

# UW-River Falls Faculty/Academic Staff Handbook

## Chapter VI : UW-River Falls Academic Staff Personnel Policies and Procedures

(Adopted pursuant to the Wisconsin Administrative Code, Personnel Rules for Academic Staff, University of Wisconsin System)

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# **UWRF 1 -Coverage, Delegation, and Definition**

## **1.1 Coverage**

Pursuant to UWS 9.01, these policies and procedures apply to all academic staff appointments on the University of Wisconsin-River Falls campus.

## **1.2 Definition**

Academic staff were granted "faculty" status by action of the Faculty Senate and the Chancellor on July 29, 1975 and Sept. 16, 1975, respectively. (UW-RF Faculty Constitution-Article II, 17th Edition Faculty/Academic Staff Handbook, Chapter III) In accordance with s. UWS 1.05, members of the academic staff who have been given faculty status have employment rights under the rules and policies concerning academic staff. (UWS 3.01 [d])

Academic staff members are professional and administrative personnel, other than faculty and classified staff, with duties and types of appointments that are primarily associated with higher education institutions or their administration. (UWS 1.01)

Instructional Academic Staff are defined by titles contained in the University of Wisconsin Title Code List, Category D99.

Academic staff does not include, nor do these policies and procedures cover, the following:

1. persons holding faculty rank under UWS 1.04;
2. classified staff employees under 5.16 Wisconsin Statutes;
3. persons on limited appointment under UWS 15.01 (however, academic staff members do not lose existing rights to an academic staff appointment by accepting a limited appointment);
4. other employees defined in UWS 16.

# **UWRF 2- Committee Structure of the Academic Staff**

## **2.1 Academic Staff Council**

2.11 Responsibilities (Pursuant to UWS 9.02)

- A. To advise the UW-RF Administration on policies and procedures for academic staff for approval by the institution;
- B. to serve in those capacities as designated in these UW-RF Personnel Policies and Procedures;
- C. to advise the Faculty Senate on academic governance issues that affect the academic staff;

- D. to conduct an annual meeting of all academic staff;
- E. to conduct at least one monthly meeting of the Academic Staff Council.

### **2.12 Membership**

- A. Nine academic staff members elected through an at-large spring election.
- B. One ranked faculty member appointed by the Chancellor upon the recommendation of the Faculty Senate.
- C. Each of the ten Council members shall have voting rights, with the exception of the Chair, who shall vote only in the case of a tie.

### **2.13 Eligibility**

To be eligible for election to the Academic Staff Council, individuals must be academic staff who hold at least a half-time appointment and have a contract for the next academic year.

### **2.14 Terms of Office**

- A. Terms for Academic Staff Council members shall be staggered so that a minimum of three members shall be elected each year to serve a three-year term.
- B. The ranked faculty member shall serve a two-year term.
- C. Terms shall begin in the summer term and end in the spring term.

### **2.15 General Elections**

- A. Only academic staff members are eligible to nominate and vote in these elections.
- B. One of the Council's members who has at least one year remaining on his or her term shall oversee elections.
- C. Elections shall take place by May 1 of each academic year.
- D. The member in charge shall send a nomination ballot and a listing of all persons eligible to serve on the Council to all academic staff members. Instructional academic staff members who are eligible for election shall be listed by department in a column separate from the departmental listings of non-instructional academic staff.
- E. Upon their consent, those persons receiving the most nominations shall have their names placed on an election ballot. The number of names placed on the election ballot shall not be less than twice the number of the open vacancies.
- F. Election ballots, with space provided for write-in candidates, shall be sent to all academic staff eligible for election.
- G. Upon their consent, those persons receiving the most votes shall fill all available vacancies.
- H. In case of a tie, a run-off election shall be held by May 15 under the procedures outlined above.

### **2.16 Vacancies**

- A. Should a vacancy occur it must be acted on within one month of notification.
- B. During the first two years of an elected term, a general election shall be held to elect a replacement to complete the term under the rules of UWRF 2.15.
- C. Should a vacancy occur during the final (third) year of an elected term, the Academic Staff Council has the following options:

1. conduct a general election;
2. make an appointment to the position; or
3. leave the position open.

Each option will be for the vacated position's balance of term.

### **2.17 Officers**

- A. The Academic Staff Council shall elect its own officers by September.
- B. Each officer shall serve a one-year term, but is eligible for re-election.
- C. Duties of the Academic Staff Council officers:
  1. Chair of the Academic Staff Council:
    - a. to preside over all meetings of the Council;
    - b. to nominate appointees for ratification to all ad hoc committees that are authorized by the Academic Staff Council;
    - c. to nominate appointees to campus and System committees, as requested, pursuant to Academic Staff Council ratification;
    - d. to serve as the liaison between the Council and the University's administration;
    - e. to attend, or to send a designee, to System academic staff representatives meetings;
    - f. to appoint, if desired, a parliamentarian whose duties shall be to interpret parliamentary procedure at meetings;
    - g. to serve on the Academic Staff Promotions Committee; and
    - h. to serve on the Re-classification Committee.
  2. Vice Chair of the Academic Staff Council:
    - a. to preside over meetings in the absence of the Chair; and
    - b. to assist the Chair in all appropriate matters.
  3. Secretary of the Academic Staff Council:
    - a. to preside over meetings in the absence of the Chair and the Vice Chair;
    - b. to keep minutes of the Council meetings and to distribute these minutes; and
    - c. to issue all formal correspondence from the Council.

### **2.18 Standing Committees**

A. Academic Staff Professional Development Grants Committee - Eliminated [FS 95/96 #30]

B. Academic Staff Promotions Committee

1. Responsibilities:
  - a. To review all appropriate data submitted for promotion within the framework of the UW System Unclassified Title Structure and subsequent System titling rules, as well as policies established by this Council and approved by the Chancellor.
  - b. To establish its own rules of procedure for the conduct of its promotion hearings.
2. Membership:

The membership shall be comprised of the Chancellor, the Provost & Vice Chancellor, and the Chair of the Academic Staff Council or his or her designee.

3. Procedures:

Procedures for promotion within the UW System Unclassified Title Structure and

University policies are found in the Chancellor's Office or with the Chair of the Academic Staff Council, as well as later in this chapter.

## **2.2 Other Committees**

The Academic Staff Council, with the concurrence of the Chancellor, may establish additional committees if it determines it to be necessary.

# **UWRF 3- Academic Staff Appointments**

## **3.1 Types of Appointments**

Academic staff appointments may be designated by the Chancellor as Fixed Term, Probationary, or Indefinite under UWS 10.01.

### **3.11 Fixed Term**

A. An academic staff position may be designated as Fixed Term if one or more of the following circumstances exists:

1. There is no continued expectation of employment because of temporary funding or lack of continued need.
2. The position is for a term of one year or less to replace an academic staff or faculty person who has been authorized leave from campus for an exchange program, sabbatical leave, or any type of absence due to an emergency.
3. The appointment is less than fifty percent (50%).
4. The appointment is that of an Instructional Academic Staff member as defined by titles contained in the University of Wisconsin Title Code List, Category D99.
5. The appointment has been determined fixed term in nature by the Chancellor.

B. Fixed term appointments shall be for a fixed term to be specified in the letter of appointment. Unless otherwise stated, fixed term appointments shall be for a period of one year. The initial fixed term appointment may include a period of up to two months during which the appointee may be dismissed without appeal.

C. After completion of seven (7) contractual years of continuous service to the institution, additional fixed term appointments shall not be less than three (3) year rolling horizon appointments. After ten (10) contractual years of continuous service to the institution, a review is to be initiated by the administration to consider the appropriateness of either (1) an indefinite appointment or (2) extending the contract to a five (5) year rolling horizon appointment. Instructional academic staff teaching seven (7) credits or less are not subject to these requirements.

Academic staff members with ten (10) contractual years or more continuous service whose appointments do not provide at least a five (5) year term shall be given the reasons in writing upon request.

To reward exceptional service, a supervisor may request a multi-year contract before completion of seven (7) contractual years of continuous service.

D. The non-renewal of a fixed term academic staff member shall follow the notice periods as stated in 3.4 of this document. Fixed term academic staff members who have served the institution for a substantial period of time, seven (7) years on a full or part-time basis, shall be granted due process in a non-renewal decision by being provided with an opportunity to request and receive, in writing, the reasons for non-renewal and to receive reconsideration of the decision by the decision maker.

### **3.12 Probationary**

A probationary appointment is one leading to review and a decision on indefinite appointment. The probationary period shall not exceed seven (7) years for both full and part-time employees. Up to and not exceeding three (3) years of prior experience may be counted in the probationary period. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period. Circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. It shall be presumed that a written request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before the beginning of the sixth year. A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the academic staff member concerned and shall be submitted to the supervising Dean, Director and/or Vice Chancellor for Administration and Finance, who, in consultation with the academic staff member's supervisor, shall make a final recommendation to the Provost & Vice Chancellor and then the Chancellor for final approval. The request will be granted for a specific length of time. Except for a request because of responsibilities with respect to childbirth and adoption, a request made because of other circumstances under this section shall be submitted to the supervising Dean, Director and/or Vice Chancellor for Administration and Finance who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic member ordinarily shall be no more than one year.

If any academic staff member has been in probationary status for more than seven years because of one or more of the reasons stated above, the academic staff member shall be evaluated as if he or she had been on probationary status for seven years.

### **3.13 Indefinite**

An indefinite appointment is an appointment with permanent status and for an unlimited term, granted by the Chancellor to a member of the academic staff. Such an appointment is terminable only for cause under UWS 11 or for reasons of budget or program under UWS 12. This appointment may be granted to a member who holds or will hold a half-time appointment or more. Academic staff members may be granted an indefinite appointment prior to the end of the probationary period. The proportion of time provided for in the initial indefinite appointment may not be decreased or increased without the mutual consent of the academic staff member and the institution unless the appointment is terminated or decreased under UWS 11 or UWS 12.

### **3.2 Official Personnel File**

There shall be an official academic staff personnel record center containing the following documents:

- (1) letters of appointment and reappointment;
- (2) vacation, sick leave balance;
- (3) leave of absence authorizations;
- (4) letters of commendation/reprimand;
- (5) performance evaluation; and
- (6) location of other offices holding personnel data such as W-4 tax forms, payroll deduction authorization, etc.

This record center shall be maintained by the office of the Dean, Director or division head for each academic staff member. For non-instructional title academic staff, this file shall be open to inspection only by the respective academic staff member and the staff member's direct supervisory line. For instructional academic staff, this file shall be available for departmental peer evaluations for purposes of promotion or retention as outlined in Chapter IV, Personnel Procedures, and UWRF 14. An individual staff member shall receive copies of all information pertaining to his or her job performance prior to placement in the personnel file. A staff member may challenge inclusion of material in his or her file in accordance with grievance procedures in UWRF 12. The contents and uses of such official personnel files are also subject to the current University of Wisconsin-River Falls statement on the confidentiality of personnel records.

### **3.3 Operational Area**

The operational area of fixed term, probationary, and indefinite appointments is in the College, School, division, department (or functional equivalent) or specified research or program unit of the University of Wisconsin-River Falls specified in the letter of appointment. The appointment does not carry rights beyond that limitation.

### **3.4 Notice Periods**

A. Written notice that a fixed term or probationary academic staff appointment will not be renewed shall be given to the appointee in advance of the expiration of that appointment as follows:

1. Fixed Term Appointments: At least three (3) months before the end of the appointment in the first two (2) years and six (6) months thereafter. When the letter of offer for a fixed term appointment states that renewal is not intended, no further notice of non-renewal is required.

2. Probationary Appointments: At least three (3) months before the end of the appointment in the first year; six (6) months before the end of the appointment in the second year; and twelve (12) months thereafter.

B. The notice required to terminate rolling horizon appointments is the length of the contract less one year. Notice is given annually to extend or terminate at the end of the contract.

C. If proper notice of non-renewal is not given, the appointment shall be extended so that at least the required notice is provided.

## **UWRF 4 Recruitment**

### **4.1 Position Vacancy**

Current procedures for requesting and filling positions are found in the University of Wisconsin-River Falls Affirmative Action Hiring Procedures for Unclassified Staff and Recruitment and Selection Procedures for Part-time Instructional Academic Staff. [FS 94/95 #26]

### **4.2 Recruitment-Procedure**

The search and screen committee is obligated to provide a complete description of the contractual appointment of an academic staff position and University policies regarding future potential employment options.

## **UWRF 5 Letters of Appointment and Reappointment**

### **5.1 General Information to be Included in Letter of Appointment-Reappointment**

5.11 - The terms and conditions of the appointment shall be signed by the Chancellor and shall reference the appropriate UWRF and System rules that outline the circumstance of the appointment. It shall contain details as to the terms and conditions of the appointment, including but not limited to the following:

- (1) type of appointment, whether fixed term, probationary, or indefinite. New hires should be encouraged to read UWS 10 and UWRF 3 for additional information;
- (2) duration of the appointment including starting and ending dates, with an indication of whether there is a potential for renewal;
- (3) the salary;



- (4) the specific position title from the University of Wisconsin Title Code List, and the general position responsibilities;
- (5) a definition of the operational area; and
- (6) the length of the probationary period (if appropriate) and recognition of prior service as part of the probationary period (if appropriate).

### **5.2 Additional Information to Accompany Letter**

Accompanying this letter shall be an attachment detailing institutional and System regulations, rules, and procedures relating to academic staff appointments. If the appointment is subject to the approval of the Board of Regents, a statement to this effect must be included in the letter. An amended letter of appointment shall be sent in situations where a significant change in position responsibility occurs. Reappointment letters shall be sent to academic staff members by the Dean, Director or division head annually or whenever a change in the existing conditions of employment occurs. Such letters shall include any changes in points (1)-(6) above and follow the notice periods as stated in UWS 10.05.

### **5.3 Employment Contract Review**

#### 5.31

Each non-instructional and instructional academic staff member shall meet within 30 days from the effective appointment date with the Chancellor's designee to review the terms and conditions of employment as stated in the initial appointment letter.

## **UWRF 6 Performance Evaluation**

### 6.1 Instructional and Non-Instructional Academic Staff Performance Evaluation Guidelines

Every academic staff member (instructional and non-instructional) shall have a performance evaluation completed, adhering to the procedures, forms, and time-table described in the University of Wisconsin-River Falls Performance Evaluation of Academic Staff Handbook.

## **UWRF 7: Nonrenewal of a Probationary Academic Staff Appointment**

### **7.1 Commencement of Consideration Process**

In making a decision that may involve nonrenewal, the authorized official must start the process early enough to allow time for a possible reconsideration and no later than the notice periods stated in UWS 10.05.

## **7.2 Reasons for Nonrenewal**

Each nonrenewed member shall receive written notice that his or her appointment will not be renewed and such shall be made in accordance with UWS 10 and related policies and procedures adopted by UW-River Falls. A nonrenewed member of the academic staff shall be provided with an opportunity to receive, in writing, the reasons for nonrenewal. Such a request by the nonrenewed staff member shall be made in writing within five (5) working days of the receipt of the letter of nonrenewal. The authorized official shall have five (5) working days in which to provide the written reasons.

## **7.3 Appeals on Nonrenewal Decision**

A nonrenewed member of the academic staff shall be provided with an opportunity to receive a review of the nonrenewal decision. A written appeal must be brought to the Academic Staff Council within twenty (20) days of the notice of nonrenewal (twenty-five [25] days if notice is by first class mail and publication). The review shall be held not later than twenty (20) days after the request, except that this time limit may be extended by mutual consent by the parties or by the order of the Academic Staff Council. The burden of persuasion in such a review shall be on the nonrenewed appointee. Academic Staff Council members must be disqualified if they participated in the nonrenewal decision. On the motion of either party in the case, any additional members of the Academic Staff Council may be disqualified by majority vote of the members, for cause. If any Academic Staff Council member(s) is disqualified, the remaining members shall select, by majority vote, a replacement(s) from among the academic staff.

## **7.4 Scope of Review**

The scope of review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

- (1) conduct, expressions, or beliefs which are constitutionally protected or actions which are consistent with an appropriate professional code of ethics;
- (2) employment practices proscribed by applicable state or federal law; or
- (3) improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a staff member in question if material prejudice resulted because of any of the following:
  - (a) the procedures required by the Chancellor or Board were not followed;
  - (b) available data bearing materially on the quality of performance were not considered;or
  - (c) unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

## **7.5 Conduct of Hearings**

A. The hearing shall be open unless the Council votes to close it under the provisions of the Open Meeting Law, ss. 19.85.

B. The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonably probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony.

C. The hearing body shall give effect to recognized legal privileges and grant adequate due process to the staff member under charge, including provisions of UWS 11.05.

D. The hearing body shall be provided by the Chancellor with legal counsel and other assistance if it makes a request for assistance through majority vote.

### **7.6 Findings Report**

Findings as to the validity of the appeal shall be reported in writing to the official making the nonrenewal decision and to the appropriate Dean, Director or division head and the Chancellor. Such report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision maker, a reconsideration by the decision maker under instructions from the hearing body, or a recommendation to the next higher administrative level. Cases shall be remanded for reconsideration by the decision maker in all instances unless the hearing body specifically finds that such a remand would serve no useful purpose. The hearing body shall retain jurisdiction during the pendency of any reconsideration.

### **7.7 Deadlines**

Failure by the academic staff member to meet the deadlines in the above sections shall be considered a waiver of those procedures, and the authorized official will continue the procedures as outlined.

## **UWRF 8: Promotion to Indefinite Appointment**

### **8.1 Promotion to Indefinite Appointment**

Promotion to indefinite status is conducted under the provisions of UWS 10.03. A decision on indefinite appointment must be made not later than the end of the sixth consecutive year of probationary service for both full and part-time persons. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period. Promotion to indefinite status shall be based on professional merit rather than mere longevity. Criteria for promotion to indefinite status shall be based on professional competency and excellence attained in the responsibilities to which the staff member has been assigned. Criteria for evaluating an academic staff member for promotion to indefinite status shall be determined by the decision maker(s). The decision maker must notify a probationary academic staff member, in writing, at least thirty (30) days prior to the review conference at which promotion to indefinite appointment will be considered. The academic staff member may review his or her official personnel file and may submit additional written material as he or she deems relevant prior to the review conference. He or she may also make a personal presentation. The meeting at which the presentation is made shall be closed unless an open meeting is requested by the academic staff member. The recommendation of the decision maker as to promotion to indefinite appointment shall be forwarded to the Dean, Director or division head within five (5) working days of the conference.

## **8.2 Dean, Director or Division Head's Action on Recommendation for Indefinite Appointment**

Upon receipt of the recommendation from the decision maker, the Dean, Director or division head shall review the personnel file and forward a decision to the Chancellor within ten (10) working days of receipt of the decision maker's recommendation. The Dean, Director or division head may request a personal interview with the decision maker, academic staff member involved, or both. If the Dean, Director or division head forwards a recommendation for non-promotion to indefinite appointment and this decision results in nonrenewal, he or she shall forward a written notification to the Academic Staff Council Chair with a copy to the individual involved within three (3) working days of the recommendation to the Chancellor.

## **8.3 Appeal Process when Non-Promotion Results in Nonrenewal**

An academic staff member who receives a notice of non-promotion shall be provided with an opportunity to receive, in writing, the reasons for non-promotion. Such a request by the staff member shall be made in writing to the authorized official who signed the letter of non-promotion within five (5) working days of the receipt of the letter of non-promotion. The authorized official shall have five (5) working days in which to provide written response. The academic staff member, within twenty (20) working days of receipt of the letter recommending non-promotion, may request a hearing by the Academic Staff Council. This request shall be made in writing, specifying the reasons for appeal. The Academic Staff Council shall meet within twenty (20) days after receipt of the appeal request. Academic Staff Council members must be disqualified if they participated in the nonrenewal decision. On the motion of either party in the case, any additional members of the Academic Staff Council may be disqualified by majority vote of the members for cause. If any Academic Staff Council member(s) is disqualified, the remaining members shall select by majority vote a replacement(s) from among the academic staff. The review of the case shall be limited to whether the decision was based in any significant degree on any factor with material prejudice to the individual:

- (1) improper consideration of qualifications;
- (2) employment practices proscribed by state or federal law; or
- (3) conduct, expression, or beliefs which are constitutionally protected.

The Academic Staff Council shall review the case and forward a recommendation to the Chancellor within thirty (30) days after the initial hearing, with a copy to the Dean, Director or division head, decision maker, and academic staff member involved. This time limit may be extended by mutual consent of the Academic Staff Council and the academic staff person involved. The Academic Staff Council shall retain jurisdiction during the pendency of the hearing.

# **UWRF 9: Dismissal of Academic Staff For Cause**

## **9.1 Dismissal for Cause for Indefinite Academic Staff Appointments**

A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under sections UWS 11.02 through 11.10 or for reasons of budget or program under UWS 12.

## **9.2 Constitutional Rights and Professional Responsibilities**

The rights of an academic staff member as a U.S. citizen and his or her responsibilities in accordance with appropriate professional codes of ethics shall be considered in determining whether or not just cause for dismissal exists.

## **9.3 Responsibility for Dismissals**

A. Allegations concerning the conduct of an academic staff member holding an indefinite appointment which would be grounds for dismissal if verified should be brought to the attention of the Chancellor or designated appointment authority.

B. Upon receiving allegations of misconduct, the Chancellor or designee may direct an informal investigation of the allegations. The affected staff member shall be informed of allegations immediately, and every effort should be made to resolve the allegations formally within a period not to exceed three (3) weeks. During this period of informal investigation and discussion, the salary of the affected staff member shall not be reduced or discontinued and duties of the affected staff member shall not be modified unless continuation represents substantial harm to the University.

C. If informal investigation and discussion do not resolve the matter and the allegations are supported by substantial evidence, the appointing authority shall prepare a statement of specific charges and notify the affected staff member immediately according to the procedures under UWS 11.02(2). Dismissal of an academic staff member with an indefinite term may not become effective until after the opportunity for hearing has been waived or the hearing process has been completed or otherwise terminated.

## **9.4 Opportunity for Hearing on Dismissal**

A. As provided under UWS 11.04, a staff member may request, in writing, a hearing on dismissal charges within twenty (20) days if notice was delivered personally or within twenty-five (25) days if notice was made by mail and publication.

B. Requests for hearing shall be made to the Chancellor, who shall provide for a hearing by the Academic Staff Council.

C. All requests for hearing will be honored. Hearings shall commence not later than twenty (20) days after the staff member has made a request for review.

D. Failure of the academic staff member to meet time limitations in paragraph A. of this section shall constitute waiver of the right involved.

### **9.5 Hearing Body**

A. The Academic Staff Council shall serve as the hearing body for dismissal cases, as required under UWS 11.03(1).

B. In the consideration of individual dismissal cases, Academic Staff Council members must be disqualified if they participated in the investigation of allegations leading to the filing of a statement of charges or in the filing of charges or if they are material witnesses in the case.

C. On the motion of either party in a case, any additional member of the Academic Staff Council may be disqualified by majority vote of the members, for cause.

D. If any Academic Staff Council member(s) is disqualified, the remaining members shall select by majority vote a replacement(s) from among the academic staff.

E. The academic staff member under charge may request and be granted the service of an impartial hearing examiner to serve as the hearing body rather than the Academic Staff Council. The Chancellor shall secure a hearing examiner according to procedures consistent with state law and policy. If the academic staff member chooses, he or she may file an affidavit of prejudice against the appointed hearing examiner prior to commencement of the hearing.

### **9.6 Conduct of Hearings**

A. The burden of proof of the existence of just cause is on the appointing authority.

B. The hearing shall be closed unless the staff member under charge requests an open hearing.

C. The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonably probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony.

D. The hearing body shall give effect to recognized legal privileges and grant adequate due process to the staff member under charge, including provisions of UWS 11.05.

E. The hearing body shall be provided by the Chancellor with legal counsel and other assistance if it makes a request for assistance through majority vote.

F. Discontinuation of the proceeding by the Chancellor's order is deemed a withdrawal of charges and a finding that the charges are without merit.

### **9.7 Decision by the Chancellor**

A. As soon as is practicable after conclusion of the hearing, but not exceeding three (3)

weeks, the hearing body shall send to the Chancellor and to the academic staff member concerned a verbatim record of testimony and a copy of its report, findings, and recommendations.

B. After reviewing the report and testimony, the Chancellor shall issue a decision which may be dismissal, a lesser disciplinary action, or exoneration of the staff member. This decision shall be final unless the Board of Regents grants a review based on the record, pursuant to UWS 11.10.

### **9.8 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 consultation with the appropriate administrative officer, the Chancellor finds that substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the Chancellor makes a decision as to dismissal.

### **9.9 Date of Dismissal**

A decision by the Chancellor ordering dismissal shall specify the effective date of the dismissal.

### **9.10 Board of Regents Review**

A member of the academic staff on indefinite appointment who has been dismissed for cause by the Chancellor following a hearing may appeal this action to the Board of Regents. Any appeal must be made within thirty (30) days of the date of the decision of the Chancellor to dismiss. Upon receiving an appeal, the Board of Regents shall review the case on the record. Following such review, the Board of Regents may confirm the Chancellor's decision or direct a different decision or approve a further hearing before the Board of Regents with an opportunity for filing exceptions to the hearing body's recommendations or the Chancellor's decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing. (See subchapter IV, chapter 19, Wis. Statutes, Open Meeting Law.) All decisions of the Board of Regents, whether after review on the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision.

### **9.11 Dismissal for Cause, Fixed Term or Probationary Academic Staff Appointments**

A member of the academic staff holding a probationary appointment or a member of the academic staff holding a fixed term appointment may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program under UWS 12. A nonrenewal of such an appointment is not a dismissal under this section. A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a hearing before the appropriate Dean, Director or division head or his or her designee. If such hearing is

requested, a determination of just cause and notification of dismissal shall be made by the Dean, Director or division head or designee. If no hearing is requested, the dismissal is effected by the specifications in the original notification of charges. The hearing before the Dean, Director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be effective immediately on receipt of written notification of the decision of the Dean, Director or division head or designee unless a different dismissal date is specified by the Dean, Director or division head. Dismissals for cause shall be appealable by filing an appeal with the Academic Staff Council as established in UWRF 9.4 and 9.5. The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. The provisions of UWS 11.04, due process and procedural guarantees contained in UWS 11.05 and UWS 11.06, and the review provisions of UWS 11.07 shall be applicable to the appeal proceeding. In no event, however, shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the Chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the Chancellor's decision or the end of the contract period, whichever is earlier, shall be restored. In those cases where the immediate supervisor of the academic staff member concerned is a Dean, Director or division head, the Chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the Dean, Director or division head under this section.

#### **9.12 Dismissal for Cause for Instructional Members of the Academic Staff**

Dismissal for cause for Instructional Title Members of the academic staff having probationary or fixed term appointments shall be made pursuant to UWRF 9.11.

## **UWRF 10: Layoff of Academic Staff For Reasons of Budget or Program**

### **10.1 General**

Notwithstanding 36.15, Wisconsin Statutes, and UWS 10 and UWS 11, the Chancellor of each institution or designee may lay off a member of the academic staff holding either a fixed term or a probationary appointment prior to the end of the appointment period, when such action is deemed necessary due to budget or program decisions requiring program discontinuance, curtailment, modification, or re-direction. Decisions made pursuant to a change in the level of resources available for a particular project or for program discontinuance, curtailment, modification, or redirection shall be discussed by the Chancellor or designee with the Academic Staff Council. Non-renewal of a probationary academic staff appointment under UWRF 7 or a fixed term appointment, even if for financial reasons, is not a layoff for reasons of program or budget. Seniority



shall be determined by the total years of academic staff service to the institution, without regard to title.

## **10.2 Layoff**

For the purpose of this chapter, "lay off" is the suspension of an academic staff member's employment by the University during the appointment period for reasons of budget or program. A laid-off academic staff member retains the rights specified in UWRF 10.7 through UWRF 10.9, inclusive. For the purposes of section 36.21, Wisconsin Statutes, termination occurs at the time of lay off.

## **10.3 Individual Layoff Decision**

The operational area will, after consideration of (a) the budget or program situation, (b) the seniority of academic staff members, and (c) the need to maintain specific expertise within the operational area, recommend to the Dean, Director or division head and Chancellor the order in which academic staff members should be laid off. Notice periods specified in UWRF 3.4 should be used, unless there are compelling reasons to the contrary (e.g., almost immediate cutoff of funds) for layoff of probationary and fixed term appointments under this chapter. Indefinite appointees shall have twelve (12) months' notice of lay off for reasons of budget or program, unless there are compelling reasons to the contrary.

## **10.4 Review and Hearing**

Review procedures as described in this section apply to fixed term and probationary academic staff members who are laid off prior to the completion of their appointments and to academic staff members holding indefinite appointments. The authority of the hearing body is outlined in UWS 12.

A. An academic staff member whose position is to be eliminated shall be notified in writing and shall, upon request made within twenty (20) days after such notification, be given a written statement of the reasons for the decision within fifteen (15) days, including a statement of the reasons for the determination that the budgetary or program needs should be met by curtailing or discontinuing the program in which the individual concerned works. If the academic staff member requests, in writing, within twenty (20) days after receipt of said statement, he or she shall be entitled to a hearing before the Academic Staff Council (also referred to as "Council"). However, such a request for a hearing shall not forestall a layoff under this section.

1. The request for hearing shall specify the grounds to be used in establishing the impropriety of the decision.
2. The staff member shall be given at least ten (10) days notice of such hearing. Such hearing shall be held not later than twenty (20) days after the request except that this time limit may be extended by order of the Academic Staff Council. Anyone who participated in the decision to lay off or who is a material witness shall not serve on the hearing body.

B. The academic staff member shall have access to the evidence on which the administration intends to rely to support the decision to lay off and shall be guaranteed the following minimal procedural safeguards at the hearing:

1. a right to be heard in his or her defense;
2. a right to counsel and/or other representatives, and to other witnesses;
3. a right to confront and cross-examine adverse witnesses;
4. a verbatim record of all hearings, which might be a sound recording, provided at no cost;
5. written findings of fact and decision based on the hearing record;
6. admissibility of evidence governed by 227.08, Wisconsin Statutes;
7. the hearing shall be closed unless the staff member whose position is to be eliminated requests an open hearing, in which case it shall be open (see chapter 19, subchapter IV, Wisconsin Statutes, Open Meeting Law);
8. adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

C. The following requirements shall be observed by the Academic Staff Council when serving in the capacity as the hearing body for the lay off of academic staff for reasons of budget or program;

1. The Academic Staff Council may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the committee members disqualify themselves or are disqualified, the remaining members shall select a number of other replacements equal to the number who have been disqualified to serve.
2. If the Academic Staff Council requests, the Chancellor shall provide legal counsel and other assistance after consulting with the Council concerning its wishes in this regard. The function of legal counsel shall be to advise the Council, consult with them on legal matters, and carry out such responsibilities as shall be determined by the Council within the policies and procedures adopted by the institution.

D. The first question to be considered in the review is whether one or more of the following factors improperly entered into the decision to lay off:

1. conduct, expressions, or beliefs on the staff member's part which are constitutionally protected or actions which are consistent with an appropriate professional code of ethics;
2. employment practices proscribed by applicable state or federal law; and/or
3. improper consideration of the qualifications of the staff member; For the purposes of this section, "improper consideration" occurs if material prejudice resulted from any of the following:
  - a. the procedures required by the Chancellor or Board of Regents were not followed;
  - b. available data bearing materially on the quality of the staff member's actual or potential performance were not considered; or
  - c. unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

E. The staff member shall present evidence on whether one or more of the factors specified above improperly entered into the decision to lay off. The Academic Staff Council shall then consider whether the evidence presented established a prima facie case that such factor or factors did enter significantly into the lay off decision. If the Academic Staff Council finds that a prima facie case has not been established, the lay off decision shall be found to have been proper and the hearing shall be ended.

F. If the Academic Staff Council finds that a prima facie case has been established, the appropriate administrative officer for the operational area shall be entitled to present evidence to support the lay off decision and, thereafter, the staff member may present evidence in rebuttal. Thereafter, on the basis of all the evidence presented, the Academic Staff Council shall make determinations as follows:

1. The Academic Staff Council shall first consider whether one or more of the above specified factors improperly entered into the decision to lay off. Unless the Council is convinced that such factor or factors did improperly enter into that decision, the Council shall find the decision to have been proper.
2. If the Council is convinced that such factor or factors entered into the decision to lay off, then the Council shall find that decision to be improper, unless the Council is also convinced (1) that there was a bona fide program or budgetary reason(s) and that the determination of such reason(s) was made in the manner prescribed by, and in accordance with, the standards established by the institution; and (2) that the decision to lay off the particular academic staff member was in accordance with the provisions of UWRF 10.3.

G. In determining whether a bona fide budgetary or program reason existed for lay off of the appointment of the academic staff member concerned, the Council shall presume that the decision to curtail the program was made in good faith and for proper reasons. The Council shall not substitute its judgment on priorities for that of the administration.

H. If the Council finds that the lay off was improper, it shall report this decision and its recommendation to the Chancellor and to the academic staff member involved. The Chancellor shall review the matter, decide whether the staff member should be laid off, and notify the Council and academic staff member of the decision. This decision shall be deemed final unless the Board of Regents, upon request of the academic staff member, grants review based on the record.

### **10.5 Layoff Status**

An academic staff member whose position has been eliminated according to the provisions of this chapter may, at the end of the appropriate notice period, be placed on lay off status unless the lay off notice has been rescinded prior to that time. The academic staff member whose notice period has expired and who is placed on lay off status shall remain on lay off status until:

- A. For fixed term and probationary appointees, one of the following occurs:
1. the appointment expires under its own terms; or
  2. the staff member fails to accept an alternate appointment.

B. For academic staff on indefinite appointment, one of the following occurs:

1. the staff member is reappointed to the position from which laid off. Failure to accept such reappointment would terminate the academic staff member's association with the institution;
2. the staff member accepts an alternative continuing position in the institution. Failure to accept an alternate appointment would not terminate the academic staff member's association with the institution;
3. the staff member resigns;
4. the staff member fails to notify the Chancellor or designee not later than December 1 of each year while on lay off status as to his or her location, employment status, and desire to remain on lay off status. Failure to provide such notice of desire to remain on lay off status shall terminate the academic staff member's association with the institution; or
5. a period of three (3) years lapses.

### **10.6 Alternative Employment**

The Chancellor, Dean, Director, or division head shall consider laid-off staff for other vacancies within UW-River Falls for which they meet the necessary qualifications. To the extent possible, laid-off staff members should be notified of appropriate openings anywhere in the University of Wisconsin System.

### **10.7 Reappointment Rights**

Within three (3) years of the lay off of an academic staff member under this section, no person may be employed in the operational area to perform reasonably comparable duties unless the institution first offers the laid-off staff member reappointment without loss of rights or status, provided that the laid-off staff member has notified the Chancellor or designee by December 1 of each year as to his or her location, employment status, and desire to pursue reappointment rights. Failure to provide such notification shall terminate the academic staff member's reappointment rights under this section.

### **10.8 Retention of Salary**

Any academic staff member reappointed within three (3) years of lay off to reasonably comparable duties within the operational area shall be reappointed with a salary rate at least equivalent to his or her salary rate when laid off, together with such other rights and privileges which may have accrued at the time.

### **10.9 Rights of Academic Staff Members on Layoff**

An academic staff member on lay off status under provisions of this chapter has the reemployment rights guaranteed by UWRF 10.7 and 10.8 and has the following minimal rights:

- (1) such voluntary participation in fringe benefit programs as may be permitted under existing policies;
- (2) use of institutional facilities available to other academic staff members under guidelines established by each operational area. Such use of facilities may include, but shall not be limited to, office, parking, and library privileges; and

(3) such participation in the activities of the operational area as permitted under policies of that unit.

## **UWRF 11: Complaints (UWS 13.01)**

### **11.1 General**

In the following, the term "Council" refers to the Academic Staff Council.

### **11.2 Complaints Defined**

Complaints are allegations by persons other than the academic staff member's supervisor(s) including administrators, students, other academic staff members, faculty members, classified staff members, or members of the public, charging conduct by an academic staff member that is not serious enough to warrant dismissal proceedings under UWS 11 but which does (a) violate University rules or policies or (b) adversely affect the academic staff member's performance of his or her obligation to the University.

### **11.3 Procedure**

A. All complaints to receive formal attention under the provisions of this chapter shall be written, signed, and submitted to the Chancellor of the University within thirty (30) days after the alleged misconduct.

B. The Chancellor shall first notify the academic staff member concerned, in writing, regarding the nature of the complaint and give him or her an opportunity to explain his or her conduct. The Chancellor may make a further investigation of the allegations and shall then:

- (a) dismiss the complaint, or
- (b) invoke appropriate disciplinary action, or
- (c) refer the complaint to the Council.

The Chancellor shall notify the academic staff member, in writing, of his or her decision.

C. If the Chancellor takes disciplinary action, the affected academic staff member may request a hearing before the Council. The request shall be made in writing to the Chair of the Council within twenty (20) days after notice of the Chancellor's disciplinary action.

D. The Council shall hold a hearing not more than thirty (30) days after receiving a request from the academic staff member or after having a complaint referred to it by the Chancellor, except that this time limit may be extended by mutual consent of the parties. The affected academic staff member shall be given at least ten (10) days notice of the hearing.

E. The hearing may be closed at the discretion of the Council as provided in Chapter 19, Subchapter IV, Wisconsin Statutes, Open Meeting Law.

F. When considering individual complaint cases, Academic Staff Council members shall be disqualified if they participated in bringing the allegations against the affected academic staff member. On the motion of either party in a case, any additional member(s) of the Academic Staff Council may be disqualified for cause by majority vote of the members. If any additional member(s) is disqualified, the remaining members shall select a replacement(s) by majority vote from among the academic staff.

G. When a complaint is brought before the Council that pertains to an instructional academic staff member, the Council shall decide if it is a personnel rules matter or an instructional matter. If the Council determines the complaint pertains to instructional matters a special committee shall be established for the purpose of considering the complaint. This committee shall be composed of the Chair of the Council, the ranked faculty representative to the Council, three instructional academic staff members elected by a majority vote of the Council and two ranked faculty members elected by a majority vote of the Faculty Senate Hearing, Grievance and Appeals Committee.

H. The Council shall consider all available information relevant to the complaint. Such information may be sought from students and members of the public. The Council shall have the right to obtain information relevant to the complaint from University personnel. The Council is empowered to establish procedures to conduct a hearing under this paragraph.

I. The concerned academic staff member may be present at those times when information is being presented to the Council.

J. The academic staff member charged shall be assumed innocent by the Council until proven otherwise.

K. The findings and recommendation of the Council shall be reported in writing to the Chancellor and to the academic staff member concerned. The recommendation may be for:

1. dismissal of the complaint, or
2. appropriate disciplinary action, or
3. referral of the complaint to the appropriate department or administrative officer.

#### **11.4 Chancellor's Recommendation**

The decision of the Chancellor on the recommendation of the Council, or on the complaint in the absence of a Council recommendation, shall be final. The decision of the Chancellor shall be supported by written reasons, and copies of these reasons shall be provided to the academic staff member concerned and to the Council.

#### **11.5 Decision**

After the hearing and recommendation of the Council and final decision by the Chancellor, the academic staff member shall not again be called to account for the same alleged misconduct that was the subject of the complaint.

# **UWRF 12 Grievances (UWS 13.02)**

## **12.1 General**

This procedure is set up to deal with academic staff grievances not specifically provided for in UWS 10, 11, 12, and 13.02, and grievances arising from Title IX regulations. A grievance is a personnel problem involving an employee's expressed feeling of unfair treatment or dissatisfaction with aspects of his or her working conditions within the institution which are outside his or her control.

## **12.2 Council**

In the following, the term "Council" refers to the Academic Staff Council.

## **12.3 Procedure**

A. An academic staff member who feels that he or she has just cause for a professional grievance shall notify the chair of the Council in writing stating the nature of the grievance. A grievance may be withdrawn at any time upon the written request of the academic staff member and no report will be made.

B. Within twenty (20) days after receiving notice of the grievance, the Council shall meet for the purpose of hearing the academic staff member. The academic staff member shall be given written notice of this meeting at least three (3) days in advance. The purpose of the hearing shall be to consider whether the grievance should be dismissed or investigated further. The decision shall be communicated in writing to the academic staff member concerned.

C. When a grievance is brought before the Council by an instructional academic staff member, the Council shall decide if it is a personnel rules matter or an instructional matter. If the Council determines the grievance pertains to instructional matters, a special committee shall be established for the purpose of considering the grievance. This committee shall be composed of the Chair of the Council, the ranked faculty representative to the Council, three instructional academic staff members elected by a majority vote of the Council and two ranked faculty members elected by a majority vote of the Faculty Senate Hearing, Grievance and Appeals Committee.

D. If the Council decides to dismiss the grievance, the academic staff member concerned shall be so informed in writing and no other report will be made.

E. If the Council decides to investigate the grievance, it shall proceed with reasonable speed. In the investigation, the Council shall have the right to obtain information relevant to the grievance from University personnel. E. If the Council decides to investigate the grievance, it shall proceed with reasonable speed. In the investigation, the Council shall have the right to obtain information relevant to the grievance from University personnel. The Council is empowered to establish procedures necessary to process a grievance under this paragraph.

F. The hearing may be closed at the discretion of the Council as provided in Chapter 19, Subchapter IV, Wisconsin Statutes, Open Meeting Law.

G. The Council shall prepare a written report of its conclusions and recommendations which shall be submitted to the academic staff member and the Chancellor. The report shall contain recommendations for either:

1. dismissal of the grievance, or
2. proposed solutions to the grievance.

#### **12.4 The Chancellor's Responsibility**

Within thirty (30) days of having received the Council's recommendation, the Chancellor shall report in writing his or her response and intended action to the Council and to the academic staff member concerned.

## **UWRF 13 Code of Ethics**

### **13.1 Declaration of Policy**

In view of the special relationship of the University of Wisconsin System to the state and to affirm as public policy within the System certain common standards to prevent conflicts of interest, the Council hereby adopts the following code of ethics for unclassified staff pursuant to ss. 19.45 (11)(b) and 36.23, Stats.

A. Every member of the unclassified staff at the time of appointment makes a personal commitment to professional honesty and integrity, to seek knowledge and to share that knowledge freely with others. Such a commitment is essential for the University to perform its proper function in our society and to ensure continued confidence of the people of this state in the University of Wisconsin System and its personnel. It is a violation of this commitment for unclassified staff members to seek financial gain for themselves, their immediate families or organizations with which they are associated through activities that conflict with the interest of the University of Wisconsin System.

B. In adopting the standards of conduct set forth in this chapter, it is the Council's purpose to prohibit only those activities which will result in a conflict between the personal interests of an unclassified staff member and that staff member's public responsibilities to the University of Wisconsin System. It is not the Council's purpose to prohibit an unclassified staff member from freely pursuing those teaching, research, professional and public service activities which will not result in such a conflict, nor to prohibit a staff member from accepting any compensation, fees, honoraria or reimbursement of expenses which may be offered in connection therewith.

### **13.2 University Responsibilities**

A. Personal gain:



1. No member of the unclassified staff may, in a manner contrary to the interests of the University of Wisconsin System, use or attempt to use his or her public position or state property, including property leased by the state, to gain or attempt to gain anything of substantial value for the private benefit of the staff member, his or her immediate family or any organization with which the staff member is associated.
2. No member of the unclassified staff may solicit or accept from any person or organization anything of value pursuant to an express or implied understanding that his or her conduct of University business would be influenced thereby.
3. No member of the unclassified staff may intentionally use or disclose confidential University information in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person or organization with which the staff member is associated.

#### B. Contracting and leasing:

1. No member of the unclassified staff, member of his or her immediate family, nor any organization with which an unclassified staff member is associated, may enter into any contract or lease involving payments of \$3,000 or more within a 12 month period, derived in whole or in part from University funds, if the staff member is in a position to approve or influence, in his or her official capacity, the University's decision to enter into the contract or lease.
2. If the staff member is not in a position to approve or influence the University's decision, the staff member may enter into a contract or lease described in paragraph (1) if the staff member first makes written disclosure of the nature and extent of any relationship described in paragraph (1) to the Dean, Director, or other appropriate administrator and he or she approves. The Dean, Director or other appropriate administrator shall approve a staff member's interest in a lease or contract unless he or she determines that the staff member's personal interest in the agreement will conflict substantially and materially with the staff member's discharge of his or her University responsibilities.

#### C. Nepotism:

1. No member of the unclassified staff may participate, formally or informally, in the decision to hire, retain, grant tenure to, promote or determine the salary of a member of his or her immediate family.
2. No member of the unclassified staff may, in the supervision or management of another unclassified staff member who is a member of his or her immediate family, give preferential or favored treatment.

#### D. Student research protection:

A member of the unclassified staff shall inform students engaged in research under his or her supervision of any financial interest which the unclassified staff member has in the research activity, including, but not limited to, financial arrangements involved in the direct support of the activity, agreements made by the unclassified staff member to obtain

data for the research, or agreements concerning copyright or patent rights arising from the research.

#### E. Absences:

Full-time appointment to the academic staff of the University implies that the University has first claim to the individual's professional services. Absences are justified when occasioned by:

1. the requirements of University assigned responsibilities;
2. efforts and activities that make specific, identifiable contributions to the individual's ability to fulfill the responsibilities of his or her position; or
3. the taking of time that is partially compensatory for unusually long hours devoted in service to the University.

These rules also apply to those academic staff members who are employed on a fractional basis.

### **13.3 Action to Avoid Possible Conflict**

A. When it appears that a material conflict may arise between the personal interests of a staff member and his or her public responsibilities to the University, the staff member shall notify his or her Dean, Director, or other appropriate administrator by submitting a written statement describing the nature of the possible conflict.

B. Within 15 days after receipt of the statement, the Dean, Director or other appropriate administrator shall advise the staff member in writing that:

1. there is no conflict prohibited by this chapter and the staff member may proceed; or
2. there may be a conflict and further consultation is necessary prior to reaching a determination; or
3. there is a conflict which must be resolved in one of the following ways:
  - a. the staff member shall not proceed with his or her University duties which result in the conflict, so long as the conflict remains; or
  - b. the staff member shall not proceed with his or her personal interests which result in the conflict, so long as the conflict remains.
  - c. If the staff member is advised that sub. (B)(3) a or b applies to his or her case, the staff member, within 15 days after notice of the decision of the Dean, Director, or other appropriate administrator, may appeal the decision under UWRF 12 (Grievances).

### **13.4 Outside Activities and Interests; Reports**

A. Outside activities:

Members of the unclassified staff are free to engage in outside activities, whether or not such activities are remunerative or related to staff members' fields of academic interest or specialization. However, no member of the unclassified staff may engage in an outside

activity if it conflicts with his or her public responsibilities to the University of Wisconsin System or the institution at which the unclassified staff member is employed.

B. Reportable outside activities:

1. The following outside activities must be reported to a staff member's Dean, Director or other appropriate administrator:

a. associations with organizations, as defined in s. UWS 8.02(3) and (12), related to staff members' fields of academic interest or specialization;

b. private remunerative relationships between staff members and non-governmental sponsors of University research for which the staff member is a principal investigator; and

c. remunerative outside activities in a staff member's field of academic interest or specialization, including but not limited to consulting, and whether the staff member earns for such activities \$5,000 or more in a year from a single source.

2. Each unclassified staff member engaging in outside activities reportable under this section shall annually, on or before April 30, file a report of outside activities with his or her Dean, Director or other appropriate administrator.

3. If, during the year, significant changes in a staff member's reportable outside activities occur, the staff member shall immediately inform, in writing, his or her Dean, Director or the appropriate administrator. This information shall be placed on file with the staff member's annual statement of outside interests.

C. Reporting of outside activities:

1. It is the responsibility of each academic staff member to submit a written report of all his or her substantial outside activities to his or her supervisor. This shall be done before an activity is undertaken. If there is doubt as to whether or not the outside activity is "substantial," it is the responsibility of the academic staff member to consult with his or her supervisor regarding this matter. Failure to report substantial outside activities may subject the academic staff member to disciplinary action under either UWRF 11 (Complaints) of these policies and procedures or UWRF 9 (Dismissal for Cause).

2. Review and action:

a. Copies of reports of substantial outside activities shall be forwarded through the normal administrative channels to the Chancellor for the purpose of permitting reviews of the reports.

b. If it is determined, at any administrative level, that outside activities are excessive or otherwise improper, oral communication with the academic staff member concerned may be used as a means of correcting the situation. However, (a) at the discretion of the administrative officer, (b) upon the request of the academic staff member, or (c) if the improper activity persists after oral communication of disapproval and suggested corrections, the academic staff member shall be notified of the impropriety in writing. The notice shall include reasons for judging the outside activity improper and recommendations for adjustments in those activities. If the notice does not originate with

the supervisor of the academic staff member, it shall be transmitted by the supervisor to the academic staff member concerned.

### **13.5 Appeal**

The academic staff member may appeal a decision regarding the impropriety of his or her outside activities. The grievance shall be submitted to the Academic Staff Council in accordance with the procedures of UWRF 12 (Grievances).

### **13.6 University Equipment and Services**

No academic staff member shall use University facilities, equipment, or services for purposes of private practice without first obtaining written approval from the supervisor, Dean, Director or functional equivalent, and the Vice Chancellor for Business and Finance and the payment of a reasonable fee for the privilege enjoyed.

## **UWRF 14: Academic Staff With Teaching Responsibilities**

### **14.1 General**

Academic staff members who are appointed to teaching positions, either on a part-time or full-time basis, shall be appointed only upon the affirmative recommendation of the faculty of the academic unit within which their teaching responsibilities will lie. The faculty of the academic unit shall also participate in the decision to renew or nonrenew the appointments of such academic staff members. Renewals of the appointments shall be made only with the affirmative recommendation of the faculty concerned. Within the academic unit, only faculty members with at least two consecutive semesters of service at UW-River Falls and who have neither received nonrenewal notices nor resigned for reasons other than retirement, shall be eligible to vote on questions of appointment and reappointment of academic staff members with teaching responsibilities.

## **UWRF 15: Other Provisions**

### **15.1 Existing Rights**

A member of the academic staff granted a limited appointment shall not lose existing rights to an academic staff appointment by accepting the limited appointment. (See definition of Limited Appointment, UWS 15).

### **15.2 Back-up Contracts for Academic Staff**

When vacating the limited appointment, an academic staff employee shall revert to his or her back-up contract status of fixed-term, probationary or indefinite, and the rights and responsibilities thereof.

### **15.3 Academic Staff Back-up Contracts for Limited Appointees**

A. Limited appointees who do not have a back-up appointment may be granted a back-up academic staff appointment after three (3) years of meritorious service. After three (3) years of service the Administration shall initiate a review to determine if a back-up appointment is appropriate.

B. An academic staff appointment can be granted to those individuals employed in a title found in Category A (Professional, Program Manager, and Director Series) and Category C (Academic Administrators) as listed in the UW System Unclassified Staff Title Structure.

#### **15.4 Privileges**

In April, 1987, the Academic Staff Council granted all privileges of academic staff membership, including voting for candidates to the Academic Staff Council, serving on the Academic Staff Council, and obtaining Academic Staff Professional Development grants, to limited appointees both with academic staff back-up appointments and those limited appointees with no back-up appointments.

#### **15.5 Complaints**

An employee in a limited position has the right to file a complaint under the provisions of UWS 6.01 and UWS 13.01.

Procedures Academic Staff Promotion/Title Change Procedures

## **General Procedure**

(1) Academic staff members who seek a promotion/title change must initiate the process by informing their immediate supervisor in writing of the intent to pursue a title change no later than November 25. Three copies of the completed promotion/title change materials must be forwarded to the Chancellor's Office no later than February 8 (accompanied by the transmittal form). The materials will then be forwarded to the Academic Staff Promotions Committee.

(2) Each promotion/title change request must be accompanied by a written recommendation from the appropriate supervisors in the chain-of-command (i.e., department head, Dean, Director or division head, and Provost & Vice Chancellor or Vice Chancellor for Administration and Finance).

(3) An academic staff member who seeks a promotion or title change, or anyone who wishes to testify on the academic staff member's behalf, has the right to appear before the Academic Staff Promotions Committee.

(4) The Chancellor shall inform the academic staff member of the promotion decision.

(5) Appeal of the decision would follow those procedures as outlined in UWRF 12 of the Academic Staff Personnel Policies and Procedures.

#### *Academic Staff Promotions Committee*

(1) The Academic Staff Promotions Committee is composed of the Chancellor, Provost & Vice Chancellor and the Chair of the Academic Staff Council, or the Chair's designee.

(2) In reaching its decision, the Academic Staff Promotions Committee must follow the criteria described for the title by the 1986-87 Hayes/Hill Titling Process and any subsequent changes to that system. In addition, when dealing with the DISTINGUISHED or SENIOR prefix, the local criteria (recommended by the Academic Staff Council and approved by the Chancellor) must also be met.

### *Senior Prefix*

A professional at the Senior level performs program functions at a level of proficiency typically requiring extensive experience (e.g., a minimum of at least seven years of professional experience) and advanced knowledge and skills. At this level the professional has a record of exemplary performance. A Senior professional is expected to develop new approaches, methods or techniques to resolve problems with little or no expert guidance and to cope independently with new, unexpected or complex situations. At this level, a professional can be expected to guide or train other professionals or to oversee their work.

In promotion of academic staff members from no-prefix professional title to senior professional title, the following criteria will be considered:

I. A. Appropriate Education Preparation: The candidate for Senior prefix must meet the minimum educational requirement.

B. Appropriate Experience:

1. Seven years of experience in the particular field. This includes all work experience as a professional in this field. Graduate practica and internships in completion of degree requirements may be counted on a 2-1 ratio.
2. A minimum of four of the years of experience must be in the current title and at UW-River Falls.

C. Contributions to the University outside of the work assignment. Academic staff seeking promotion should have demonstrated contributions to the University in areas such as the following:

1. Provide professional expertise/service to the community.
2. Participation in governance as demonstrated by committee work at either campus-wide or departmental level.
3. Advising students and/or student organizations.
4. Participation/leadership in professional organizations.
5. Professional activities in research, publications or presentations.

II. Recognizing that circumstances may develop in which the Academic Staff member does not meet all the above stated criteria but duly merits promotion for other extraordinary considerations, the Academic Staff member seeking promotion may submit a promotion request following established procedures.

### *Distinguished Prefix*

The University of Wisconsin System has determined that the Distinguished prefix is not

part of a natural career progression track and is not intended to be the final stage of progression for all academic staff in the professional title series.

*Definition*

A professional at the Distinguished level performs at a level of proficiency typically requiring extensive experience and advanced knowledge and skills. The expertise of a professional at this level is commonly recognized by his or her peers and through a reputation which extends beyond his or her work unit. A Distinguished professional is expected to develop new approaches, methods or techniques to resolve problems with little or no expert guidance and to cope independently with new, unexpected or complex situations. At this level, a professional can be expected to guide or train other professionals or to oversee their work.

*Distinguished Prefix Interpretation Guidelines*

A professional at the Distinguished level performs at a level of proficiency typically requiring extensive experience and advanced knowledge and skills.

Hayes/Hill considered "at least 10 or more years of progressively responsible experience in their field" to constitute "extensive" experience.

The expertise of a professional at this level is commonly recognized by his or her peers and through a reputation which extends beyond his or her work unit.

"Peers" should not be interpreted to mean "colleagues." While an employee may be recognized for excellence, achievement or exceptional skill by academic staff colleagues within the institution and within the UW System, "peer recognition" applies to a reputation of excellence in a profession, recognized by individuals or groups in the same profession normally found or organized outside of the UW System.

Hayes/Hill construed each institution as a "work unit." Departments, schools and/or colleges within the institution are not considered "work units" for this purpose.

A Distinguished professional is expected to develop new approaches, methods or techniques to resolve problems with little or no expert guidance and to cope independently with new, unexpected or complex situations.

Recognition as an expert in the field implies that the reputation as a "superstar" is applicable to current problem solving in the profession.

At this level, a professional can be expected to guide or train other professionals or to oversee their work.

Hayes/Hill intended this prefix level to be awarded to the "truly exceptional performers." As Distinguished professional staff are to be considered a level above the Senior professional staff, it is reasonable to assume that such distinguished staff would share their expertise with all other staff, including the most senior staff.

It is unlikely that all professional academic staff have the opportunity to participate in national or regional professional organizations, to conduct research, or to publish works in the profession. Some professional academic staff positions are designed to provide expertise to local or regional public, private or citizen groups. Hayes/Hill did not intend that all academic staff would achieve "superstar" status. The availability of this prefix is intended to permit the institution to acknowledge the reputation of those few academic staff who have gained the recognition of others in the profession. Evidence of peer recognition would include the following:

#### Examples of Peer Recognition

Making presentations before national professional organizations:

While a presentation of how something is done at UW-River Falls would not in itself warrant distinguished status, if a person developed a new method or technique that was applied at the institution, and that person presented the method or technique as a useful alternative to current approaches used by professionals in the field, the distinguished title might be warranted.

Receiving awards of achievement from national organizations:

While an award for outstanding service might not reflect prominence in the field, an award which recognizes a significant contribution to the profession might reflect distinguished status.

Serving as a consultant for national organizations or agencies:

Many academic staff utilize their skills in a consultant capacity. Such professional activity would not constitute recognition by peers in the profession. However, if an organization of peers requests the services of the academic staff member because of a particular expertise, such consultant work could constitute recognition by one's peers.

Providing expert advice and/or testimony:

Many academic staff positions have a public service component in which the person is expected to offer advice to local groups or organizations. The distinguished prefix was not created to recognize such work. However, if a person is considered by his/her peers in the profession to be a resource for solving complex issues, the distinguished title might be considered.

History of professional publications:

An academic staff member who has a recent history of published works that contribute to the body of knowledge in the field or benefit the profession is a strong candidate for the distinguished prefix.



Presenting educational or training programs for external post-secondary organizations and institutions, i.e., teaching courses for college-level credit or CEUs:

Classroom instruction alone may not reflect recognition of expertise in the field by one's peers. However, instructing others in the profession may be an indicator of recognized expertise.

Developing innovative methods, techniques or professional skills which are nationally recognized and applied beyond the University:

A new method or technique that has been accepted by one's peers reflects a contribution to the profession and may be regarded as evidence of distinguished recognition in the field.

## Procedures Instructional Academic Staff Employment Policy

### *Purpose*

The purpose of this policy is to clearly define the rights and terms and conditions of employment of instructional academic staff. This policy also is intended to support the important institutional goals of maintaining staffing flexibility, stability, and quality.

It is the policy of UW - River Falls to employ instructional academic staff for a maximum period of 5 years (10 semesters) of continuous service (excluding Summer Session). Fifteen (15) hours or the equivalent is the maximum workload. Compensation is based on the number of credit hours taught.

This policy does not apply to instructional academic staff with a workload of seven hours or fewer or to instructional academic staff/coaching positions in the Department of Health and Human Performance.

### *Background*

For some time concern has been expressed about the lack of clarity and possible inappropriate assignment of instructional academic staff. Issues focused on the use of academic staff to perform duties and responsibilities of probationary and tenured faculty. This led to confusion and misunderstanding concerning the role and function of instructional academic staff within the department, College or School, and the University.

Another issue was the best means to achieve equitable resolution for academic staff on fixed-term contracts who either (1) were not eligible for appointment as probationary faculty or (2) had no expectation of any probationary faculty position becoming available in the foreseeable future in the area in which they were teaching. Substantial employment rights accrue to instructional academic staff after seven continuous years of service. According to UWRF 3.11, those persons must be offered an additional fixed-term rolling horizon appointments of not less than three years. This condition of the rolling horizon appointment has two effects: 1) it greatly reduces the flexibility of an academic department to make necessary staffing modifications to keep pace with curricular

changes and to add probationary faculty positions, and 2) it greatly reduces the possibility of converting the academic staff position to a probationary faculty position in anything less than three years in the future.

Extensive consultation occurred between the Chancellor, Provost and Vice Chancellor, Academic Staff Council, members of the Faculty Senate, College Deans, and other appropriate campus personnel. The Chancellor met with the Academic Staff Council, as the governing body charged by statute with representing Academic Staff, including those who instruct, to discuss drafts of the policy and incorporate suggested changes where appropriate.

Discussions and consultations also were included in the original Reach for the Future (RFF) committee that drafted RFF VIII, E, 1. This committee met over a period of several months and drafted the original recommendation, subsequently adopted by the RFF Steering Committee July 25, 1996.

Academic staff hired in coaching positions in the Health and Human Performance Department are not covered by this policy because teaching is not the primary reason for their hire.

#### Instructional Academic Staff Defined

Chapter 36 of the Wisconsin Statutes identifies four categories of unclassified appointments in the University of Wisconsin System: (1) faculty appointments, (2) academic staff appointments, (3) limited appointments, and (4) other appointments. The Wisconsin Administrative Code further defines each category.

Chapter 1 of the Wisconsin Administrative Code of the University of Wisconsin System (UWS) defines faculty as "persons who hold the rank of professor, associate professor, assistant professor, or instructor in an academic department or its functional equivalent in an institution." UWS 1 goes on to establish that evaluation of these positions is to be based on "teaching, research, and professional and public service and contribution to the institution." UW-River Falls' Faculty Personnel Rules were developed based on UWS language and therefore closely mirror this language. The Faculty Personnel Rules govern those unclassified staff defined as faculty.

UWS 1.01 defines academic staff as "professional and administrative personnel, other than faculty and classified staff, with duties and types of appointments that are primarily associated with higher education institutions or their administration." The "professional appointments" are meant to include persons involved in research, instruction, or other professional activities associated with higher education.

"Faculty Status" as defined in the UWS 1.05 "means a right to participate in faculty governance of an institution in accordance with the rules of the institution." In July 1975, the Faculty Senate recommended and the Chancellor approved extending "faculty status" to all academic staff. "Faculty status" applies to governance participation only. It does not convert an academic staff appointment to a faculty appointment. According to UWS

3.01(1)(b) "...members of the academic staff may be given faculty status. Members of the academic staff who have been given faculty status have employment rights under the rules and policies concerning academic staff."

UW-River Falls Academic Staff Personnel Policies and Procedures govern those unclassified staff defined as academic staff as permitted in s. 39.09 (4m) Wis. Stats., "...The academic staff members have the primary responsibility for the formulation and review, and shall be represented in the development, of all policies and procedures concerning academic staff members, including academic staff personnel matters. The academic staff members of each institution shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance."

The University of Wisconsin Unclassified Personnel Guidelines (UPG) #2 (issued 2/25/76 and revised 1/1/94) deals with all four types of unclassified appointments. Specifically, UPG 2.06 deals with instructional academic staff. It reads as follows:

*2.06. Staffing a Teaching Position by Appointment of an Instructional Academic Staff Member.*

It is not the intent of these guidelines to permit or encourage excessive dependence upon academic staff to perform teaching responsibilities, nor is it the intent that these guidelines be applied retroactively. Indeed, if the duties of a position are those customarily associated with a faculty position, then the appropriate first question is why the position should not be categorized as faculty. In conducting that analysis, one can determine that the staffing of a teaching position by appointment of an instructional academic staff member, rather than a probationary faculty member, may be appropriate but not mandatory if any of the following conditions apply:

- (1) The position is to be filled by someone who lacks the minimal academic credentials for a faculty appointment.
- (2) The position being filled does not include the full range of responsibilities of a faculty appointment which include teaching, research, and institutional and public service.
- (3) The need for the instructional services is expected to be short-term. Considerations such as the following are apparent:
  - (a) A member of the faculty who will normally perform these responsibilities is on leave, or is on a retraining leave, but is otherwise expected to be available after a particular date.
  - (b) There is a reasonable possibility that departmental planning within the broadest context of institutional planning will result in phasing out or consolidating of particular courses or sections involved either as an adjustment to projected declining enrollments, or as an outcome of curricular review or changes in curricular structure.

(4) The funds supporting the position are not expected to be available beyond a given time period. That is, the funds are fixed-term or grant funds, or funds that are not expected to be available on a continuing basis in the institution's base budget.

(5) The long-range tenure management requirements in the department preclude the possibility of additional probationary faculty appointments.

### *Implementation Guidelines*

#### I. New Hires

Effective August 26, 1998, the maximum workload is considered to be 15 credit hours each semester for instructional academic staff. If a 15-hour workload is assigned, the following options are available:

(1) Teach 15 hours with no expectation on the part of the department faculty or the academic staff person that the academic staff person has responsibility for advisees, committee work, research and other duties typically associated with the duties and responsibilities of a faculty member.

(2) Teach 12 hours with additional expectations such as running a laboratory. Any additional expectation should NOT be to advise students and/or conduct research or other duties typically associated with the duties and responsibilities of a faculty member.

(3) Teach less than 15 hours without additional expectations and be compensated accordingly.

The length of time an individual may be employed as instructional academic staff is limited to a total of five years (10 semesters).

A position description form is to be completed for all instructional academic staff positions and is to be forwarded with the Dean's or Director's appointment form. The position description will be sent to the academic staff member with the official contract.

Compensation will be on a per credit basis.

The basis of employment and compensation will be determined by the total number of credits and credit equivalents in the assigned workload. The percent of appointment for benefits purposes will be based on a 15-hour workload equaling a 100% appointment on a semester basis.

#### II. Current Instructional Academic Staff: Transition Plan

The transition plan for current instructional academic staff is based on the number of years of continuous service at the end of the 1998-99 academic year. The transition plan to the 15-hour workload and the 10 semesters affects five groups of currently employed

persons: (1) instructional academic staff (IAS) who will have completed 1 to 3 years of service, (2) IAS who will have completed 4 years of service (3) IAS who will have completed 5 years of service (4) IAS who will have completed 6 or 7 years of service and (5) current staff with more than 7 years of service.

(1) IAS who will have completed 1 to 3 years (6 semesters) of continuous service at the end of the 1998-99 academic year (1996-97, 1997-98, and 1998-99 hires). If any of these staff are re-hired in 1999-2000, the workload would remain at the current level of 12 hours but 1999-2000 would be considered the last year for 12-hour workload and staff would be so informed. Any rehiring beyond 1999-2000 would be based on a 15-hour workload and the five year maximum rule applies.

(2) IAS who will have completed 4 years (8 semesters) of continuous service at the end of the 1998-99 academic year (1995-96 hires) Those staff hired in 1995-96 who will have completed 4 years of service at the end of 1998-99 could be rehired for 1999-2000 at the 12-hour workload but it would be the last instructional academic staff contract that the University would issue to this person (the five year maximum).

(3) IAS who will have completed 5 years (10 semesters) of continuous service at the end of the 1998-99 academic year (1994-95 hire). Those staff hired in 1994-95 who will have completed 5 years of service at the end of 1998-99 must be notified that 1998-99 is the last instructional academic staff contract that the University will issue (the five year maximum).

(4) IAS who will have completed 6 or 7 years (12 - 14 semesters) of continuous service at the end of the 1998-99 academic year (1992-93 and 1993-94 hire). For those staff who currently have 6 or 7 years of service (1992-93 and 1993-94 hires) the transition plan is more problematic. These staff have already exceeded the 10 semester maximum. The next contract issued to those with 7 years of service would need to be for a 3 year rolling horizon appointment. There are three options:

A. If there is no intention to continue employment, the IAS member must be notified immediately that 1998-99 is the last instructional academic staff contract that the University will issue.

B. There is potential of converting academic staff to faculty who would be considered "de facto" faculty right now. UWS 3.01(1)(c) stipulates that "academic staff appointments may be converted to faculty appointments by the action of the board upon the recommendation of the appropriate faculty body and the chancellor of the institution. Such faculty appointments shall enjoy all the rights and privileges of faculty."

C. Open the position for recruitment as a faculty appointment and consider the staff member the lead candidate for the position.

(5) IAS who will have completed more than 7 years of continuous service at the end of the 1998-99 academic year (1991-92 hires and before) who already have rolling horizon

contracts. This group of IAS are those staff who are already on rolling horizon contracts. This represents a small group of staff who have given many years of service to the University. The conversion to faculty as stipulated above would be an option. If conversion is not an option, these appointments would be grandfathered in with the 12-hour workload as IAS.

*Other Administrative Policies*

(1) Years of service as academic staff will not count toward tenure. Exceptions to this policy will be made only with the express approval of the Chancellor.

(2) To maintain flexibility while at the same time maintaining stability and quality of instructional staff, the recommended limit to the employment of instructional academic staff should be no higher than an institutional average of 20% of the total curricular offerings.