

AGENDA

UW-GREEN BAY FACULTY SENATE MEETING NO. 9

Wednesday, 18 April 2007, 3:00 p.m.

Phoenix Room B, 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. 8, MARCH 21, 2007 [page 2]

3. CHANCELLOR'S REPORT

4. CONTINUING BUSINESS:

- a. Elimination of Student Affairs Committee (second reading) [page 5]
Presented by Professor Scott Furlong, University Committee Chair
- b. Revision of Mission Statement (second reading) [page 6]
Presented by Professor Scott Furlong

5. NEW BUSINESS

- a. Memorial Resolution for Werner Prange [page 7]
Presented by Professor Jennifer Ham
- b. Resolution on Granting Degrees [page 8]
- c. Resolution on Wisconsin Technical College System Collegiate Transfer Programs Policy [page 9]
Presented by Professor Scott Furlong
- d. LAB Audit/Sick Leave Policy/Colleague Coverage [page 10]
Presented by Professor Scott Furlong
- e. Criminal Background Check Policy [page 12]
Presented by Professor Scott Furlong
- f. Discussion on Student Textbook Price Report [page 18]
Presented by Student Government Representative Trista Seubert
- g. Requests for Future Senate Business

6. PROVOST'S REPORT

7. UNIVERSITY COMMITTEE REPORT

Presented by Professor Scott Furlong, Chair

8. ADJOURNMENT

MINUTES 2006-2007
UW-GREEN BAY FACULTY SENATE MEETING NO. 8

Wednesday, March 21, 2007
Phoenix Room B, University Union

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

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

PRESENT: Peter Breznay (ICS), Francis Carleton (URS), Sally Dresdow (BUA), Jeff Entwistle (COA alternate), Scott Furlong (PEA-UC), Clifton Ganyard (HUS), Allison Gates (COA), Stefan Hall (HUS), Tian-you Hu (NAS), Mimi Kubsch (NUR alternate), Vladimir Kurenok (NAS alternate), Harvey Kaye (SCD), Mark Kiehn (EDU), Anne Kok (SCOW), Michael Kraft (PEA), Pao Lor (EDU), Kaoime Malloy (COA), Daniel Meinhardt (HUB), Steven Meyer (NAS), Timothy Meyer (ICS), Terence O'Grady (COA-UC), Donna Ritch (HUB-UC), Kevin Roeder (SOCW-UC), Meir Russ (BUA), Bruce Shepard (Chancellor, *ex officio*), Brian Sutton (HUS), Kristin Vespia/Illene Noppe (HUD/alternate), Dean Von Dras (HUD-UC)

NOT PRESENT: Sue K. Hammersmith (Provost, *ex officio*); Debra Pearson (HUB)

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

GUESTS: Associate Provost Jan Thornton, Associate Provost Sue Keihn, Bill Laatsch, Eileen Kolb, Russell Leary, Scott Hildebrand.

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. 7, February 14, 2006. The minutes were approved with no objection.

3. Chancellor's Report. The Chancellor mentioned his disagreement with the recent action of System Administration to remove salary figures from the Web. He said that support for the Growth Agenda is still looking ok politically, but that the issue of the need to raise faculty salaries is seen by some as an issue specific to UW-Madison. So local support will be needed to convince legislators that it is a need throughout the System. He also brought up the issue of sexual harassment. Several recent cases warn us against complacency on this issue, which he'd prefer we view more broadly as sexual ethics in the workplace. We may be hearing more on this topic. Senator O'Grady asked a question about our policy on the use of salary savings relative to other campuses and the Chancellor responded that we generally did have lower average salaries but that we also had a higher percentage of instruction done by tenure track faculty. This suggests other campuses bolster faculty salaries by having more instruction done by (presumably cheaper) lecturers or ad hocs. The Chancellor is not advocating that approach unless there is a more collective sentiment in its favor. In any event, salary saving are not being siphoned off for non-salary uses.

4. Continuing Business. The proposal for a Bachelor of Applied Studies degree returned to the floor and University Committee Chair Furlong reported four issues the Academic Affairs Council raised about the proposal (the name of the degree, the possibility of repeating courses, review of the proposal by student government, and a program review after two years). The UC had decided to offer amendments to the proposal on the first two issues but decided not to advocate for the latter two. Before getting to the amendments, the discussion began with several questions (was there a way to exclude certain less academic or technical programs; what percentage of transferring courses were more academic; what courses actually are part of the Interdisciplinary Studies program; what was the connection of the proposal to the Growth Agenda). Senator Kaye offered support for the proposal because it was likely to bring more mature students

to campus. The Chancellor offered that one of the target groups for the Growth Agenda was older students. In response to a question of whether this would portend a need for more night classes, the Chancellor said the trend in higher education is toward more flexibility in scheduling.

Senator O'Grady then offered the amendment to rename Bachelor of Applied Studies to Bachelor of Technical and Interdisciplinary Studies (second by Senator Malloy). Several senators were willing to offer reactions to the proposed name. It was called silly, confusing, misleading, exclusionary, and accurate. The defense of the amendment was that it dealt with fears that BAS might be mistaken for Bachelor of Arts and Sciences, although it wasn't clear that term was in use anywhere. **The amendment failed (1-20-6).**

Senator Furlong offered the amendment that BAS students shall not receive credit toward graduation for any UW-Green Bay course that is the transfer equivalent of any course taken prior to matriculation in the BAS program (second by Senator Entwistle). This amendment passed (25-0-3).

Senator Sutton offered an amendment to rename BAS to Bachelor of General Studies (second by Senator Entwistle). With minimal discussion this amendment failed (2-22-4).

The Speaker called for a vote on the **main motion to approve the proposal for the BAS degree and the motion passed (24-1-3).** The Chancellor remarked on his pride that the Senate was able to support such an innovative proposal.

5. New Business

a. Elimination of the Student Affairs Committee. UC Chair Furlong presented the first reading of this code change by saying the committee itself had recommended its elimination because most of its functions were being carried out by other groups. The Committee on Committees and Nominations and the University Committee have endorsed the change. UW System requires each institution to have a committee that hears appeals on non-resident tuition decisions. The Student Affairs Committee is currently codified with that function but in practice has been delegating it to another group in Student Life which can now be recognized formally as having that function. There was no discussion.

b. Revision of the Mission Statement. UC Chair Furlong provided some background on this first reading. The revision was prompted in part by the accreditation review now being prepared and will need approval by the Board of Regents. It sits in the context of existing mission statements for the entire UW System and for the University Cluster (non-doctoral schools) and a newly created vision statement, but it is only the UW-Green Bay mission statement that the Senate is being asked to approve. Reactions were: that it was badly written; that it should not include what we cannot deliver; that it was a great improvement over the existing mission statement; that we should focus on what was new; that words may be new, but the meanings were not; that various elements were missing (civic engagement and lifelong learning were mentioned); and that getting any group of faculty to agree on the wording will be impossible. UC Chair Furlong invited senators to send all their wordsmithing suggestions to Tim Sewall.

c. Open Forum on making the Academic Affairs Council and the General Education Council committees of the Senate. UC Chair Furlong presented the issue. Current Code specifies that decisions of these councils are reported to the Provost. (Until very recently provosts had delegated this to the deans.) The issue is whether the councils should report more directly to the Senate. The Chancellor led off the discussion with a comment that he thought such a change was long overdue in part because it might change the role of the University Committee, as the Executive Committee of the Senate, to do traffic control of issues, sending them to appropriate committees on behalf of the Senate. There were some concerns about what would really change – would the deans act differently; can the councils block actions; can the Provost ignore the AAC. One response was that everything the faculty does is advisory to the administration, although it may be harder to disagree with the Senate than with the AAC. There were statements of support that such a change would strengthen both communication and faculty governance. There was some alarm that the Senate would end up reviewing each curricular decision of the councils and no one seemed to want that.

d. Resolution. Senator O'Grady departed from the agenda at this point and offered the following **congratulatory motion: The Senate expresses its congratulations to the UW-Green Bay Women's Basketball team for the excellent season that they have just concluded and for the admirable ways in which they have represented the institution (second by Senator Sutton). The motion passed unanimously (27-0-0).**

e. Requests for future Senate business. There were none.

6. Provost's Report

The Provost was not at the meeting but her report was attached to the agenda.

7. University Committee Report

UC Chair Furlong mentioned two issues the UC has been discussing in addition to most of the business already brought before the Senate. One was administrator evaluations. Fruitful meetings with administrators had now taken place, but more importantly a committee has been formed to regularize future evaluations. The committee includes representatives from the UC, the Academic Staff Committee, and Melissa Jackson. The second issue was on criminal background checks. This issue will be coming to the Senate in preparation for a System-wide policy.

8. Adjournment

Speaker Style adjourned the meeting at 4:45 p.m.

Respectfully submitted,

Clifford Abbott, Secretary of the Faculty and Academic Staff

Proposal to Eliminate the Student Affairs Committee as described in the Faculty Handbook

Student Affairs Committee

UWGB Faculty Senate Approved 14 April 1999

1. The Student Affairs Committee shall be composed of ten (10) persons. Four (4) members will be elected faculty, with no more than one from a domain voting district; three academic staff members; and two students. Faculty and academic staff will serve 3-year staggered terms. Students will serve 1-year terms. The Associate Provost for Student Affairs, or her/his designee, will also serve *ex officio* as a non-voting member. The chair of the Committee may also request that one or more student affairs Directors and/or the University Counsel attend select meetings to provide advice and consultation.
2. Faculty members are elected from a slate prepared by the Committee on Committees and Nominations; academic staff members are elected from a slate prepared by Nominating Committee; and student candidates are selected by the Student Government Association.
3. Student Affairs Committee activities are coordinated by a chairperson elected by Committee members at the beginning of each academic year. Secretarial support for Committee activities will be provided by the Associate Provost for Student Affairs.
4. The Student Affairs Committee is advisory to the Chancellor, Provost and Vice Chancellor for Academic Affairs, and the Associate Provost for Student Affairs and has responsibility for examining admission standards and their application as well as the interrelationships among student life programs, extracurricular activities, support services and student conduct.
5. Any recommendations the Committee makes for modification of admission standards or policies must be brought to the Faculty Senate for approval via the Chairperson of the University Committee.
6. The Student Affairs Committee has the following functions:
 - a. Advises the Associate Provost for Student Affairs and Directors of Admissions and Financial Aid on matters pertaining to high school/college relations, admission standards and practices, recruitment, financial aid, and orientation.
 - b. Advises the University Committee on matters pertaining to student affairs.
 - c. Studies and makes recommendations regarding student conduct policies, whether substantive, structural, or procedural, and considers recommendations which originate from the administration or any other source.
 - d. Hears appeals from students and makes recommendations regarding their residency classification.
 - e. Acts as a representative and advocacy body for the concerns of special student populations.
7. The Student Affairs Committee shall provide a report of its activities at least annually to the Faculty Senate.

Select Mission of the University of Wisconsin-Green Bay

Our Mission

The University of Wisconsin-Green Bay provides an interdisciplinary, problem-focused educational experience that prepares students to think critically and address complex issues in a multicultural and evolving world. The University enriches the quality of life for students and the community by embracing the educational value of diversity, promoting environmental sustainability, and serving as an intellectual, cultural, and economic resource.

**MEMORIAL RESOLUTION
OF THE FACULTY OF THE UNIVERSITY OF WISCONSIN-GREEN BAY
ON THE DEATH OF PROFESSOR EMERITUS WERNER W. PRANGE**

Werner W. Prange, Professor Emeritus of German and Humanistic Studies, died unexpectedly on December 3, 2006, at the age of 79, following a brief illness. He was born on May 3, 1927, in Fusshollen, Germany, near Bonn in the state of North Rhine-Westphalia. Werner served in World War II, married an American nurse Mary Louise Benham, and relocated to her home state of Michigan where he joined the faculty of Aquinas College in Grand Rapids. Mary preceded him in death on January 4, 1988. Werner is survived by his wife, Edelgard Monfils, whom he married on April 20, 1991, and by his five children and her four children. Werner Prange joined UW-Green Bay in 1967 and was one of many who helped to establish and shape our institution in its earliest days when it was still a UW Center on Deckner Avenue. Werner Prange served the University both as a faculty member and in a variety of administrative capacities, among them as director of Learning Resources, as Dean of Instructional Services, and as Vice Chancellor of the University under Edward Weidner from 1976-1978. Werner was well-known throughout the larger Green Bay community and was a highly dedicated and long-time active member of the German-American Society of Green Bay. He retired from UW-Green Bay in 1997.

As a completely bilingual faculty member of what was then the Literature and Language program, Werner established the UW-Green Bay German Program and a semester-long German Immersion course at the Language House on our campus. An innovative teacher, particularly with regard to classroom technology, Werner taught a wide array of courses in the German Program, from introductory language courses to courses on German literature, history and culture and was instrumental in developing what is now one of the strongest German Programs in the UW System. Indeed, he was an inspiration to many students. As one of the very first Fulbright Scholars, Werner was deeply committed to broadening students' perspectives beyond Wisconsin and the United States and was one of the first individuals at UW-Green Bay to introduce an international dimension to the UW-Green Bay curriculum. He established our academic exchange with Kassel University in Germany, one of the first travel courses at UW-Green Bay, as well as the UW-Green Bay International Education certificate program. His research interests also reflect his involvement with international perspectives on higher education as evidenced by his published articles and co-authored book *Tomorrow's Universities: A Worldwide look at Educational Change* (Westview Press). Throughout his career - whether taking students down the Rhine, ironing out credit equations with our counterparts in Germany, or researching global perspectives on education - and his life, spanning two continents, several political regimes and different cultures and languages, Werner Prange remained an unforgettably energetic, optimistic and engaging presence in the lives of students, colleagues, administrators and staff members, both here and on the other side of the Atlantic.

Jennifer Ham
Modern Languages

Faculty Senate New Business 5(a)
18 April 2007

RECOMMENDATION ON THE GRANTING OF DEGREES

(Implemented as a Faculty Senate Document #89-6, March 21, 1990--action to be taken in advance of each commencement exercise and in the following language--dated as appropriate):

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 spring 2006 commencement.

Resolution on Criteria for Approval of Wisconsin Technical College System Collegiate Transfers Programs

Whereas, at its 9 February 2007 meeting, the University of Wisconsin System Board of Regents passed the “Criteria for Approval of Wisconsin Technical College System Collegiate Transfer Programs” (Education Committee Resolution A); and,

Whereas, the faculty at the University of Wisconsin-Green Bay (UWGB) are committed to providing students access to academic programs and curriculum that are of quality and meet students’ educational needs; and,

Whereas, ACIS-1.2 provides for Wisconsin Technical College System (WTCS) Collegiate Transfer Programs to be developed, including Pre-Professional and Liberal Arts Programs, involving WTCS institutions currently not designated as having either Pre-Professional or Liberal Arts authority (also called “Collegiate Transfer Offerings” and, formerly, “College Parallel Programs”) under State law; and,

Whereas the Faculty “have the primary responsibility for academic and educational activities” (Wis. Stat. 36.09(4)); and,

Whereas the Criteria do not make clear the role of the faculty in reviewing and approving either the curriculum of the Liberal Arts Programs or the Pre-Professional Programs for transfer from the Wisconsin Technical College System;

Therefore, be it resolved that the faculty of UWGB expect our campus administration to seek the review and support of the appropriate faculty governance structures including, but not necessarily only, the Academic Affairs Council, the General Education Council and the UWGB Faculty Senate before committing UWGB to any Pre-Professional or Liberal Arts Programs involving WTCS institutions currently without mandated authority to offer “Collegiate Transfer Programs.”

**University of Wisconsin System
Improvements in Leave Reporting
Recommendations of the UW System President's
Fringe Benefits Advisory Committee
February 28, 2007**

I. Administrative changes to address the LAB findings and recommendations

1. Revise the System-wide uniform leave reporting form (UW-1538) for reporting use of sick leave, vacation, and personal holidays.

UW-1538 (see attached) consists of a report of the employee's current leave balances and a space for the employee to report the next month's leave usage. It is distributed to the institutions monthly by the UW Service Center. The institutions distribute the form electronically or manually to their employees.

Form UW-1538 could be improved in several ways:

- a. Create two separate forms; one that provides the employee with a statement of his or her current balances, and one for reporting monthly leave usage.
 - b. Provide instructions on how to complete the monthly leave report.
 - c. Provide a way to indicate use of vacation or other leave in lieu of sick leave since many unclassified staff make this choice.
 - d. Show days of the week as well as dates on the current month's leave report which would make it easier to complete and reduce errors.
 - e. Ask all institutions to post a copy of form UW- 1538 on their websites for use by employees. This form could be fillable and could be emailed to the supervisor and then to the payroll office. (This would require electronic signature capability.)
 - f. Provide reason codes for adjustments to prior leave balances allowing for more accurate auditing of reasons for balance changes that are not the result of the current months leave activity, such as error correction.
2. Create a system-wide deadline for submission of the current month's leave report to the payroll office.

Form UW-1538 indicates a deadline, approximately the 10th of the next month. Most institutions think that the 10th of the next month is a workable deadline.

3. Instructions on UW-1538 should clarify use of colleague coverage as defined under Unclassified Personnel Guideline 10.05. Supervisors should be cautioned to review reports of colleague coverage use for appropriateness.
4. Improve employee education regarding the importance of proper sick leave and annual leave reporting.

Examples of improved educational measures include:

- g. Revise and disseminate the UWSA PowerPoint presentation on sick leave to include more information about how to report leave usage.
- h. Revise and simplify policy guidelines on leave reporting (UPG#9 & 10) to make them more understandable for employees.
- i. Provide institutions with new employee orientation materials to help new employees understand the leave reporting requirements.
- j. Require each institution to issue an annual reminder on sick leave reporting and provide materials that the institution could use to do so.
- k. Offer specialized training to supervisors regarding the review of leave reports.

II. Policy changes to address the LAB findings and recommendations for discussion with governance groups

1. Require leave reporting on an hour-for-hour basis.

It appears that several institutions have already taken this step. Form UW-1538 currently directs the employee to report in hours. The system described in UPG #10 may be unnecessarily cumbersome. Hour-for-hour reporting is consistent with the requirements of the state and federal Family and Medical Leave Acts.

2. Establish UWS System policy authorizing the institutions to implement any of the following:
 - a. On an annual basis, reduce sick leave accrual if the employee has failed to report leave usage in one or more months during the year. Sick leave accrual for that year will be limited to the capped amount specified in s. 40.05(4)(bp)1., Wis. Stats. (i.e., 8.5 days for an annual appointee or 6.4 days for an academic year appointee). The reduction will apply both to the sick leave available to employees during their careers and to the sick leave balance certified at retirement.
 - b. Consider compliance with leave reporting as a factor in merit increases.
 - c. Include leave reporting requirements in the employment contract as a condition of employment.
 - d. Permit supervisors to correct a leave report that appears to be inaccurate, with appropriate documentation and notification to the employee.

III. Policy Areas for Further Evaluation

The following are substantive policy issues which should be referred to the governance groups for further evaluation.

1. Evaluate the continued need for Colleague Coverage as a benefit to students when staff are absent from teaching responsibilities
2. Re-evaluate the policy that allows sick leave accrual during sabbatical leave
3. Evaluate alternative models for defined work schedules as it relates to sick leave and the statutory requirements for reporting sick leave.



**UNIVERSITY OF WISCONSIN-GREEN BAY
CRIMINAL BACKGROUND CHECK POLICY**

Area: Human Resources

Date of Last Update: May 1, 2007

Purpose

To ensure that UW-Green Bay's mission is supported by qualified employees who foster a safe and secure environment for all members of the university community. This policy will also allow the University to take meaningful and reasonable actions to protect its funds, property and other assets.

Policy

Except as otherwise provided in the UW System Criminal Background Check Policy or in this policy, UW-Green Bay shall conduct a criminal background check on each new hire filling a vacancy and certain temporary hires associated with a University position.

- A "new hire" shall be defined as any prospective employee that is not currently a UW-Green Bay employee or an employee of another UW System institution and any type of employee working for the University's Office of Residence Life. Exceptions to this policy include: Adjunct instructors, ad hoc program specialists, classified limited term employees (LTEs), visiting faculty and visiting scholars, all other short term or temporary employees, student employees, interns, vendors and contractors and unpaid volunteers. The excluded positions will be subject to criminal conviction or similar background checks when required by state or federal law or when hired into position identified as risk or trust sensitive. The attached guidance outlines job duties that are risk or trust sensitive. Hiring Authorities (Chancellor, Vice Chancellors and Human Resource Director) are responsible for determining which positions are at risk or trust sensitive.
- Current UW-Green Bay employees or employees of other UW System institutions who are moving to a position within UW-Green Bay, through transfer, promotion, or otherwise, will not be subject to a criminal background check unless such a check is otherwise required by law (e.g., the fiduciary responsibility law or caregiver law) or the position has been identified as at risk or trust sensitive.
- Employees who end their employment and return within three years from the date of the criminal background check will not require a new criminal background check.
- Criminal background checks shall be conducted on candidates recommended for hire, either prior to the extension of an offer of employment, or as part of an offer of employment that is made contingent upon a successful criminal background check. Individuals may not commence employment until they have successfully completed a criminal background check, except under special circumstances.

- If an individual being considered for a position has a criminal conviction or pending charge, the University will then apply the factors listed in Section 3 to determine if there is a substantial relationship between the offense and the job responsibilities. If a substantial relationship exists, the University may decide that individual should not be employed in the respective position. If an offer has already been extended or, due to the presence of special circumstances as described in the preceding bullet or otherwise, employment has commenced, the offer will be rescinded and the appointment terminated.
- Information collected in connection with the background check will be treated confidentially to the extent permitted by the Wisconsin Public Records Act and other applicable laws. Individuals in Human Resources are designated as responsible for all aspects of conducting criminal background checks.
- The University will comply with the Wisconsin Fair Employment Act and other applicable laws to ensure individuals are not discriminated against because of arrest or conviction records.

Procedures

1. **Hiring.** UW- Green Bay will incorporate the following steps into its hiring process.
 - (a) **Announcing a Vacancy:** All vacancy announcements (including ads) should contain the following statement: **“Employment will require a criminal background check.”**
The following language also may be added to vacancy announcements and ads: **“A pending criminal charge or conviction will not necessarily disqualify an applicant. In compliance with the Wisconsin Fair Employment Act, the University does not discriminate on the basis of arrest or conviction record.”**
 - (b) **Offering a Position:** Criminal background checks may be completed prior to making an offer of employment. If a check is not completed before an offer is made, the check must be completed prior to commencement of employment, except in special cases approved by the Director of Human Resources or designee. In most cases, only the applicant being offered the position will be checked. However, there may be circumstances where more than one applicant is checked.
 - (c) **Appointment Letters:** If an appointment is offered contingent on the successful completion of a criminal background check, or an employee is permitted upon approval of the Director of Human Resources or designee to commence employment pending completion of a check, the appointment letter must state the appointment will be withdrawn or terminated if the individual’s criminal background check results are unacceptable. The following statement may be used in the appointment letter.
“This appointment is conditional pending the results of a criminal background check. The appointment will be withdrawn or terminated if the results are unacceptable.”
 - (d) **Consent Form:** Prior to conducting a criminal background check, the University will have the candidate sign a consent form. This form will specifically ask a candidate to self-disclose if he or she has ever been convicted of a crime or is currently facing criminal charges. Individuals who decline to sign the consent form will no longer be considered a candidate for the vacancy. The candidate must submit the consent form directly to Human Resources where it will be maintained in confidence to the extent permitted by the Wisconsin Public Records Act and other applicable laws.

2. **Conducting Criminal Background Checks.** Criminal background checks will be conducted by the Human Resources Office to include checks of records in all jurisdictions deemed prudent. The following process will be used:
- (a) Human Resources will identify at least one employee to perform criminal background checks. These individuals will be responsible for all activities involved with the checks including determining the scope, conducting checks, referring checks to outside vendors, and making recommendations on results. All information will remain confidential except on a need-to-know basis or as required by the Public Records Act.
 - (b) The employing unit or department is responsible for notifying Human Resources that a check needs to be conducted. Any available resume/vita/employment application also should be provided to Human Resources by the employing unit. Human Resources will conduct a social security trace by utilizing a criminal background check vendor on the applicant to determine the candidate's history of residency and the scope of the background check needed. All costs associated with conducting the background check will be incurred by the employing unit.
 - (c) **Wisconsin Criminal Background Checks:** If a final candidate has lived only in Wisconsin and has no employment history outside of the state, Human Resources will conduct the check in-house by using the Wisconsin Department of Justice (DOJ) State of Wisconsin Criminal Background Check process and the Wisconsin Sex Offender Registry, as well as any other similar on-line databases. The University Public Safety Department may also assist in gathering criminal background check information as needed (e.g., FBI records).

In the alternative, the University may use a private, commercial background check vendor to conduct these checks. The University may also choose to use a hybrid approach that involves performing a social security number trace and sex offender check through a vendor. If the result of the social security number trace is residence only in Wisconsin the University may complete the background check by using the DOJ and the Wisconsin Sex Offender Register check process.

- (d) **Out-of-State Criminal Background Checks:** Out-of-state checks must be done if the final candidate has an employment history outside of Wisconsin or has lived outside the state. Human Resources can conduct these checks in-house by utilizing information the candidate has provided (resume/vita, reference check information, past employment information, consent form, etc.) and accessing available criminal records in other states. The following are options for out-of-state criminal background checks.
 - **Use a Private, Commercial Background Check Vendor.** HireRight is a private vendor under contract with the University. The University can use this service to perform a variety of checks. The University is required to comply with the federal Fair Credit Reporting Act ("FCRA") if it uses a private vendor. The standard package for out-of-state criminal background checks conducted through HireRight, Inc. shall include:
 - Social Security Number Trace – Authenticates applicant's information and generates a list of addresses the applicant has lived at for the last seven years; as part of the trace, the University may verify that the social security number is valid and appropriately assigned to the applicant.
 - Criminal Felony/Misdemeanor by county of residence – superior and municipal court records in any county in the US
 - Sex Offender Registry - sex offender search by state

- **Use In-House Human Resources Personnel.** Human Resources personnel access publicly available criminal history records in other states to complete the background check.

(e) **Additional Criminal and Non-Criminal Checks.** Additional criminal and non-criminal checks (e.g. motor vehicle, etc.) may be run when appropriate in relation to the position.

3. Making the Decision Regarding Substantial Relationship. Once the criminal background check is completed, the University will make a decision based on the information gathered. Wisconsin's Fair Employment Act states that employers cannot discriminate against prospective or current employees based on past or pending arrests or convictions. There are exceptions to this requirement if a "pending criminal charge" or "conviction record" is determined to be "substantially" related to the "circumstances of the particular job." To determine if there is a relationship, the University will review the circumstances of an offense, where it happened, when, etc. - compared to the circumstances of a job - where is the job typically done, when, etc. The more similar the circumstances, the more likely a "substantial" relationship exists.

Accordingly, if the check uncovers a pending criminal charge or a criminal conviction, the University's Chancellor (or designee), Provost and Vice Chancellor for Academic Affairs (or designee) or the University's Vice Chancellor for Business and Finance (or designee), as appropriate, will consult with Human Resources, the University's legal counsel, the University's Director of Public Safety and a member of the University Committee (for faculty positions) or the Academic Staff Committee (for academic staff positions), to determine whether the criminal activity is substantially related to the functions of the position. The Chancellor or designee shall be the decision maker for all positions within the Chancellor's area, the Provost and Vice Chancellor for Academic Affairs or designee shall be the decision-maker for all faculty positions, as well as all academic staff positions or other positions that are within divisions, departments or other administrative structures that ultimately report to the Provost. The Vice Chancellor for Business and Finance or designee shall be the decision-maker for all classified positions, as well as academic staff positions or other positions that are within divisions, departments or other administrative structures that ultimately report to the Vice Chancellor. On behalf of the Provost or the Vice Chancellor for Business and Finance, Human Resources may consult with other offices and individuals, inside and outside of the University, as appropriate to determine whether a substantial relationship exists while maintaining strict confidentiality.

In reviewing the results of a criminal history background check on an individual applicant, the University will review each applicant on a case-by-case basis and consider the following factors in order to determine whether there is a substantial relationship between the pending charge or conviction and the position and whether the applicant should be further considered for the position:

The Offense. The nature, severity and intentionality of the offense(s) including but not limited to:

- a. The statutory elements of the offense (rather than the individual's account of the facts of the offense);
- b. The individual's age at the time of the offense(s);
- c. Number and type of offenses (felony, misdemeanor, traffic, other);
- d. Time elapsed since the last offense;
- e. The individual's probation or parole status;
- f. Whether the circumstances arose out of an employment situation; and
- g. Whether there is a pattern of offenses.

The Position. The duties, responsibilities and circumstances of the position applied for, including but not limited to:

- a. The nature and scope of the position, including key access to residential facilities, key access to other facilities, access to cash and access to vulnerable populations, including minor children;
- b. The nature and scope of the position's student, public or other interpersonal contact;
- c. The nature and scope of the position's autonomy and discretionary authority;
- d. The amount and type of supervision received in the position or provided to subordinate staff;
- e. The sensitive nature of the data or records maintained or to which the position has access;
- f. The opportunity presented for the commission of additional offenses; and
- g. The extent to which acceptable job performance requires the trust and confidence of the employer, the University or the public.

Using these and other appropriate factors, the Provost and Vice Chancellor for Academic Affairs or Vice Chancellor for Business and Finance (or their respective designees) in consultation with Human Resources, legal counsel and Public Safety, will make the final determination on whether to appoint or reject the candidate on the basis of a criminal background check. Human Resources will be responsible for documenting the basis for the decision to appoint or to refuse to appoint a candidate based on the criminal background check review.

4. **Candidate Notification of Negative Results.** If a candidate is not selected based on the criminal background check results, the results will be provided and the candidate will be given a three (3) working day time period to refute the information. Additional time extensions may be provided to the candidate at the sole discretion of the University. If a private, commercial background check vendor is used, the University and the vendor will ensure compliance with the federal FCRA.
5. **Record Keeping.** Records gathered as a result of a criminal background check will be kept by Human Resources in a locked cabinet. The files will be maintained separately from an applicant/employee's general personnel records. These records should include:
 - Consent Form
 - Information collected from the check
 - Analysis and decision whether criminal activity (if any) was substantially related to position
 - Correspondence related to criminal background check

The records will be securely maintained for a period of six (6) years after the position has been filled, and may be accessed only on a need-to-know basis or as required by applicable law.

6. **Other Background Checks/Evaluations.** As noted previously, other types of background checks and/or evaluations may be utilized due to the nature of particular positions. Examples include checks required under Wisconsin's Caregiver Law (Wisconsin Statutes, Chapters 48 and 50) and Fiduciary Responsibility Law (Wisconsin Statutes, Section 230.17(3)). Additionally, the nature of certain positions could involve the need to conduct non-criminal background checks such as drug analyses, psychological evaluations, and credit checks. Nothing in this policy precludes the University from conducting position specific checks (criminal and non-criminal) on an as-needed basis.

Any questions related to this policy, including interpretations and resource locations, should be directed to the University's Human Resources Office.

GUIDANCE

JOB DUTIES/POSITIONS IDENTIFIED AS RISK OR TRUST SENSITIVE

- Camp counselors or those who travel with students or teams
- Cash handling with access to safes, cash deposits, or authorization for refunds
- Handle, receipt for, or have custody of cash, checks or securities, or account for supplies or other property; authorize (or make appropriations for) expenditures; approve, certify, sign or countersign checks, drafts, warrants, vouchers, orders or other documents providing for the paying over or delivery of money, securities, supplies or other property, or serve process
- Maintain or audit accounts of money, checks, securities, time records, supplies or other property, or take physical inventories of money, checks, securities, supplies or other property
- Set up checking or credit card accounts, make payments to vendors, sign procurement contracts, or global access to electronic files
- Significant inventory control responsibilities, including the receipt and release of inventory
- Positions that have unsupervised access to University, employee, or student property, including positions located in the University's residence halls with access to the rooms of students
- Set up or maintain central personnel files, create personnel appointments, process payroll payments, or global access to electronic files
- Master or submaster key holders who may have access to equipment, vehicles, central warehouses, and equipment storage
- Public safety
- Set up or maintain the University's server, university-wide databases, or campus-level application-specific software editing and modifying
- Other functions for which, upon consultation between Human Resources, Legal Counsel, and the Hiring Authority, a criminal conviction records investigation is determined to be required.

**From the Office of the President
UW-Green Bay Student Government Association
Textbook Report**

With the rising costs of textbooks, the UW System has been conducting an audit in regards to the textbook rental system. However, efforts can be made by students as recommended in the following report.

What Constitutes the Prices of Textbooks?

Within the educational system, the costs of textbooks are enormous. Frustrations occur with the high costs to purchase new and used textbooks, as well as the nominal amount given back during the time period known as “Textbook Buyback.” Many factors determine the high prices, as well as the nominal amount received during Textbook Buyback at UW-Green Bay, as well as throughout the educational system:

1. Used Textbooks

The used textbook market has made it more difficult for the publishing companies to make as much profit as they would off a new textbook, if any profit is received. To keep profits, the prices of new textbooks rise.

2. Publishing Companies

Representatives are sent to campuses to urge professors to purchase new textbooks through the use of multiple ploys:

A. Textbook Packaging

Often, to convince a professor to trade their current textbook for a new textbook, “free” items are made available to students, such as study guides, etc. In addition, the “free” student-enhanced items are required for the class or make it difficult for the bookstore to purchase textbook back and sell without the “package.” Furthermore, occasions have risen with certain publishing company representatives approaching professors after every semester offering a free update in the student enhanced item that can be made available to students by simply giving the bookstore this new ISBN number.

B. Textbook Editions

To coincide with the used textbook market, this market can often be controlled by producing new editions of textbooks. These updates, however, may be made because of valuable information change, minor grammatical error fixes, or recent examples.

3. Professors

A. Bookstore

Lists are due into the bookstore to allow the bookstore to determine the quantity of textbooks to purchase back from students. If a textbook were to be used the following semester, students are able to receive up to 50% of the textbook value. However, if the bookstore is uncertain if a textbook will be used again, a nominal amount is given back to students and the textbooks are sold to the wholesaler. The problem lies primarily in the lists the bookstore receives from faculty, due at a certain time. If a faculty member does not send in the list of materials required for the following semester, the bookstore is unable to give students a reasonable amount, if they are able to purchase

the book back at all. By having a complete list of materials in from all professors on time, students may receive a larger sum when returning textbooks. It should be noted the number of lists not returned to the bookstore is greater in the spring to fall transition than the fall to spring transition, as faculty members rather use the time during summer break to carefully read over all possible textbooks.

Recommendations for Faculty

Upon investigation, the Office of the President suggests the following recommendations to faculty when considering textbooks to use in current and future courses:

1. Return list of materials required for following semester on timeline determined by the Phoenix Bookstore.
2. Question what the new textbook is being packaged with—is this an item faculty think students would read, or items students must read?
3. Communicate with the Phoenix Bookstore if an item is recommended or a required item for the class.
4. Explore whether or not e-book versions are available for the textbooks, as these are often significantly cheaper than purchasing paper textbooks.
5. Question if the new edition is necessary-would the student be able to read older editions of textbooks and still have the ability to connect the textbook content to current examples through classroom discussions?

Student Government Association Efforts

The UW-Green Bay Student Government Association (SGA) may also work to help students save money in regards to textbooks:

1. SGA will begin sending out reminders as students to all faculty to turn in materials list to bookstore in a timely fashion.
2. Provide feedback to professors if questions arise in regards to textbooks.
3. Communicate with Phoenix Bookstore and faculty members on textbook issues.
4. Provide the student body links to e-book versions of textbooks

