvey Kaye (SCD), Mark Kiehn (EDU), Anne Kok (SCOW), Michael Kraft (PEA), Pao Lor (EDU), Kaoime Malloy (COA), Daniel Meinhardt (HUB), Steven Meyer (NAS), Terence O'Grady (COA-UC), Donna Ritch (HUB-UC), Kevin Roeder (SOCW-UC), Jeanellyn Schwarzenbach (ICS alternate), Brian Sutton (HUS), Kristin Vespia (HUD), Dean Von Dras (HUD-UC)

NOT PRESENT: Sally Dresdow (BUA), Debra Pearson (HUB), Meir Russ (BUA), Bruce Shepard (Chancellor, *ex officio*)

REPRESENTATIVES: Paula Ganyard (Academic Staff Committee), Trista Seubert (Student Government)

GUESTS: Associate Dean Regan Gurung, Scott Hildebrand, Interim Dean Fergus Hughes, Erik Mims, Laurel Phoenix, Associate Provost Timothy Sewall

1. Call to Order. With a quorum present, Speaker Style called the Senate to order at 3:05 p.m.

2. Approval of Minutes of UW-Green Bay Faculty Senate Meeting No. 3, October 18, 2006. The minutes were approved with no objection.

3. Chancellor's Report Since the Chancellor was under the weather and not in attendance, the report was omitted.

4. Continuing Business

a. Code change. Senator Sutton moved (second Senator O'Grady) approval of a proposed code change to provide for staggered two-year terms of membership on the committee on Awards and Recognition. There was no discussion and the motion passed unanimously (22-0-0).

b. Revised Search and Screen Procedures for Administrative Appointments. Senator Furlong moved (second Senator Kraft) approval of proposed changes to Search and Screen procedures to remove references to a position that no longer exists. Without discussion the motion passed unanimously (22-0-0).

c. Global Studies minor. Senator Furlong moved (second Provost Hammersmith) to approve a Global Studies minor as described in the proposal (see attachment to the March 2006 Senate agenda) along with the recommendations of the Global Studies Ad Hoc Committee (see attachment to this Senate agenda). Two senators spoke on behalf of the motion and one against. Senator Grosso sought clarification on whether the University Committee's recommendations (listed on the attachment to this Senate agenda) were to be a part of the motion. The mover responded that they concerned implementation more than the essence of the minor and although they were only recommendations, they could be considered part of the motion. Thus clarified, the

motion passed (22-1-1).

5. New Business

a. Granting of degrees. Senator Furlong moved (second Senator Block) the following resolution on the granting of degrees: "Be it resolved that the Faculty Senate of the University of Wisconsin Green Bay, on behalf of the Faculty, recommends to the Chancellor and the Vice Chancellor of the University that the students certified by the Registrar of the University as having completed the requirements of their respective programs be granted their degrees at the fall 2006 Commencement." The motion passed unanimously (24-0-0).

b. Request for future Senate business. Speaker Style then asked for items for future business.

1. The Provost suggested the Senate might find informative a presentation from Deb Furlong on data collected as part of the National Survey of Student Engagement (NSSE).

2. Senator Carleton raised a question about a \$180,000 budget cut. The Provost responded that the current budget contains a structural deficit due to a number of reasons such as the Weidner Center and coverage of veterans' tuition. This needs to be addressed. Budget planning currently faces many unknowns and the Provost promised to keep people informed as the process proceeds.

3. Senator Grosso was anxious to see the work of the Comprehensive Program Review (see Provost's Report).

4. Senator Steven Meyer asked whether there were plans for a joint governance meeting of faculty and students and academic staff.

5. Senator Breznay raised the issue of grade inflation and whether there was interest in a system, explored at other schools, of limiting higher grades. This sparked a flurry of comments from other senators nearly all of them expressing reservations about any attempt to establish quotas on higher grades.

6. Provost's Report. The Provost supplemented the written report (attached to this meeting's agenda) with the observation that this is International Education Week and that the University is involved in discussions about exchanges with Jordan and Italy. She then asked for questions. Senator Grosso reiterated her question about the distribution of the Comprehensive Program Review Report. The Provost responded that distribution was imminent, going first to unit leaders and the Academic Affairs Council. The units will be asked to respond and supplement the report by next March.

7. University Committee Report. UC Chair Furlong reported the issues the UC has been discussing (Global Studies, criminal background checks, General Education changes, faculty salary). He urged units to remember to elect alternates along with Senators for the coming year and he announced that Speaker Style would act as the faculty representative to student government for this year.

8. Adjournment. Speaker Style efficiently gaveled adjournment at 3:50pm.

Respectfully submitted,

Clifford Abbott, Secretary of the Faculty and Academic Staff

**Resolution of the Several Faculties of the University of Wisconsin System
Regarding the Proposed UWS 7**

Whereas, s. 36.13 (3), Wisconsin Statutes, provides:

RULES. The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the nonretention and dismissal of faculty members. Such rules shall be promulgated under ch. 227 [Wisconsin Statutes]; and,

Whereas, s. 36.13(5), Wisconsin Statutes, provides:

PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final, subject to judicial review under ch. 227 [Wisconsin Statutes]. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227[Wisconsin Statutes]; and,

Whereas, the board and the several faculties of the University of Wisconsin System affirm the importance and necessity of working together to develop rules relating to faculty dismissal; and

Whereas, the board and the several faculties of the University of Wisconsin System endorse the importance and necessity of rules that will deal effectively with those infrequent cases when faculty members are involved in serious criminal activity that substantially impairs the safety, operation, or integrity of the university; and,

Whereas, the board and the several faculties agree that prompt and expedited attention to such cases of serious criminal activity best serves the state, its citizens, the university, the faculty, and the faculty member concerned; and

Whereas, the board and the several faculties believe that in cases involving serious criminal activity the proposed UWS 7 is appropriate in, among other things, specifying just cause for dismissal, ensuring due process, and protecting academic freedom;

Therefore, be it resolved that the faculty of the University of Wisconsin-Green Bay joins with the Board of Regents of the University of Wisconsin System to endorse and approve the promulgation of rules in ch. UWS 7, Wisconsin Administrative Code, as proposed by the board at its December 8, 2006 meeting (a copy of the proposed board order follows), and including such non-material amendments as may result through the process under ch. 227, Wisconsin Statutes, (Administrative Procedure and Review).

[texts of UWS 7 and UWS 11]

Faculty Senate Continuing Business 4(a)
13 December 2006

BOARD OF REGENTS

Resolution:

Whereas, in October 2005, Regent President David G. Walsh appointed a special Committee on Faculty and Academic Staff Disciplinary Process, to review disciplinary procedures relating to, and to recommend any necessary rule or policy changes to address situations involving criminal misconduct by faculty and indefinite academic staff; and

Whereas, the Board, the faculties and the academic staff have affirmed the importance and necessity of working together to develop rules relating to faculty and academic staff dismissal, consistent with Chapter 36, Wisconsin Statutes; and

Whereas, consistent with the provisions of Chapter 36, Wisconsin Statutes, the Board, and members of the several faculties and the academic staff governance groups have worked together to develop recommended rules relating to discipline of faculty and academic staff in situations involving certain categories of felony misconduct that pose a substantial risk to the safety of members of the university community or that seriously impair its missions or operations; and

Whereas, the Board and the several faculties and academic staff governance groups agree that such rules serve the best interests of the State, its citizens, the System, the faculties and the academic staff; and

Whereas, the Board and the several faculties and academic staff governance groups agree that it is appropriate that such rules, among other things, specify just cause for dismissal, ensure due process, and protect academic freedom;

Now, therefore, be it resolved:

That the attached proposed rules creating Chapter UWS 7, Wisconsin Administrative Code, and revising Chapters UWS 2, 4 and 11, Wisconsin Administrative Code, are hereby approved; and

That the Secretary of the Board of Regents, pursuant to s. 227.19, Wis. Stats., notify the presiding officer of each house of the Legislature that the proposed rules are in final draft form, and cause a statement to appear in the Wisconsin Administrative Register that said proposed rules have been submitted to the presiding officer of each house of the Legislature.

12/08/06

**FACULTY AND ACADEMIC STAFF DISCIPLINARY PROCESS: APPROVAL
OF PROPOSED CH. UWS 7, WIS. ADMIN. CODE, AND REVISIONS TO
CHS. UWS 2, 4, AND 11, WIS. ADMIN. CODE**

EXECUTIVE SUMMARY

BACKGROUND

For over a year, the Committee on Faculty and Academic Staff Disciplinary Process (Committee), appointed by Regent President David G. Walsh, has worked to draft new provisions of the Board's administrative rules relating to discipline of faculty and academic staff members who engage in serious criminal misconduct. The proposed rules before the Board for its consideration and approval create an expedited dismissal process for faculty and indefinite academic staff who engage in serious criminal misconduct and provide for suspensions without pay in specified circumstances, while protecting constitutionally-protected conduct, expression, or beliefs, and assuring adequate due process in the proceedings.

REQUESTED ACTION

Approval of resolution II.8.a approving the proposed rules creating ch. UWS 7, and amending chs. UWS 2, 4 and 11, and directing that the Secretary of the Board of Regents, pursuant to s. 227.19, Wis. Stats., submit them to the presiding officer of each house of the Legislature.

DISCUSSION

In October 2005, Regent President David G. Walsh appointed the Committee on Faculty and Academic Staff Disciplinary Process, chaired by Regent Michael J. Spector. Regent President Walsh directed the Committee to consider system disciplinary policies and procedures regarding alleged criminal misconduct by faculty and indefinite academic staff. Regent President Walsh charged the Committee to make recommendations to the Board of Regents and to work closely with faculty and academic staff governance groups as appropriate under the shared governance process. As Regent President Walsh stated in the Committee's first meeting of November 3, 2005, the Committee's purpose is (a) to assure the public of good stewardship of funding and the safety of employees and students, and (b) to conduct an examination of the disciplinary process that will educate the public and everyone involved, maintaining a balance between the need to safeguard employee rights and the need to assure campus safety and good stewardship.

The Committee met four additional times between November 2005 and February 2006 to develop a proposal for a new, expedited disciplinary process for cases involving serious criminal misconduct. The Committee recommended creating a new chapter of the Board's administrative rules to deal specifically with circumstances where faculty members have engaged in serious criminal misconduct, and to amend the academic staff rules in a parallel manner to address such misconduct involving indefinite staff members. The Committee's proposal defined conduct that would trigger an expedited disciplinary process, established definitive timelines for action, and permitted suspension without pay in specified circumstances. The Committee elicited comments on the proposal from faculty and academic staff governance groups, and met again twice in May 2006 to discuss possible changes to the proposal in response to the comments received.

The Committee submitted a draft of the proposed rule to the Board for consideration at its June 9, 2006 meeting. At that meeting, the Board, acting on the Committee's recommendation, (a) directed its Secretary and UW System staff to initiate an administrative rule-making process to promulgate rules for dismissal and suspension without pay of faculty and indefinite academic staff who engage in serious criminal misconduct and

(b) further directed that the proposed rules drafted by the Committee be transmitted to faculty and academic staff governance groups for review and comment.

Pursuant to Chapter 227, Wis. Stats., the Board held a public hearing on the proposed rules on August 2, 2006. In addition, the Committee held three public meetings in October and November 2006. At each meeting, the Committee approved substantive changes to the proposed rules resulting from comments and suggestions of faculty and academic staff representatives, including comments and suggestions made at the August 2, 2006 public hearing. The changes also addressed the comments of the Legislative Council Rules Clearinghouse as presented to the Board in its July 24, 2006 report on the proposed rules.

The rules now presented to the Board for approval include the following major substantive revisions approved by the Committee since the June Board meeting:

Definition of “serious criminal misconduct”: Following the suggestion of faculty representatives, the Committee recommends that “serious criminal misconduct” be limited to pleading guilty or no contest to, or being convicted of, one or more of six categories of felony misconduct, subject to the conditions described in the rules.

The Committee also recommends removing “serious impair[ment] of the public trust” from the definition of “serious criminal misconduct” because that criterion is addressed by other portions of the rules.

Definition of “Consulting”: At the suggestion of faculty and academic staff representatives, the Committee recommends defining “consulting”, as it is used in sections of the rules requiring the chancellor to consult with appropriate governance groups prior to taking particular actions. “Consulting” is now defined as “thoroughly reviewing and discussing the relevant facts and discretionary issues.”

Expedited Dismissal Process: As a result of narrowing the definition of serious criminal misconduct, the expedited dismissal process would apply only to faculty and indefinite academic staff members who plead guilty or no contest to, or are convicted of, one of the felonies specified in the rules. However, chancellors have the discretion to initiate dismissal proceedings under ch. UWS 4 and ss. UWS 11.02-11.10 against faculty and indefinite academic staff, respectively, charged with one of the specified felonies, and may elect to switch to the expedited process if the charged faculty or indefinite academic staff member pleads guilty or no contest, or is convicted. The Committee has approved changes to the proposed rules to reflect these concepts.

Suspension without Pay: Although serious criminal misconduct no longer includes being charged with one of the specified felonies, the Committee recommends that chancellors retain the authority to suspend faculty or indefinite academic staff without pay at the time of charge in appropriate circumstances. The Committee approved amending the proposed rules to allow suspension without pay at the time of charge only after an investigator has determined that there is a substantial likelihood that a faculty or indefinite academic staff member has engaged in the conduct as alleged in the charge, or where the faculty or indefinite academic staff member is unable to report for work due to incarceration, conditions of bail, or similar cause. In addition, the Committee approved clarification of the proposed rules to provide that a faculty or indefinite academic staff member who is suspended without pay is entitled to backpay if the chancellor or Board discontinues dismissal proceedings or subsequently determines that suspension without pay was inappropriate. The recommended modifications to the proposed rules accomplish two objectives: to ensure that faculty members charged with serious criminal misconduct may be removed, in certain circumstances, from the payroll, pending continuing dismissal proceedings; and to foreclose the possibility that such faculty or indefinite academic staff will be subjected to expedited dismissal proceedings prior to a guilty or no contest plea or a conviction.

Technical Change: The Committee recommends a minor change to s. UWS 4.09 to cross-reference the provisions of ch. UWS 7 relating to suspensions without pay.

RECOMMENDATION

The Committee recommends approval of Resolution II.8.a approving the proposed rules creating ch. UWS 7, Wisconsin Administrative Code, and amending chs. UWS 2, 4 and 11, Wisconsin Administrative Code, and directing that the Secretary of the Board of Regents, pursuant to s. 227.19, Wis. Stats., notify the presiding officer of each house of the Legislature that the proposed rules are in final draft form, and cause a statement to appear in the Wisconsin Administrative Register that said proposed rules have been submitted to the presiding officer of each house of the Legislature.

**PROPOSED ORDER OF THE BOARD OF REGENTS OF
THE UNIVERSITY OF WISCONSIN SYSTEM AMENDING AND CREATING RULES**

[INTRODUCTORY CLAUSE]

The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 2.02, UWS 4.09, UWS 11.01(1), and UWS 11.08; to create ch. UWS 7, relating to procedures for dismissal of faculty in special cases; and to create UWS 11.01(3), UWS 11.101, UWS 11.102, UWS 11.103, UWS 11.104, UWS 11.105 and UWS 11.106, relating to procedures for dismissal of academic staff in special cases.

[RULE SUMMARY]

1. Statutes interpreted: Sections 36.09(1), 36.11(1) and 36.13(3), Stats.
2. Statutory authority: Sections 36.09(1)(a) and (L), 36.11(1)(a), 36.13(3), and 36.13(5), Stats.
3. Explanation of agency authority: Sections 36.09(1), 36.11(1) and 36.13(3), and ch. 227, Stats., define the scope of the Board's authority to promulgate rules for the dismissal of faculty and academic staff members.
4. Related statutes or rules: Current Wis. Admin. Code chs. UWS 4 and UWS 11.
5. Plain language analysis: The purpose of the proposed rules is to ensure that the Board rules regarding dismissal of faculty and academic staff deal specifically with circumstances in which faculty and academic staff members have engaged in serious criminal misconduct, a category of just cause under the rule. The proposed rules would define serious criminal misconduct, provide protection for constitutionally protected conduct, expression, or beliefs, authorize suspensions without pay, and provide for expedited dismissal procedures for faculty and academic staff who engage in serious criminal misconduct, while assuring adequate due process.
6. Summary of, and comparison with, existing or proposed federal regulations: There is no existing or proposed federal regulation for summary and comparison.
7. Comparison with rules in adjacent states. There are no corresponding rules in adjacent states for comparison.
8. Summary of factual data and analytical methodologies: There were no factual data or analytical methodologies used to develop the proposed rules.
9. Analysis and supporting documents used to determine effect on small business: The proposed rules affect only faculty and academic staff of the University of Wisconsin System. They have no effect on small business.
10. Effect on small business: The proposed rules will have no effect on small business.
11. Fiscal estimate: The proposed rules will have no fiscal effect.

12. Agency contact person: Christopher L. Ashley, Senior System Legal Counsel, University of Wisconsin System Administration, 1808 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706. Telephone: (608) 262-3662. Email: cashley@uwsa.edu.

13. Place where comments are to be submitted and deadline for submission: Comments may be submitted to: Christopher L. Ashley, Senior System Legal Counsel, University of Wisconsin System Administration, 1808 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706. Email to cashley@uwsa.edu. The deadline for written comments to the Board is 4:30 p.m. on September 29, 2006.

[TEXT OF RULE]

SECTION 1. UWS 2.02 is amended to read:

UWS 2.02 Delegation. Rules and procedures developed pursuant to chs. UWS 3, 4, 5, 6, 7, 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.

SECTION 2. UWS 4.09 is amended to read:

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 pay shall continue until the board makes its decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 7.06(1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 7.06 shall apply.

SECTION 3. Chapter UWS 7 is created to read:

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, 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 (b), (c), (d) or (e) of this section 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 three 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 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 two 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 ten working days following the investigator's appointment.

(3) Within three 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 two 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 subsection (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 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 three working days of receipt of the findings and recommendation of the committee under subsection (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 subsection (3)(a) does not proceed with the hearing before the institutional hearing committee as provided in s. UWS 7.05(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 ss. UWS 7.05(1) through (3), finds, in addition, that there is a substantial likelihood (i) that one or more of the conditions listed in s. UWS 7.02(1)(b) through (e) are present, and (ii) 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 subsection (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 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 subsection (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 subsection (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 subsection (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

SECTION 4. UWS 11.01(1) is amended to read:

(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.

SECTION 5. UWS 11.01(3) is created to read:

(3) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 11.102.

SECTION 6. UWS 11.015 is created to read:

UWS 11.015 Definition. In this chapter, “consulting” means thoroughly reviewing and discussing the relevant facts and discretionary issues.

SECTION 7. UWS 11.08 is amended to read:

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 pay 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.

SECTION 8. UWS 11.101, 11.102, 11.103, 11.104, 11.105, and 11.106 are created to read:

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 (b), (c), (d), or (e) of this section 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 three 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 two 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 ten working days following the investigator's appointment.
- (3) Within three 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 two 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. 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 subsection (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 three working days of receipt of the findings and recommendation of the committee under subsection (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 (i) that one or more of the conditions listed in s. UWS 11.102(1)(b) through (e) are present, and (ii) 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 subsection (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 two 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 subsection (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 subsection (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 subsection (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

SECTION 9. This rule first applies to conduct occurring on or after the effective date of this rule.

SECTION 10. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.

CHANGE IN GENERAL EDUCATION REQUIREMENTS

RATIONALE

A number of persons, from the Chancellor on down, have expressed dissatisfaction with UWGB's current General Education requirements. In recent years the GEC has devoted considerable time and energy to determining the bases for this dissatisfaction. In an October 2005 GEC memo, four main problems with UWGB's General Education program were identified:

- It lacks coherence.
- It lacks adequate assessment.
- It fails to create adequate student engagement.
- It lacks an interdisciplinary focus.

The attached proposal is part of current efforts on the GEC and across campus to address all four problem areas:

- GEC members believe that the domain committees, once they are created, will increase coherence in the general education program; moreover, the Humanistic Studies proposal recently passed by the GEC would increase coherence in satisfying the Humanities portion of the General Education requirements, by correlating courses more closely with learning outcomes. Finally, the attached proposal is designed to require that students take courses in a wider variety of disciplines, thus increasing the coherence of the UWGB program for truly *general* education.
- The GEC and the Coordinator of Testing Services are currently working on improving assessment through embedded assessment of selected General Education courses.
- The October 6 Conference on Interdisciplinarity and Student Engagement, coordinated by Heidi Fencl, was designed to initiate an increased focus on student engagement. A follow-up meeting on this subject is scheduled for November. Of course, additional campus-wide initiatives will also be needed to address student engagement. The GEC has initiated a new course proposal for Interdisciplinary Freshman Seminars which will be structured both to increase student engagement and to address interdisciplinary concerns, as well as to build on the current Freshman Seminar Pilots.
- Besides improving coherence, the attached proposal is intended to address the fourth problem listed in the October 5, 2005 memo—lack of an interdisciplinary focus. Essentially, the proposal closes a loophole which allowed students in certain majors to avoid taking any interdisciplinary General Education courses at all beyond those required for their majors. It also seeks to require that all UWGB students take a certain minimum number of credits in interdisciplinary General Education classes. The number of interdisciplinary credits required by the proposal is modest enough that most current UWGB students satisfy it without being required to, yet substantial enough to reemphasize our school's commitment to interdisciplinary education. We urge the University Committee to recommend to the Faculty Senate that the proposal be approved.

Faculty Senate New Business 5(a)
13 December 2006

CHANGE IN GENERAL EDUCATION REQUIREMENTS

PROPOSAL

On October 19, 2007, the General Education Council unanimously passed the following proposal:

- When more than one course is required from a General Education domain, courses must be from different disciplines. This does not include “interdisciplinary disciplines” such as Humanistic Studies, Human Development, etc.
- All students must take at least 6 credits of interdisciplinary course work besides any courses counted toward their major and/or minor. In other words, a student cannot use the same course to satisfy the interdisciplinary requirement within General Education and also satisfy requirements for a major or minor. New courses may be created especially for this category; such courses may include, but need not be limited to, Interdisciplinary Freshman Seminars.

**Update/Faculty Senate Report
December 13, 2006**

*Submitted by Sue K. Hammersmith, Provost and Vice Chancellor for Academic Affairs
University of Wisconsin-Green Bay*

I. SABBATICALS

At its December meeting, the UW Board of Regents will approve sabbaticals for eight UWGB faculty:

Name (Unit)	“Snapshot” of the Sabbatical Project
Forrest Baulieu (ICS)	To use C++ to create a genetic neural network software product and to study genetic programming, and course development
Derryl Block (Nursing)	To engage in health and environmentally-related federal public policy advocacy in Washington, D.C., and course revision
David Dolan (NAS)	To develop a textbook and graduate course in applied statistics for the aquatic sciences, Acadia Center for Estuarine Research in Nova Scotia
Harvey Kaye (SCD)	To research and write a book tentatively titled, <i>FDR, The Four Freedoms, The Greatest Generation, and Us</i>
Hye-Kyung Kim (HUS)	To do research on integrating Western, Asian, Ancient Greek, and Eastern philosophies and approaches to teaching and research, as the basis for a text and two scholarly articles
Ganga Nair (NAS)	To head a United Nations-sponsored project to produce a <i>World Atlas of Internationally Dangerous Tree Diseases with International Quarantine Regulations, Rome, Italy</i>
Lisa Poupart (HUS)	To study the traditional teaching and learning methods of tribal Elders and to study traditional First Nations oral teachings, and course revisions
Lynn Walter (SCD)	To analyze current research in sustainable agrifood systems, healthy eating, and food security internationally, as part of a collaborative research project of UWGB’s Center for Food in Community and Culture

Quite an impressive list! Please join me in congratulating these faculty and in wishing them the very best with their sabbatical projects.

II. EQUITY ANALYSIS

UWGB was the first UW institution to complete its “Equity Scorecard” analysis. Special thanks are due to Mike Stearney, Debbie Furlong, Mike Marinetti, and Regan Gurung for their good work on this project. The analysis focused on four key dimensions and a handful of key indicators reflecting our students’ undergraduate experience:

- **Access:** to the institution, to majors, and performance in gateway courses
- **Retention:** into the second year, and to graduation
- **Excellence:** grade point average, and participation in competitive scholarship activities
- **Institutional Receptivity:** race/ethnic diversity among employees, and responses to 5 select questions on the National Survey of Student Engagement (NSSE)

The Equity Analysis already is spawning change. It suggests some low-cost, easy steps we can take to produce better results (e.g., in the admissions process), and it is helping guide the allocation of new instructional development resources (discussed below). After the holidays, the report will be broadly circulated and discussed with any interested parties. We recognize that particular faculty, academic programs, or offices may want more “fine grained” analysis of

their particular students or programs as well. That can be done as a follow-up where there is interest in doing so. Again, we will return to this next semester.

III. INSTRUCTIONAL DEVELOPMENT INITIATIVES

The UWGB Academic Affairs Strategic Plan, 2006-2009, called for us to do several things to improve our academic programs and services. These included:

- “complete an analysis of majority and minority students’ access and educational experiences at UWGB, and use the results to reduce gaps between minority and majority students’ educational experiences.”
- “encourage curriculum redesign in UWGB’s highest demand courses to support active, engaged learning and optimal use of faculty, instructional, and information resources.”
- “provide professional development funding to facilitate using assessment data, equity analysis, and active learning pedagogy.”

In keeping with these strategic actions, the Instructional Development Council and the Provost’s Office are supporting some new instructional development initiatives. The first is a new type of award – a course release – to give the recipient time for creative instructional innovation. For this award, the IDC is particularly interested in proposals that focus on ***the use of computers and other technology, interdisciplinary or problem-focused activities, and service learning projects.***

Additionally, the Provost will fund two additional grants targeted specifically at enabling faculty to ***incorporate more active learning and student engagement to ensure student success in selected “gateway” courses.*** These courses were strategically selected in keeping with the Academic Affairs Strategic Plan as noted above. All of these courses are heavily enrolled, play a prominent role in our general education curriculum, and were identified in our “Equity Analysis” as showing a significant inequity between minority and majority students. Consequently, incorporating more active learning and student engagement into these courses will have a particularly great potential impact on our students’ undergraduate experience. The gateway courses identified for these grants are: BIOLOGY 202, ENV SCI 102, HUM BIOL 102, HUM STUD 101, HUM STUD 102, HUM STUD 202, ECON 203, HUM DEV 210, POL SCI 101, PSYCH 102, SOCIOL 202.

The IDC will solicit applications for both types of award for the coming academic year. Submissions will be due ***February 16, 2007.*** Announcements will be forthcoming.

IV. STUDENT SENATE RESOLUTION ON TEXTBOOKS

Concerned with the ever-increasing costs of college textbooks, the UWGB Student Senate has passed a resolution appealing to all faculty to help control these costs. The resolution and a memo from SGA President Trista Seubert are attached. Thank you in advance for your consideration.



Thanks to all of you for a wonderful semester. May you and yours have a relaxing and rewarding semester break. If you travel, go safely. Happy holidays and new year. – Sue H.

Memo

To: Sue Hammersmith, Provost
From: Trista Seubert, Student Government Association President
CC: UWGB Faculty
Date: 12/8/2006
Re: Student Senate Textbook Resolution

On November 6th, Student Senate passed a resolution in support of a few recommendations in regards to textbooks. This resolution arose as a temporary fix to the dramatically increasing costs of textbooks. Currently, the UW System Board of Regents is auditing a textbook rental program. Until such audit is completed, the Student Senate passed the resolution to help prevent costs from rising at the same rate as in the past. The most important recommendation rising out of the resolution is urging professors to send their following semester's book list into the Phoenix Bookstore as soon as possible. Upon speaking with the Phoenix Bookstore, the delayed time in receiving such lists prevents the Bookstore from purchasing students' books back. If it is bought back, a nominal amount is given to the student for the textbook. This is based on the lack of certainty that the textbook will be used the following semester. The second recommendation is for professors to carefully look through new editions of textbooks to ascertain enough whether or not the major changes have been made to warrant requiring a new edition. This is not intended to imply that professors are not already doing this or that students are not willing to pay for new textbook editions that may provide a higher quality education. If there are any questions, comments, or concerns, please feel free to contact myself at stexec@uwgb.edu, or Student Senate at stsenate@uwgb.edu.

Thank you.

Resolution UWGBSS110606-1

Author: President Trista Seubert

Co-Sponsor: Secretary of Academic Affairs Tiefenthaler

Resolution Supporting Price Reduction in Textbooks

WHEREAS, the UW System is currently conducting an audit regarding textbook rentals; and

WHEREAS, the rising costs of textbooks are due to a multitude of factors including constant new textbook edition requests and late textbook lists handed in to the Phoenix Bookstore by faculty; and

WHEREAS, students receive only minimal amounts back during Textbook Buyback; and

THEREFORE, BE IT RESOLVED, that the UWGB Student Government Association urges UWGB professors to hand in textbook lists at an early date. This allows the Phoenix Bookstore to buyback used books on time and in ultimately allows students to receive a larger dollar amount for their books; and

BE IT FURTHER RESOLVED, that the UWGB Student Government Association urges UWGB professors to reduce need to update to new editions often if the textbook content has not integrally changed; and

BE IT FURTHER RESOLVED, that the Academic Affairs committee investigate other possibilities for students to save money in regards to textbook costs; and

BE IT FURTHER RESOLVED, that the UWGB Student Government Association President forward this resolution to UWGB faculty.