

ACADEMIC STAFF POLICIES AND PROCEDURES
UNIVERSITY OF WISCONSIN-MADISON
(UW-MADISON ASPP)

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CHAPTER 1 COVERAGE AND DEFINITIONS

1.01. Coverage

Pursuant to UWS 9.01, these policies and procedures apply to all academic staff appointments at the University of Wisconsin-Madison. Faculty status, as granted under Faculty Policies and Procedures, does not affect the holder's rights and privileges as an academic staff member.

1.02. Delegation

Pursuant to Wisconsin Statutes 36.09(4m), the Academic Staff Assembly through its Executive Committee and its Personnel Policies and Procedures Committee makes recommendations to the University of Wisconsin-Madison chancellor concerning policies and procedures for academic staff appointments as provided in UWS 8-13.

1.03. Definitions

"Academic Staff" means professional and administrative personnel other than faculty with duties and types of appointments that are primarily associated with higher education institutions or their administration. Each academic staff has a principal role related to research, teaching, outreach, student services, information technology, libraries, communications, clinical/health services, or other responsibilities. Academic staff may also have an ancillary role that is complementary and related to the principal role. Academic staff may hold positions and/or have working titles that include the term "professor," which is authorized by FP&P 1.03A. Academic staff titles are identified in the UW-Madison *Unclassified Title Guidelines*.

"Budget or Program Decision" refers to the reallocation or termination of resources by a University management decision that may result in staffing reductions in a program or operational area. This is distinct from funding loss (see definition below).

"Department" is a group of faculty members recognized by the faculty and the chancellor of the institution, and the Board of Regents, as dealing with a common field of knowledge or as having a common or closely related disciplinary or interdisciplinary interest (UWS 1.03).

"Director," where the phrase "dean or director" is used, identifies the equivalent of a dean at the divisional or institutional level who typically reports to the chancellor or a vice chancellor.

"Discipline" refers to any sanction short of dismissal imposed by the university against an academic staff member for unsatisfactory performance or misconduct, including but not limited to a letter specifically identified as a reprimand, reduction in salary, change of appointment status, or suspension without pay. Performance reviews, letters of counseling, administrative leave with pay, merit-pay determinations, and the like are not considered discipline.

“Dismissal for Cause” is the termination of an academic staff member’s employment for just cause using procedures in ASPP 6.

“Division” is a major organizational element of the university headed by a dean or director who typically reports directly to the chancellor or a vice chancellor.

“Employing Unit” is the organizational area, such as a school, college, division, or smaller unit, having the personnel and budgetary responsibility for a position.

“Fixed-Term Renewable Appointment” is an appointment for a period of time specified in the letter of appointment and is renewable. Fixed-term renewable appointments may be ended during the evaluation period (ASPP 2.04) or because of funding loss, a budget or program decision that requires a program to be discontinued, curtailed, modified, or redirected, unsatisfactory performance, or misconduct, according to procedures outlined in UW-Madison ASPP 3, 5 and 6.

“Fixed-Term Rolling-Horizon Appointment” is a type of renewable appointment that extends daily for the term specified in the letter of appointment or other document.

“Fixed-Term Terminal Appointment” is an appointment for a fixed term only, as specified in the letter of appointment, and shall not be used repeatedly except as specified in ASPP 2.01.A.3.

“Funding Loss” is an unanticipated cancellation or reduction of a contract or grant (usually from an external agency) or an unanticipated decline in an income account supporting a particular activity. Funding loss results from a decision neither made by nor within the control of University management.

“Grievance” is a written allegation filed by a member of the academic staff in regard to an employment problem that affects his or her conditions or circumstances of employment.

“Indefinite Appointment” is an academic staff appointment having permanent status and for an unlimited term. The rights conferred by an indefinite appointment are limited to the operational area in which the appointment is made. Indefinite appointments are neither limited to nor specific to any academic staff position or title series.

“Joinder” is a term meaning formal joining together, for a single review or hearing ~~and disposition~~, of appellants or grievants having the same or directly related set of facts and circumstances or legal situation.

“Layoff” is the termination of an academic staff member’s employment because of funding loss or a budget or program decision either prior to the end of the appointment or when proper notice of nonrenewal under ASPP 3.04 cannot be given.

“Limited Appointment” is a special appointment to a designated administrative position (UWS 15.01) and is not an academic staff appointment. A limited appointee serves at the pleasure of the authorized official who made the appointment. Academic staff accepting limited appointments retain the rights outlined in ASPP 2.09.

“Multiple-Year Appointment” is a form of fixed-term renewable appointment with a term longer than one year.

“Nonrenewal” is the termination of an academic staff member’s employment at the end of the appointment because of funding loss, a budget or program decision, or unsatisfactory performance, when proper notice of nonrenewal under ASPP 3.04 and 3.05 is given.

“Operational Area” is the organizational level specified in the letter of appointment as having responsibility for supporting a position, such as a school, college, division, department, or smaller unit.

“Pay Basis” is the specification of whether an academic staff member’s salary is paid on an annual (12 months), academic year (9 months), or other appropriate basis.

“Probationary Appointment” is an academic staff appointment leading to review and decision on indefinite appointment.

“Program Decision”: See *“Budget or Program Decision.”*

“UWS 8-13; 15; 18, 19, and 21” refer to the *Rules of the Board of Regents of the University of Wisconsin System, s. UWS 1-21, Wisconsin Administrative Code* including academic staff rules (Chapters 8-13); limited appointments (Chapter 15); conduct on university lands (Chapter 18); sick leave (Chapter 19); use of university facilities (Chapter 21).

“Years of Academic Staff Service” is continuous years of paid UW-Madison academic staff employment without regard to percent of employment. A leave of absence of any length or a break in academic staff service of three years or less will not result in loss of prior years’ academic staff service. For purposes of determining the required minimum nonrenewal or layoff notice period, an appointment of one or both semesters of an academic year shall count as one year of service.

CHAPTER 2 ACADEMIC STAFF APPOINTMENTS

2.01. Types of Appointment

Academic staff appointments are fixed term, probationary, or indefinite. Rights associated with an appointment are limited to the operational area specified in the letter of appointment.

A. *Fixed-Term Appointments.* Fixed-term appointments are renewable, rolling horizon, or terminal. An initial period of evaluation is required (2.04), during which an appointment may be ended without the right of appeal. Once the evaluation period has been successfully completed, the employment of an academic staff member holding a fixed-term renewable or fixed-term rolling-horizon appointment may be ended only for reasons of (1) funding loss, (2) a budget or program decision that requires a program to be discontinued, curtailed, modified or redirected, (3) unsatisfactory performance, or (4) misconduct, according to the procedures outlined in ASPP 3, 5 and 6.

1. *Fixed-Term Renewable Appointment.* The fixed-term renewable appointment is the most common appointment given to academic staff. This appointment is for the initial term specified in the letter of appointment and is renewable so long as the appointee renders satisfactory service, funds are available, and the directions or needs of the program do not change.

Appointments for terms up to and including one year renew for the same term unless the academic staff member receives a written notice to the contrary. A letter of reappointment is not required. If the term of appointment is increased, a letter of reappointment is required.

Appointments for terms of longer than one year, including multiple-year appointments, do not require a letter of reappointment during the original term. To renew the appointment for more than one year requires a reappointment letter. If a reappointment letter or nonrenewal notice is not issued before the end of the original term, then the appointment becomes a one-year fixed-term renewable appointment.

2. *Fixed-Term Rolling-Horizon Appointment.* A rolling-horizon appointment extends daily for the term specified in the letter of appointment or other document. The term may be for one or more years. For example, a three-year rolling-horizon appointment automatically renews every day and entitles the employee to a full three years' notice of nonrenewal.

The term of a rolling-horizon appointment may be increased or decreased at any time. If the term is increased, the new term shall take effect upon written notification. If the term is reduced, written notification is required and shall include the reasons for the change, i.e., funding loss, budget or program decision, unsatisfactory performance, or misconduct. The appointment will cease rolling until the period by which the appointment is being reduced has elapsed. For example, if a three-year rolling-horizon appointment is reduced to a two-year rolling-horizon appointment, the appointment will cease rolling until one year has elapsed, then resume as a two-year rolling-horizon appointment.

A rolling-horizon appointment may be changed to a fixed-term renewable appointment upon written notice to the employee with copies to the dean or director and the Academic Personnel Office. The notice shall include the reasons for the change, i.e., funding loss, budget or program decision, unsatisfactory performance, or misconduct. The initial length of the new fixed-term renewable appointment shall equal the term of the former rolling-horizon appointment.

A decrease in the term of a rolling-horizon appointment or a change to a fixed-term renewable appointment may be grieved in accordance with ASPP 7 when the employee believes the action to be arbitrary, capricious, for reasons prohibited by law, or in violation of ASPP.

3. *Fixed-Term Terminal Appointment.* Fixed-term terminal appointments are made when there is no expectation of continuing employment. The appointment letter will specify the appointment termination date. Fixed-term terminal appointments shall not be used repeatedly to avoid granting the increased job security provided by fixed-term renewable and fixed-term rolling-horizon appointments.

There are three types of fixed-term terminal appointment:

- a. *Finite.* This type of appointment is used when the appointment is for a clearly limited period of two years or less with no anticipation of renewal. Fixed-term terminal appointments may be extended, but the total period of appointment may not exceed two years. Continuation of the position beyond two years shall be as a fixed-term renewable appointment unless the chancellor's designee determines that good cause exists to continue it as a fixed-term terminal appointment.
- b. *Instructional.* This type of fixed-term terminal appointment is limited to instructional academic staff and can be offered repeatedly except as follows. When an instructional academic staff member has held an appointment in a given department for either or both semesters in each of the last three successive academic years, reappointment shall be as a fixed-term renewable appointment on a similar basis, e.g., one-semester or two-semester appointment. In exceptional circumstances, however, reappointment to a fixed-term terminal instructional position beyond this period may be made with the approval of the chancellor's designee.

c. *Post-retirement.* Fixed-term terminal positions held by retired academic staff are not subject to maximum appointment length limitations, and may be reappointed annually at the discretion of the employer.

B. *Indefinite Appointment.* An indefinite appointment is an academic staff appointment with permanent status and for an unlimited term in a specified operational area. Indefinite appointments confer the greatest job security of any academic staff appointment.

An indefinite appointment is granted only upon the recommendation of the department or its functional equivalent, review by an academic staff area review committee, and approval by the appropriate dean or director and the chancellor pursuant to the procedures described in 2.07.

The rights conferred by an indefinite appointment are limited to the operational area in which the appointment is made. However, if an individual's operational area moves to another unit, the indefinite appointment shall be retained. An individual who is selected for an academic staff position in a different operational area may negotiate a continuance of indefinite appointment status with the new employer. Continuance of an indefinite appointment is granted at the discretion of the new employer and does not require review by an area review committee.

An indefinite appointee can only be dismissed for cause under ASPP 6 or laid off for reasons of budget or program under ASPP 5; nonrenewal does not apply to indefinite appointees. The percentage of appointment provided for in the indefinite appointment cannot be changed without the mutual consent of the academic staff member and the institution unless the appointment is reduced by partial layoff under ASPP 5.

C. *Probationary Appointment.* A probationary appointment is an appointment with a probationary period of up to seven years leading to a review and decision on granting an indefinite appointment. Probationary academic staff not granted an indefinite appointment by the end of probation may not be reappointed to a fixed-term appointment within the same operational area. However, exceptions may be made by the chancellor or designee after seeking advice from the appropriate academic staff area review committee and the dean or director.

Neither probationary nor indefinite appointments are appropriate for positions whose duties approximate a faculty appointment; these may not be used to circumvent or evade normal tenure policies and procedures.

A probationary appointment shall be made in an operational area only when it is anticipated that the position will continue indefinitely. Probationary appointments within an academic department must be approved in advance by the executive committee of the department. In addition, all probationary appointments require the advance approval of the appropriate dean or director. For appointments in an administrative or service unit, approval must be received both from the immediate unit director and from the college-level dean or director, or from the chancellor's office if the appointee reports directly to the chancellor's office.

2.02. Letters of Appointment

Each employee shall receive a letter of appointment signed by the individual making the appointment. Such a letter is required at the time of the initial appointment and whenever there is a change in the terms or conditions of the appointment. The initial appointment letter shall include at a minimum the following:

- Official university title of the position and working title, if appropriate.
- Type of appointment: fixed-term renewable, fixed-term rolling-horizon, fixed-term terminal, probationary, or indefinite.
- The operational area of the appointment.
- Title and name of the person to whom the employee is immediately responsible.
- A statement of initial salary level and pay basis, starting date, and date of next salary review.
- Percentage of full-time employment.
- Initial evaluation period, if applicable, and the unit's procedure for performance review (see ASPP 10).
- Responsibilities including any special requirements of the position, e.g., unusual hours, on-call expectations, flexible hours, or extensive travel.
- Additional information required for specific types of appointment:
 - Fixed-term renewable appointment letters shall specify the length of the initial term of the appointment.
 - Fixed-term rolling-horizon appointment letters shall specify the length of the rolling term.
 - Fixed-term terminal appointment letters shall specify the ending date for the appointment.

- Probationary appointment letters shall specify:
 - the amount of prior service to be counted toward the probationary period.
 - the maximum probationary period for the appointment.
 - the criteria for recommendation for indefinite status.
 - the appropriate area review committee for consideration of indefinite status.

Upon initial appointment, each academic staff member shall be provided a printed copy of and/or the Web address for *University of Wisconsin-Madison Academic Staff Policies and Procedures* and the *Rules of the Board of Regents of the University of Wisconsin System, s. UWS 8-13, 15, 18, 19, and 21, Wisconsin Administrative Code*.

2.03. Annual Salary Notification Letters

Each academic staff member shall be notified annually of his or her salary for the next fiscal year.

2.04. Periods of Evaluation

Initial fixed-term appointments in an operational area shall include a period of evaluation of at least six months, but not more than 12 months (see exception in 2.04.C). During the period of evaluation, the appointee may be dismissed with the approval of the dean, director, or designee; there is no right of appeal. The duration of the period of evaluation shall be specified in the appointment letter. If the appointment letter does not specify the period of evaluation, the evaluation shall be for a period of six months.

- A. *Extension of Six-Month Evaluation Period.* The evaluation period may be extended beyond six months, but the total evaluation period may not exceed 12 months (see exception in 2.04.C). If the evaluation period is to be extended, a written statement of the duration of and the reason for the extension shall be provided to the employee prior to the end of the original evaluation period. A written performance evaluation must be provided to the employee at the same time. An evaluation period of 12 months cannot be extended; however, it may be suspended under certain circumstances (see 2.04.C).
- B. *Evaluation Period of More than Six Months.* When the period of evaluation specified in the appointment letter is longer than six months, a written performance evaluation is strongly recommended at the midpoint of the evaluation period.

- C. *Suspension of the Evaluation Period.* An evaluation period shall be suspended during periods of leave without pay, use of sick leave, or use of other leave for family and medical leave purposes when the leave exceeds 20 working days. The period of suspension shall be equal to the length of time the employee is absent. The employee shall receive written notice that the period of evaluation has been suspended. After an initial suspension is granted, a subsequent suspension will be granted only if an additional leave of 20 or more days has been taken. No more than two suspensions will be granted during an evaluation period.
- D. *Completion of the Evaluation Period.* The employee shall be notified in writing of the successful completion of the evaluation period. If the evaluation period lapses without such notification, the employee shall be considered to have completed the evaluation period successfully.
- E. *Early Completion of the Evaluation Period.* The evaluation period may be concluded whenever the individual making the appointment determines that the employee's performance is satisfactory. The employee shall be notified in writing of the successful completion of the evaluation period.
- F. *Termination During the Evaluation Period.* During the evaluation period, the appointment may be terminated by the employing unit at any time. Before issuing a termination notice, the employing unit shall obtain the approval of the dean, director, or designee. If employment is terminated, the academic staff member shall be informed in a letter that includes the reasons for termination. There is no right of appeal. No notice period prior to termination is necessary, as long as the period of evaluation is specified in the appointment letter; however, if the appointment letter does not specify the period of evaluation, the employee shall be given at least 10 working days' notice. An employee who is given written notice of termination during the evaluation period shall be considered to have been dismissed during the evaluation period even if the last day of employment falls after the end of the evaluation period. Termination during an evaluation period is neither a nonrenewal nor a dismissal for cause and is not subject to the provisions of ASPP 3 or 6, or UWS 11.

2.05. Review of Appointment Status

All academic staff members not holding terminal appointments shall be eligible for consideration for increased job security in the form of multiple-year or rolling-horizon or indefinite appointments at any time during their appointment. No minimum period of appointment at UW-Madison is required.

Consideration of an academic staff member's appointment status can be initiated with a request by the academic staff member or by his or her unit at any time. Academic staff members of a unit shall have the right to participate in establishing or changing the procedures and criteria by which academic staff of the unit are considered for additional job security.

Employing units shall annually review academic staff members who have five or more years of academic staff service at UW-Madison to determine whether a new or increased multiple-year appointment or rolling-horizon appointment or indefinite appointment shall be proposed. Individuals who currently hold rolling-horizon appointments shall be reviewed and a determination made about their eligibility for an indefinite appointment.

Academic staff members who are supported by grant funding and who have at least five years of service at UW-Madison shall be reviewed annually to determine whether a multiple-year appointment with a term equal to the duration of the grant shall be proposed.

Following review by employing units, deans and directors shall review the academic staff members for whom longer-term appointments have been proposed to identify individuals to be granted increased job security. Increased job security shall be granted to academic staff members when the following criteria are met: 1) the quality of their performance warrants increased job security, 2) their role is an integral part of their department's or unit's continuing mission, and 3) a funding source can be identified that can permit multiple-year, rolling-horizon, or indefinite appointments.

No presumption is made that individuals must have five years of service before being considered for multiple-year or rolling-horizon appointments. Academic staff with five years or more of service at UW-Madison who do not receive a new or increased multiple-year or rolling-horizon appointment or an indefinite appointment as a result of this review shall be given written reasons upon request.

2.06. Continuance of Employment Rights and Privileges

Members of the academic staff who hold the employment rights and privileges provided by a rolling-horizon, multiple-year, or indefinite appointment may negotiate continuance of these rights and privileges when accepting another academic staff position or appointment. Such appointments, however, are granted at the discretion of the new employer. If continuance of an indefinite appointment is negotiated, review by an Area Review Committee is not required.

2.07. Indefinite Appointment

- A. *Procedure.* Each department or its functional equivalent, with the participation of its academic staff, shall develop appropriate procedures for initiating the review process.
 1. *Eligibility.* Indefinite appointments are available to all academic staff title series and positions. Academic staff are eligible for recommendation for an indefinite appointment when 1) they have shown evidence of consistent excellence in performance and professional growth, 2) they are of significant continuing value to the mission of their department or program, and 3) fiscal resources are available to make the commitment. An indefinite appointment is not acquired solely because of years of service.

An indefinite appointment, although normally made to an individual holding a fixed-term or probationary appointment at the University of Wisconsin-Madison, may be granted to a person not currently so employed. Such an appointment may be granted to a member of the academic staff who holds or will hold a half-time or greater appointment.

2. *Initial Review.* The review process can be initiated with a request by the academic staff member or a recommendation by his or her unit. Recommendations for review must be considered by the departmental executive committee or its equivalent. If no such equivalent exists, recommendations must go to the unit head or equivalent. The unit is encouraged to consult with the appropriate dean or director regarding continuing program need and availability of fiscal resources to support the recommendation.

The academic staff member to be reviewed shall be notified in writing at least 10 working days prior to the review. The employee may review his or her supporting documents, may supplement the nomination with additional written material, and may make a personal presentation prior to or during the review process.

When a meeting is held to decide whether to recommend an employee for an indefinite appointment, the employee may make a personal presentation, but shall be excused prior to committee deliberations. This meeting shall be closed unless an open meeting is requested in writing by the academic staff member. Upon affirmative review the recommendation shall be forwarded to the appropriate dean or director. The academic staff member shall be notified in writing of the recommendation within one week.

3. *Transmittal by the Dean or Director.* The dean or director must confirm that program need and available fiscal resources will support an indefinite appointment. Following that confirmation, the dean or director shall request the advice of the area review committee.

A dean or director who forwards an indefinite appointment nomination for review is prepared to make an ongoing commitment of funds for two years beyond the date of any loss of funding for the position. Such a commitment can be abrogated only where a state of financial emergency, as defined in UWS 5.02, is declared.

4. *Action by the Area Review Committee.* The appropriate area review committee to review employees for an indefinite appointment normally is identified by joint agreement of the employee and employer and shall be the committee appropriate to the area of employment. When an agreement cannot be reached, the Academic Staff Executive Committee, in consultation with the dean or director and the Academic Personnel Office, shall specify the appropriate area review committee.

Each area review committee shall convene to review nominations for indefinite appointment status within its respective area. The committee shall seek any additional information or expertise it needs to reach a decision. All members of each committee have the right to vote on all candidates. The recommendation of the area review committee is advisory to the dean or director.

5. *Action by the Dean or Director.* When the dean or director recommends an indefinite appointment, the recommendation, including a copy of the area review committee report, shall be forwarded to the chancellor. If the dean or director does not recommend an indefinite appointment, he or she shall notify the department and candidate. When the dean's or director's recommendation differs from that of the area review committee, the committee shall be informed of the reasons in writing.
6. *Action by the Chancellor.* When the chancellor makes a decision to affirm or deny a recommendation for indefinite status, the chancellor shall notify the candidate of the decision.
7. *Disapproval of Recommendation to Indefinite Appointment.* When an indefinite appointment is not granted to a fixed-term employee, he or she has the right to continue as a fixed-term employee.

B. *Area Review Committees.*

1. *Composition.* There shall be four academic staff area review committees: Humanities/Social Sciences, Biological/Medical Sciences, Physical Sciences/Engineering, and Administrative/Student Services/Library. Each committee shall consist of nine members. Insofar as possible, each committee shall consist of academic staff members having indefinite status and whose employment-related activities represent the diversity of academic staff. The members of the Administrative/Student Services/Library Area Review Committee shall include at least two from separate administrative areas, two from separate student services areas and two from separate library areas. The other three committees shall have academic staff members appointed to reflect the instructional, doctoral, and other backgrounds appropriate to academic staff within the area of review.

The committee members shall be appointed by the chancellor or designee in consultation with the Academic Staff Executive Committee. Members will serve three-year terms with one-third of the committee appointed annually; members may be reappointed. Terms extend from July through June. Vacancies will be filled by appointment by the Academic Staff Executive Committee. The appointed committee members will serve the unexpired portion of that term.

2. *Operating Procedures.* Each committee's operating procedures are subject to the approval of the Personnel Policies and Procedures Committee (PPPC) of the Academic Staff Assembly. Modifications shall be part of the annual report specified below.

3. *Annual Report.* At the end of each fiscal year, each area review committee shall submit a report to the PPPC detailing the number of nominees reviewed, the committee's recommendations, and the number of indefinite appointments awarded as well as evaluating the effects of the *Academic Staff Policies and Procedures* and making appropriate policy recommendations.

2.08. Probationary Appointment

When a probationary appointment is made, the employee shall receive a letter of appointment stating the terms and conditions of the appointment, including the criteria for recommendation to an indefinite appointment. A copy shall be placed in the personnel file. Changes in the criteria shall be made only by mutual consent of the appointing authority and appointee or in accordance with the letter of appointment.

- A. *Probationary Period.* The probationary period shall be for not more than seven years except as prescribed in 2.08.B below. Appointments with shortened probationary periods are permitted. The dean or director or designee may agree to count all or part of appropriate service at other institutions and the University of Wisconsin-Madison as part of the probationary period, and any agreement to this effect shall be specified in the initial letter of appointment. This letter must clearly specify the maximum probationary period.
- B. *Absences During the Probationary Period.* An academic staff member may request a break in the probationary period because of special circumstances. Such circumstances include, but are not limited to, leaves of absence, professional improvement assignments, responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care, 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. Such a request must be initiated by the academic staff member concerned, must be supported by credible justification, and must be made before an indefinite status review commences under 2.07. The request must be reviewed by the supervisor and dean or director and forwarded to the Academic Staff Executive Committee for recommendation to the chancellor. Requests made under this section because of responsibilities with respect to childbirth and adoption shall be approved in accordance with applicable laws and university policies. A denial of a request must be based upon clear and convincing reasons that address the circumstances cited in the request. More than one request may be granted, but the aggregate length of time, except for a request because of responsibilities with respect to childbirth or adoption, ordinarily shall be no more than one year. Any academic staff member who has been in probationary status for more than seven years for one of the above reasons shall be evaluated as if he or she had been on probationary status for seven years.

- C. *Area Review Committee.* The appropriate area review committee to review probationary employees for an indefinite appointment normally is identified by joint agreement of the employee and employer and shall be the committee appropriate to the area of employment. When an agreement cannot be reached, the Academic Staff Executive Committee, in consultation with the dean or director and the Academic Personnel Office, shall specify the appropriate area review committee.

- D. *Procedural Steps for Recommending an Indefinite Appointment for a Probationary Appointee.* When a probationary appointment is made, the criteria for indefinite appointment will have been included in the terms and conditions of the appointment. During annual performance reviews, the supervisor shall note and document strengths, weaknesses, and contributions. Performance in areas previously listed as weaknesses are to be specifically commented upon during the reviews.

The person or body in the employing unit authorized to recommend an indefinite appointment shall conduct a review that will be the basis for a decision as to whether or not the appointee will be put forward for an indefinite appointment. The appointee shall be given 20 working days' notice that this review will take place. Before the review the appointee may examine any supporting documentation and add to it any material he or she believes is relevant to a proper review of past and potential performance. Upon request, the appointee is entitled to appear personally at the review, with or without an advocate. The purpose of such an appearance is to provide an opportunity for the appointee to explain anything that he or she believes should be known before the decision regarding the recommendation for an indefinite appointment is made.

A recommendation for an indefinite appointment shall be sent to the dean or director who shall forward it with a letter to the appropriate area review committee for review and recommendation to indefinite status (see 2.07).

A decision not to recommend an indefinite appointment shall be accompanied by an item-by-item evaluation of the appointee's performance with respect to the criteria for indefinite appointment established in the letter of appointment. The reasons shall be given to the employee in writing if requested. The decision may be appealed using ASPP 4.

2.09. Academic Staff with Limited Appointments

A limited appointment is a special appointment to a designated administrative position and is not an academic staff appointment. A limited appointee serves at the pleasure of the authorized official who made the appointment (UWS 15.01). An academic staff member who accepts a limited appointment shall hold a concurrent academic staff appointment. Rehired annuitants are excluded from this provision.

An academic staff member who accepts a limited appointment *in another operational area* may either resign the current position or negotiate a leave of absence. If the leave of absence is granted, the academic staff member shall retain the current academic staff appointment in the unit granting the leave for the duration of the leave. If the academic staff member resigns the current position, or if the leave of absence is not granted, is terminated, or is not renewed, the academic staff member shall be provided the concurrent academic staff appointment by the unit making the limited appointment. The appointee may negotiate currently held employment rights and privileges such as an indefinite appointment or an extended notice period for the concurrent academic staff appointment with the unit granting the limited appointment.

An academic staff member who accepts a limited appointment *in the same operational area* may either resign the current position or negotiate a leave of absence. If the leave of absence is granted, the academic staff member shall retain the current academic staff appointment for the duration of the leave. If the academic staff member resigns the current position, or if the leave of absence is not granted, is terminated, or is not renewed, the unit shall provide the academic staff member with the concurrent academic staff appointment, to which currently held employment rights and privileges such as an indefinite appointment or an extended notice period shall be attached.

If the limited appointment is terminated or if the academic staff member resigns from the limited appointment, the concurrent academic staff appointment shall remain in effect. Assignment shall be to a position commensurate with the staff member's skills and experience and at a salary level not lower than the staff member might reasonably have expected if the previous academic staff position, if any, had continued without interruption.

CHAPTER 3 NONRENEWAL OF FIXED-TERM RENEWABLE APPOINTMENTS

3.01. Nonrenewal Defined

Nonrenewal is the termination of an academic staff member's employment at the end of the appointment because of funding loss, a budget or program decision, or unsatisfactory performance, when proper notice of nonrenewal under ASPP 3.05 is given.

3.02. Grounds for Nonrenewal

In carrying out its mission and goals, the university retains the right to determine the direction and scope of its programs—including the right to reduce staff levels through nonrenewal because of a funding loss or a budget or program decision. A member of the academic staff holding a fixed-term renewable appointment may be nonrenewed at the end of the appointment because of

- a funding loss,
- a budget or program decision that requires a program to be discontinued, curtailed, modified or redirected, or
- unsatisfactory performance.

Termination during an initial period of evaluation is not a nonrenewal and is not subject to the provisions of this chapter.

NOTE: Nonrenewal does not apply to employees holding indefinite appointments. See ASPP 2.01.B.

3.03. Employer's Responsibility in Cases of Nonrenewal for Funding Loss or a Budget or Program Decision

Whenever a funding loss or a budget or program decision will result in a reduction of the academic staff work force in an operational area, nonrenewal shall be implemented on the basis of years of UW-Madison service (see ASPP 1.03), except as follows. The presumption in favor of years of service shall not apply when program needs dictate other considerations such as the need to maintain specific expertise, responsibility levels, or productivity levels within a program or operational area.

3.04. Employer's Responsibility in Cases of Nonrenewal for Performance

An employer (e.g., immediate supervisor, principal investigator, department chair or unit head) is responsible for clearly communicating to each employee under his or her supervision what the employee's duties are and how the performance of those duties will be evaluated. Before ending an appointment for unsatisfactory performance, the employer must inform the employee in writing about areas of performance deficiency and must make efforts to work with the employee to improve performance to a satisfactory level (see ASPP 10, Performance Reviews). Some examples of unsatisfactory performance include insufficiently productive or timely output, insufficient creative effort, or failure to communicate effectively with individuals or groups important to the work processes.

Lapses in performance may also result from a disability or personal problem. If the employer knows, or has reason to believe, that either of these is or could be a factor affecting the employee's performance, the employer shall consult with campus resources such as the Office for Equity and Diversity, the Office of Compliance, the Employee Assistance Office, the Ombuds Office, and the Office of Human Resources before proceeding.

3.05. Notice

The employee shall be given a written notice of nonrenewal, including a statement of the reasons, notification of his or her right to appeal, and a copy of ASPP 3 and 9, in advance of the expiration of the current appointment in accordance with the table below. Prior to issuing the nonrenewal notice, the employing unit must obtain the approval of the dean, director, or designee. Copies of the nonrenewal notice shall be sent to the department chair or unit head, the dean or director, and the Office of Human Resources. If necessary, the appointment shall be extended to provide the required minimum nonrenewal notice. If the minimum notice period cannot be provided, policies pertaining to layoff apply (see ASPP 5).

Minimum Notice Period for Nonrenewal of Fixed-Term Renewable Appointments

Years of UW-Madison Academic Staff Service*	Minimum Notice Period in Months
Fewer than 2	3
At least 2 but fewer than 6	6
At least 6 but fewer than 10	9
10 or more	12

NOTE: Rolling-horizon appointments require additional action and may require additional notice (see ASPP 2.01.A.2).

*Academic staff service is defined as continuous years of paid UW-Madison academic staff employment without regard to percent of appointment. For purposes of determining the required notice periods, an appointment of one or both semesters of an academic year shall count as one year of service. A leave of absence of any length or a break in academic staff service of three years or less shall not result in loss of prior years' employment credit.

3.06. Referral Priority

Referral priority entitles a nonrenewed academic staff member to be considered for academic staff positions for which he or she is qualified prior to open recruitment. Fixed-term academic staff members with six or more years of academic staff service at the University of Wisconsin-Madison who are nonrenewed for funding loss or a budget or program decision shall be eligible for referral priority from notification of nonrenewal until the end of the appointment. An academic staff member with referral priority may be hired without open recruitment at the discretion of the department or unit responsible for the position.

To initiate and maintain referral priority, the nonrenewed academic staff member must register with the Office of Human Resources and notify that office of changes of address or employment status. Referral priority ends automatically when a staff member accepts an alternative appointment that is not temporary, fails to accept an appropriate alternative appointment with any employer, resigns, or fails to notify the Office of Human Resources of changes of address or employment status. The primary test in the determination of appropriate alternative appointment is not salary level but the comparability of the qualifications necessary and skill level required.

3.07. Right to Appeal

An academic staff member who is nonrenewed has the right to appeal when the staff member believes that there are no valid grounds for nonrenewal (see ASPP 3.01); or that another academic staff member should have been nonrenewed instead; or that the nonrenewal is arbitrary, capricious, for reasons prohibited by law, or in violation of ASPP when the alleged violation is substantive enough to influence the decision under review. An arbitrary or capricious nonrenewal decision is one that is made without a basis in fact or for inconsequential or unsubstantial reasons when the needs of the program have not changed, funds for the position are available, and performance has been satisfactory. A pending appeal of a nonrenewal decision does not extend the appointment.

3.08. Appeal Process

- A. *Review by the Dean or Director.* The academic staff member must submit a written request for review of the nonrenewal decision to the dean, director or designee, and send a copy to the Secretary of the Academic Staff office within 20 working days of receipt of the nonrenewal notice. The request must include a statement of facts and circumstances supporting the request. The academic staff member is entitled to request a meeting with the dean, director or designee, who shall meet with the academic staff member if requested to do so. The dean, director or designee shall conduct an objective review of all pertinent facts and circumstances and shall notify the academic staff member, the department or unit, the Secretary of the Academic Staff office and the Office of Human Resources of his or her decision in writing within 20 working days of receipt of the written request for review. If there is no response by the dean or director to the written request for a review within the designated time period, the employee can appeal to the Academic Staff Appeals Committee within 20 working days of the expiration of the designated period.
- B. *Appeal to the Academic Staff Appeals Committee.* The academic staff member shall have 20 working days from receipt of the dean or director's decision to file an appeal with the Secretary of the Academic Staff office, which will forward the files to the Academic Staff Appeals Committee and the dean or director, with a copy to the Office of Human Resources, within five working days. The dean or director shall provide the employing department and employee's supervisor with a copy of the academic staff member's appeal. The Academic Staff Appeals Committee shall conduct a review in accordance with ASPP 9.
 1. *Access to the Evidence.* The appellant shall have the right to review all evidence the employer used to make the nonrenewal decision. All additional information the employer uses or plans to use to support the decision shall also be provided to the appellant in a reasonable time prior to a review. Likewise, the employer shall have the right to review all materials to be presented by the appellant. The exchange shall take place within a reasonable time prior to a review.

2. *Burden.* The employee has the burden to show by a preponderance of the evidence that there are no valid grounds for nonrenewal (see ASPP 3.01); or that another academic staff member should have been nonrenewed instead; or that the nonrenewal is arbitrary, capricious, for reasons prohibited by law, or in violation of ASPP when the alleged violation is substantive enough to influence the decision under review.
 3. *Notification and Disposition.* The Academic Staff Appeals Committee shall forward its findings of fact with a recommendation to the chancellor or designee and shall send a copy to the employee, the dean or director, and the Office of Human Resources. Within 30 working days of receipt of the Committee's recommendation, the chancellor or designee shall implement the recommendation or give the appellant and the Committee written reasons for any decision to modify the recommendation. The employee, the department chair or unit head, the dean or director, and the Committee shall be notified of the decision of the chancellor or designee, which is final. If the decision of the chancellor or designee has not been issued within 30 working days, the recommendation of the Academic Staff Appeals Committee becomes final.
- C. *Time Limits.* Steps in the appeal process must be initiated and completed within the designated time periods except when modified by mutual consent. If the employee fails to initiate the next step in the appeal process within the designated time period, the appeal will be considered resolved by the decision at the last completed step.
- D. *Representation.* The presence of a representative or other third party designated by the employee is permitted at any stage during the appeal process.

3.09. Joinder of Nonrenewal Appeals

If the nonrenewal of two or more members of the academic staff arises from the same or similar situation in a single operational area, the academic staff members who appeal or the dean or director may request joinder of cases for review. The Academic Staff Appeals Committee shall consider joinder before taking up the merits of any case. In addition, the Academic Staff Appeals Committee may join the cases on its own motion.

CHAPTER 4
NONRETENTION OF EMPLOYEES HOLDING PROBATIONARY
APPOINTMENTS

This chapter applies only to probationary appointments, which lead to review for indefinite status. See 2.01.C and 2.08. This type of appointment is not used at UW-Madison.

CHAPTER 5

LAYOFF FOR REASONS OF BUDGET OR PROGRAM

5.01. Layoff Defined

Layoff is the termination of an academic staff member's employment because of a *funding loss* or a *budget or program decision* (as defined in ASPP 1.03) either prior to the end of the appointment or when proper notice of nonrenewal under ASPP 3.05 cannot be given. If proper notice of nonrenewal has been given, the provisions of this chapter do not apply. Layoff is neither dismissal for cause (ASPP 6) nor nonretention of a probationary appointee (ASPP 4).

The provisions of this chapter do not apply to rehired annuitants. If it becomes necessary to terminate an appointment of this type prior to the end date of the appointment, prior approval by the dean, director or designee is required, and a minimum of 2 weeks written notice must be provided.

5.02. Employer's Responsibility in Making a Layoff Decision

In carrying out its mission and goals, the university retains the right to determine the direction and scope of its programs—including the right to reduce staff levels through layoff because of a funding loss or a budget or program decision that requires a program to be discontinued, curtailed, modified or redirected. When a layoff will occur in an operational area with two or more academic staff employees, it shall be implemented on the basis of years of UW-Madison academic staff service (as defined in ASPP 1.03), except as follows. The presumption in favor of years of service shall not apply when program needs dictate other considerations such as the need to maintain specific expertise or responsibility levels within a program or operational area.

5.03. Approval of a Layoff Decision

A layoff decision requires prior approval. The supervisor must submit a written statement describing the facts and circumstances justifying the layoff. This statement must be approved by the employing unit and dean, director, or designee and the Office of Human Resources. Upon receipt of this approval, the employing unit shall notify the employee in writing of the layoff (see ASPP 5.04.A).

If a proposed layoff is based on a substantial redirection of program activity without significant funding loss, the chancellor or designee may establish, at his or her discretion, an ad hoc committee to review the layoff proposal. Affected employees will be notified whether or not there will be a review. The ad hoc committee shall include academic staff employed within the program or activity that will be affected by the layoff decision. This committee will make a recommendation to the chancellor or designee, who must approve the recommendation before the layoff notice can be issued.

5.04. Notice

- A. *Written Notice.* An academic staff member with a fixed-term or probationary appointment shall be given written notice of layoff by the immediate supervisor, principal investigator, department chair or unit head only after approval of the layoff decision by the dean, director, or designee and the Office of Human Resources. At the same time, copies of this notice shall be sent to the department chair or unit head, the dean or director, and the Office of Human Resources. An academic staff member with an indefinite appointment shall be given written notice by the dean or director. The written notice shall inform the employee of the reasons for the layoff, the effective date of the layoff, and his or her appeal rights, and shall include a copy of ASPP 5 and 9.
- B. *Minimum Notice Period.*

Minimum Notice Period for Layoff of Fixed-Term Renewable and Probationary Appointees

Years of Academic Staff Service	Minimum Layoff Notice Period in Months For Funding Loss	Minimum Layoff Notice Period in Months For Budget or Program Decision
Fewer than 2	1	2
At least 2 but fewer than 6	2	3
At least 6 but fewer than 10	3	5
10 or more	4	6

Minimum Notice Period for Layoff of Rolling-Horizon and Indefinite Appointees

Type of Appointment	Minimum Layoff Notice Period in Months For Funding Loss	Minimum Layoff Notice Period in Months For Budget or Program Decision
Rolling-Horizon	6	12
Indefinite	24	24

In the case of a financial emergency as defined in UWS 5.02, which can be declared only by the Board of Regents, the minimum layoff notice period for indefinite appointees may be reduced to 12 months and the minimum layoff notice period for fixed-term rolling-horizon appointees being laid off for budget or program reasons may be reduced to six months.

When two or more rolling-horizon appointees in the same operational area will be laid off, and if more than the minimum required layoff notice periods can be given, employees holding longer-term rolling-horizon appointments shall receive notice periods equal to or longer than those given to employees with shorter-term rolling-horizon appointments.

5.05. Right to Appeal

An academic staff member who is laid off has the right to appeal when the staff member believes that there are no valid grounds for layoff (see ASPP 5.01); or that another academic staff member should have been laid off instead; or when the layoff is arbitrary, capricious, for reasons prohibited by law, or in violation of ASPP when the alleged violation is substantive enough to influence the decision under review. An arbitrary or capricious layoff decision is one that is made without a basis in fact or for inconsequential or unsubstantial reasons when the needs of the program have not changed, funds for the position are available, and performance has been satisfactory. A pending appeal of a layoff decision does not extend the appointment.

5.06. Appeal Process

- A. *Request for Review by the Dean or Director.* The academic staff member must submit a written request for review of a layoff decision to the dean or director and send a copy to the Secretary of the Academic Staff office within 20 working days of receipt of the written notice of layoff. The request must include a statement of facts and circumstances supporting the request.
- B. *Review by the Dean or Director.* When a review is requested, the dean, director, or designee shall meet with the academic staff member, who shall have an opportunity to present facts and circumstances concerning the layoff. The dean, director, or designee shall conduct an objective review of all pertinent facts and circumstances and notify the employee, the department chair or unit head, the Secretary of the Academic Staff, and the Office of Human Resources of his or her decision in writing within 20 working days following the meeting. If there is no decision by the dean, director, or designee regarding the written request for review within the designated time period, the employee can appeal to the Academic Staff Appeals Committee within 20 working days of the expiration of the designated period.
- C. *Appeal to the Academic Staff Appeals Committee.* The academic staff member shall have 20 working days from receipt of the dean, director, or designee's decision to file the written appeal with the Secretary of the Academic Staff, which will forward the files to the Academic Staff Appeals Committee, the Office of Human Resources, and the dean, director, or designee within five working days. The dean, director, or designee shall provide the employing department and employee's supervisor with a copy of the academic staff member's appeal. The Academic Staff Appeals Committee shall conduct a hearing in accordance with ASPP 9.

- D. *Access to the Evidence.* The appellant shall have the right to review all evidence the employer used to make the layoff decision. All additional information the employer uses or plans to use to support the decision shall also be provided to the appellant in a reasonable time prior to a hearing. Likewise, the employer shall have the right to review all materials to be presented by the appellant. The exchange shall take place within a reasonable time prior to a hearing.
- E. *Burden.*
1. *Fixed-Term Appointments.* For layoffs of fixed-term appointees, the employer's burden shall be to show by a preponderance of the evidence (i) that the layoff is in fact the result of funding loss or a budget or program decision requiring program discontinuance, curtailment, modification, or redirection, (ii) that another academic staff member should not have been laid off instead, and (iii) that the layoff is not arbitrary, capricious, for reasons prohibited by law, or in violation of ASPP.
 2. *Indefinite Appointments.* For layoffs of indefinite appointees, refer to UWS 12.05(5) for details about the requirement to establish a prima facie case.
- F. *Notification and Disposition.* The Academic Staff Appeals Committee shall forward its findings of fact with a recommendation to the chancellor or designee and shall send a copy to the Office of Human Resources, dean or director, and employee. Within 30 working days of receipt of the Committee's recommendation, the chancellor or designee shall implement the recommendation or give the appellant and the Committee written reasons for any decision to modify the recommendation. The employee, dean or director, Office of Human Resources, and the Committee shall be notified of the decision of the chancellor or designee, which is final. If the decision of the chancellor or designee has not been issued within 30 working days, the recommendation of the Academic Staff Appeals Committee becomes final, except that an indefinite appointee may request a review by the Board of Regents under UWS 12.05(8).
- G. *Time Limits.* Steps in the appeal process must be initiated and completed within the designated time periods except when modified by mutual consent. If the employee fails to initiate the next step in the appeal process within the designated time period, the appeal will be considered resolved by the decision at the last completed step.
- H. *Representation.* The presence of a representative or other third party designated by the employee is permitted at any stage during the appeal process.

5.07. Joinder of Layoff Appeals

If the layoff of two or more members of the academic staff arises from the same or similar situation in a single operational area, the academic staff members who appeal or the dean or director may request joinder of cases for hearing. The Academic Staff Appeals Committee shall consider joinder before taking up the merits of any case. In addition, the Academic Staff Appeals Committee may join the cases on its own motion.

5.08. Layoff Status Defined

Layoff status shall be defined as the three-year period starting with the effective date of layoff. To initiate layoff status, the individual must register with the Office of Human Resources. To maintain layoff status, the individual shall notify that office at least quarterly regarding employment status, or whenever a change of address or employment status occurs. Layoff status ends automatically when an individual accepts an alternative appointment that is not temporary, fails to accept an appropriate alternative appointment, resigns, or fails to notify the Office of Human Resources of changes of address or employment status. The primary test in the determination of appropriate alternative appointment is not salary level but comparability of the qualifications necessary and skill level required.

5.09. Reappointment Rights and Referral Priority

Pursuant to Wis. Stats. 36.21 and UWS 12.09, 12.10 and 12.11, in an operational area where layoffs have occurred in the past three years, no person may be employed to perform reasonably comparable duties to those of the staff member laid off without first offering an appointment to the staff member on layoff status without loss of rights or status including salary rate. The head of each operational area is responsible for notifying laid-off academic staff members of their right to reappointment within that operational area. To ensure compliance, a record of laid-off academic staff members by operational area shall be kept in the Office of Human Resources.

The UW-Madison shall devote its best efforts to securing alternative appointments in positions for which staff laid off under this chapter are qualified. The head of the operational area responsible for the layoff is encouraged to identify and inform the employee of any comparable positions in related operational areas. An academic staff member on layoff status may be hired without open recruitment into an academic staff position in another unit at the discretion of that department or unit. Units are encouraged to provide released time to academic staff members being laid off for such purposes as retraining, job interviews, career counseling, or job searches. Members of the academic staff on layoff status or on notice of layoff shall have referral priority rights to all academic staff vacancies for which they may reasonably qualify. Such referrals shall be made by the Office of Human Resources prior to posting of position vacancies. Prospective employers must consider these persons before consideration of other referrals, if any, and before the commencement of open recruiting, and upon request must give written reasons to any referred academic staff member on layoff status to whom

employment is refused.

CHAPTER 6

DISCIPLINE AND DISMISSAL

This chapter describes policies and procedures for discipline and dismissal to be used in cases of unsatisfactory performance or misconduct. Just-cause standards (see 6.03.C.2) apply to all disciplinary actions involving loss of pay and dismissal actions taken under the provisions of this chapter.

Lapses in performance or misconduct do not necessarily lead to discipline or dismissal. If performance reviews, counseling, or other communication between the employer and the employee alleviate the problem to the employer's satisfaction, there is no necessity to proceed to formal sanctions. However, if lapses in performance or misconduct continue, discipline or dismissal shall be considered. In egregious situations, the employer may proceed directly to discipline or dismissal.

Lapses in performance or misconduct may also result from a disability or personal problem. If the employer knows, or has reason to know, that either of these is or could be a factor affecting the employee's work situation, the employer shall consult with the Equity and Diversity Resource Center for disabilities or the Employee Assistance Office for personal problems before proceeding.

6.01. Grounds for Discipline and Dismissal

- A. *Unsatisfactory Performance.* An academic staff employee shall be subject to discipline or dismissal for unsatisfactory performance. Insufficiently productive or timely output, insufficient creative effort, or failure to communicate effectively with individuals or groups important to the work processes are examples of unsatisfactory performance. An employer (immediate supervisor, principal investigator, department chair, or unit head) is responsible for clearly communicating to each employee under his or her supervision what the employee's duties are and how the performance of those duties will be evaluated (see ASPP 2.02). Before ending an appointment for unsatisfactory performance, the employer must inform the employee in writing about areas of performance deficiency and must make efforts to work with the employee to improve performance to a satisfactory level (see ASPP 10, Performance Reviews).
- B. *Misconduct.* An academic staff employee who has violated a university rule or policy or has engaged in conduct that adversely affects the staff member's performance of his or her responsibilities to the university or that affects the ability of another individual to do the same shall be subject to discipline or dismissal for misconduct.

6.02. Discipline

A. *Definition.* Discipline refers to any sanction short of dismissal imposed by the university against an academic staff member for unsatisfactory performance or misconduct, including but not limited to a letter specifically identified as a reprimand, reduction in salary, change of appointment status, or suspension without pay. Performance reviews, letters of counseling, administrative leave with pay, merit-pay determinations, and the like are not considered discipline and should normally precede any disciplinary actions by an employer, unless the unsatisfactory performance or misconduct is egregious or intolerable in the workplace.

B. *Disciplinary Procedures*

1. *Investigation.* Prior to taking disciplinary action, the employer shall conduct an investigation to determine whether the allegations of inappropriate performance or conduct have substance. The length and scope of the investigation shall be at the discretion of the employer. The employer may place the employee on administrative leave with pay during the investigation. Just-cause standards apply (see 6.03.C.2) for disciplinary actions involving loss of pay. The employer may meet with the employee to ask questions about the allegations as part of the investigation. If the employer concludes that there is no basis for disciplinary action, the employer shall inform the employee immediately.
2. *Predisciplinary Meeting.* If, after the investigation, the employer believes that grounds for discipline may exist, the employer shall meet with the employee. Prior to the meeting the employer shall provide the employee with notice in writing of the grounds for possible discipline, the range of discipline being considered, the time and place of the predisciplinary meeting, and the employee's right to respond to the allegations and possible disciplinary sanction at the meeting. After taking into account the employee's response at the predisciplinary meeting, the employer will determine whether to proceed with disciplinary action. The employer may conclude (1) that discipline is warranted, (2) that discipline is not warranted, or (3) that further investigation is required in which case, another predisciplinary meeting must be held after completing the additional investigation if the employer believes discipline is appropriate.
3. *Notification of Disciplinary Action.* When the employer determines that discipline is appropriate, the employer, upon approval by the dean, director, or designee, shall inform the employee in writing. This notification shall clearly state that it is a letter of discipline, shall include a description of the employee's unsatisfactory performance or misconduct, shall state what discipline is imposed, shall inform the employee of his or her appeal rights, and shall include a copy of ASPP 6, 7, and 9.

- C. *Appeal Process for Disciplinary Actions.* Disciplinary actions may be grieved using the procedure described in ASPP 7. The Academic Staff Appeals Committee shall use the tests provided in 6.03.C.2 to determine whether just cause exists in cases of disciplinary action involving loss of pay.

6.03. Dismissal

- A. *Dismissal for Cause of Academic Staff with Fixed-Term and Probationary Appointments (see also UWS 11.11 and 11.12)*

1. *Grounds for Dismissal.* No academic staff member shall be subject to dismissal except for just cause based upon a determination of either unsatisfactory performance or misconduct (see 6.01.A and 6.01.B). Layoffs (ASPP 5) and nonrenewals (ASPP 3) are not dismissals for cause.
2. *Investigation.* The employer shall conduct an investigation to determine whether allegations of unsatisfactory performance or misconduct have substance. The length and scope of the investigation shall be at the discretion of the employer. The employer may place the employee on administrative leave with pay during the investigation. Just-cause standards apply (see 6.03.C.2). The employer may meet with the employee to ask questions about the allegations as part of the investigation. If the employer concludes that there is no basis for dismissal, the employer shall inform the employee immediately.
3. *Predismissal Meeting.* If, after the investigation, the employer believes that grounds for dismissal may exist, the employer shall meet with the employee. Prior to the meeting the employer shall provide the employee with notice in writing of the grounds for possible dismissal, the time and place of the predismissal meeting, and the employee's right to respond to the allegations and level of disciplinary sanction at the meeting. After taking into account the employee's response at the predismissal meeting, the employer will determine whether to proceed with dismissal. The employer may conclude (1) that dismissal is warranted; (2) that dismissal is not warranted, but a disciplinary action is; (3) that neither dismissal nor discipline is warranted; or (4) that further investigation is required, in which case another predismissal or predisciplinary meeting must be held after completing the additional investigation if the employer believes grounds exist for either dismissal or discipline.

4. *Notification.* When the employer decides dismissal is necessary, he or she must obtain approval of the dean, director, or designee to proceed with the dismissal. If the dean, director, or designee approves the dismissal, the academic staff member shall be notified in writing of the effective date of the dismissal, with a copy to the department chair or unit head and the Secretary of the Academic Staff, 270 Bascom Hall. This notification shall include a statement of the grounds for dismissal, inform the employee that he or she has the right to request a review by the dean, director, or designee, and include a copy of ASPP 6 and 9. Notification shall be served personally, or by electronic means, or by certified mail, return receipt requested. If service cannot be made within 15 working days, service shall be accomplished by first-class mail and by publication as if the statement of charges were a summons and the provisions of section 801.11(1)(c), Wis. Stats., were applicable. Dismissal may occur only after the academic staff member has received written notification.
5. *Review by Dean or Director.* Upon receipt of dismissal notification the employee shall have 20 working days to submit a written request to the dean or director for a review, including a summary of the facts and circumstances concerning the allegations. The academic staff member shall have the opportunity to make a personal presentation to the dean, director, or designee. The dean, director, or designee shall make a determination of just cause for dismissal and notify the employee of the decision in writing within 15 working days after the receipt of the request for a review or 15 working days after the personal presentation, whichever is later. If the dismissal is upheld by the dean, director, or designee, the notification shall inform the employee of his or her right to appeal to the Academic Staff Appeals Committee under 6.03.C. If there is no response by the dean or director to the written request for a review within the designated time period, the employee may appeal to the Academic Staff Appeals Committee within 20 working days of the expiration of the designated period.
6. *Effective Date of Dismissal.* If the academic staff member does not submit a request for a review by the dean or director within 20 working days, the dismissal shall be effective on the date specified in the original notification letter with no further appeal rights. If the academic staff member submits a request for review within 20 working days and the dismissal is upheld, the dean, director, or designee shall determine the effective date of dismissal and inform the employee in writing of the date.
7. *Time Limits.* Steps in the appeal process must be initiated and completed within the designated time periods except when modified by mutual consent. If the employee fails to initiate the next step in the appeal process within the designated time period, the appeal will be considered resolved by the decision at the last completed step.
8. *Suspension of Duties.* The dean, director, or designee may suspend an academic staff member with a fixed-term or probationary appointment with or without pay even if the review is in process.

B. *Dismissal for Cause of Academic Staff with Indefinite Appointments (see also UWS 11.01-11.10)*

1. *Grounds for Dismissal.* No academic staff member holding an indefinite appointment shall be subject to dismissal except for just cause, based upon a determination that the academic staff member's conduct or performance directly and substantially affects adversely the ability to carry out satisfactorily his or her responsibilities to the university. Layoff (ASPP 5) is not dismissal for cause. In contrast to the procedure for fixed-term academic staff in 6.03.A, only the chancellor, in consultation with the appropriate dean or director, has the authority to begin the dismissal process.
2. *Investigation.* When the chancellor receives an allegation concerning an academic staff member holding an indefinite appointment which appears to be substantial and which, if true, might lead to dismissal, an investigation shall be conducted within a reasonable time by the appropriate dean or director or other chancellor's designee. The employer may place the employee on administrative leave with pay during the investigation. Prior to initiating a dismissal, the dean or director, in consultation with the chancellor, shall investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which members of the academic staff are entitled under this chapter and UWS 11. Just-cause standards apply (see 6.03.C.2). In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.
3. *Predismissal Meeting.* If, after the investigation, the dean or director believes that grounds for dismissal exist, the dean or director shall provide the employee with a written statement of the specific charges, the possibility of dismissal, the time and place of the predismissal meeting, and the employee's opportunity to respond to the allegations and possible disciplinary sanction at the meeting. After taking into account the employee's response at the predismissal meeting, the dean or director will determine whether to proceed with dismissal. The dean or director may conclude (1) that dismissal is warranted; (2) that dismissal is not warranted, but a disciplinary action is; (3) that neither dismissal nor discipline is warranted; or (4) that further investigation is required, in which case another predismissal or predisciplinary meeting must be held after completing the additional investigation if the dean or director believes grounds exist for either dismissal or discipline.

4. *Notification.* When the dean or director decides dismissal is warranted, he or she shall notify the academic staff member in writing of the effective date of the dismissal with a copy to the department chair or unit head, the Academic Personnel Office, Secretary of the Academic Staff, and the chancellor. The notification shall include a statement of the grounds for dismissal, inform the employee that he or she has 20 working days in which to request a hearing before the Academic Staff Appeals Committee, and include copies of ASPP 6 and 9. Notification shall be served personally or by certified mail, return receipt requested. If service cannot be made within 15 working days, service shall be accomplished by first-class mail and by publication as if the statement of charges were a summons and the provisions of section 801.11(1)(c), Wis. Stats., were applicable. Dismissal may occur only after the academic staff member has received written notification.
5. *Effective Date of Dismissal.* If the academic staff member does not submit a timely appeal under 6.03.C.1, the dismissal shall be effective on the date specified in the original notification letter with no further right of appeal. If the academic staff member submits a timely appeal and the dismissal is upheld, the effective date of the dismissal will be determined by the chancellor and shall be stated in his or her decision.
6. *Suspension of Duties.* Pending the final decision as to dismissal, an academic staff member with an indefinite appointment shall not be relieved of duties unless the chancellor determines that substantial harm may result if the staff member is continued in his or her position. If such determination is made, the staff member may be relieved of his or her duties immediately or be assigned to another administrative unit, but his or her salary shall continue until the chancellor makes a decision as to dismissal.

C. *Appeal Process for Dismissals of Fixed-Term, Probationary, and Indefinite Appointees*

1. *Hearing Before the Academic Staff Appeals Committee.* The academic staff member shall have 15 working days from receipt of the notification (20 working days if notice is by first-class mail and publication) to file an appeal with the Secretary of the Academic Staff, which will forward the files to the Academic Staff Appeals Committee, the Academic Personnel Office, and the dean or director within five working days. The dean or director shall provide the employing department and employee's supervisor with a copy of the academic staff member's request for a hearing by the Academic Staff Appeals Committee. The Academic Staff Appeals Committee shall conduct a hearing in accordance with ASPP 9.

- a. *Access to the Evidence.* An academic staff member who files an appeal shall have the right to review all evidence the employer used to make the dismissal decision. All additional information the employer uses or plans to use to support the decision shall also be provided to the appellant in a reasonable time prior to a hearing. Likewise, the employer shall have the right to review all materials to be presented by the appellant. The exchange shall take place within a reasonable time prior to a hearing.
 - b. *Representation.* The presence of a representative or other third party designated by the employee is permitted at any stage during the appeal process.
 - c. *Burden.* The employer has the burden to show by a preponderance of the evidence that each of the seven tests of just cause listed below in 6.03.C.2 has been met.
2. *Tests of Just Cause.* For purposes of this chapter, there are seven tests of just cause to be considered by the Academic Staff Appeals Committee.
- a. *Notice.* Was the employee aware or should the employee have been aware of the possible or probable consequences of the employee conduct or performance?
 - b. *Reasonable Rule or Expectation.* Were the employer's rules or expectations reasonably related to a) the orderly, efficient and safe operation of the work unit and b) the performance that the employer might properly expect of the employee?
 - c. *Investigation.* Did the employer, before taking disciplinary action or dismissing the employee, make an effort to discover whether the employee did in fact engage in the conduct or performance in question?
 - d. *Fair Investigation.* Was the employer's investigation conducted fairly and objectively?
 - e. *Proof.* At the investigation, did the employer obtain substantial evidence or proof that the employee did engage in the conduct or performance in question?
 - f. *Equal Treatment.* Has the employer applied the rules, orders and penalties evenhandedly?
 - g. *Penalty.* Was the employer's action reasonably related to a) the seriousness of the employee's proven conduct or performance deficiencies and b) the record of the employee during his or her service to the university?

3. *Notification and Disposition.* The Academic Staff Appeals Committee shall forward its findings of fact with a recommendation to the chancellor or designee and shall send a copy to the Secretary of the Academic Staff, dean or director, department chair or unit head, and employee. Within 30 working days of receipt of the Committee's recommendation, the chancellor or designee shall implement the recommendation or give the appellant and the Committee written reasons for any decision to modify the recommendation. The employee, department chair or unit head, dean or director, Secretary of the Academic Staff, and the Committee shall be notified of the decision of the chancellor or designee, which is final. If the decision of the chancellor or designee has not been issued within 30 working days, the recommendation of the Academic Staff Appeals Committee becomes final. An indefinite appointee may request a review by the Board of Regents under UWS 11.10 and a fixed-term or probationary appointee may request a review by the Board of Regents under Wisconsin State Statutes 36.115(4)(c).
4. *Time Limits.* Steps in the appeal process must be initiated and completed within the designated time periods except when modified by mutual consent. If the employee fails to initiate the next step in the appeal process within the designated time period, the appeal will be considered resolved by the decision at the last completed step.

CHAPTER 7

EMPLOYMENT PROBLEMS: INFORMAL RESOLUTION AND GRIEVANCE PROCEDURES

7.01. Informal Resolution

An academic staff member who has an employment problem that may lead to the grievance procedure is first encouraged to attempt to resolve the matter informally. Establishing open lines of communication between the parties in a non-intimidating manner may be sufficient to resolve the problem.

- A. University Resources for Advice and Information: If an academic staff member believes they are being treated unfairly, they are encouraged to seek advice and information. Information is available from a variety of university resources, including those listed below. The academic staff member may seek advice and information from any of these resources without initiating formal or informal action.
 - 1. The employee's divisional human resources representative or the UW-Madison Office of Human Resources can provide information and advice on employee rights and responsibilities and appropriate procedures for resolving a problem, either informally or through the grievance procedure.
 - 2. The UW-Madison Office for Equity and Diversity can provide information and assistance if the problem might involve discrimination or disability issues.
 - 3. The UW-Madison Employee Assistance Office can provide resources and support to employees who are experiencing employment problems.
 - 4. The UW-Madison Ombuds Office is an informal, confidential, and independent resource for staff seeking help in resolving problems and conflicts.
 - 5. Members of the Personnel Policies and Procedures Committee of the Academic Staff Assembly, the Office of the Secretary of the Academic Staff, or the Academic Staff Executive Committee are available to assist individuals in determining where to go for help.

- B. Options for Informal Resolution: Informal resolution of a problem may be pursued through any or all of the following:
 - 1. Discussion with the immediate supervisor, principal investigator, department chair or unit head.
 - 2. Discussion with the dean, director or designee if:
 - a. discussion with the individual in 7.01.B.1. did not resolve the matter; or

- b. the academic staff member prefers not to discuss the problem with the individual in 7.01.B.1.
3. Discussion with the divisional human resources representative, the Office of Human Resources or, in cases of alleged discrimination, the Office for Equity and Diversity. In response to a specific request for assistance in resolving an employment problem, these offices may initiate discussions with the academic staff member, supervisor, principal investigator, chair, director, dean, or other appropriate persons and recommend corrective action as needed. These discussions concerning the employment problem will be initiated only with the consent of the employee. Extreme cases may require notification of appropriate university officials without such consent.

7.02. Grievance Procedure

If informal attempts at resolution are unsuccessful, or if the employee believes that informal resolution would not be productive, formal grievance procedures are available in Steps D.1 through D.3 below. The grievant may be accompanied by another person or persons throughout the procedure. All time limits specified in 7.02 may be modified by mutual consent.

A. Burden

1. Grievances of Disciplinary Actions Resulting in a Loss of Pay. The burden is on the employer to show the existence of just cause (see the seven tests of just cause stated in ASPP 6.03.C.2)
2. Grievances Other Than Those Involving Discipline Resulting in a Loss of Pay. The employee has the burden to show by a preponderance of the evidence that the action being grieved is arbitrary, capricious, for reasons prohibited by law, or in violation of ASPP.

- ### **B. Time Limits.**
- Steps in the grievance procedures must be initiated and completed within the designated time periods except when modified by mutual consent. If the employee fails to initiate the next step in the grievance procedure within the designated time period, the grievance will be considered resolved by the decision at the last completed step. If there is no response to a step in the grievance process within the designated time period at any step, the employee can proceed to the next step in the grievance process within 10 working days of the expiration of the designated period. In cases of an appeal of dismissal for cause under ASPP 6, grievances filed by the appellant may be held in abeyance pending the resolution of the appeal.

C. Representation. In the interest of fairness, both parties shall be given reasonable advance notice if any additional persons will be present at any grievance conference. If, during the course of the conference, either party wishes to seek professional assistance, he or she may request a postponement without abrogating grievance rights at that stage. Such postponement may be for no longer than five working days, unless extended by mutual agreement.

D. Procedural Steps

1. Step 1 – Appeal to Department Chair, Unit Head, or Designee.

- a. *Filing of Written Statement.* The grievant or designee must file a written statement with the department chair or unit head and send copies to the dean or director, the Secretary of the Academic Staff, and the Office of Human Resources. The statement shall specify the grievant's name, the employment problem, facts and allegations related to the problem, and the relief sought. The grievant is encouraged to cite relevant sections of ASPP, if applicable. A grievance must be initiated no later than 20 working days from the time the grievant knew or could reasonably be expected to have known of the circumstances giving rise to the grievance. Initiation of the informal procedure described in 7.01 within the 20-working-day period will extend the deadline for initiating the grievance to 40 working days.

If a grievant has changed operational areas or has left UW-Madison employment, the unit being grieved shall refer the grievance in writing to the Academic Staff Appeals Committee to decide if the grievance shall be processed. The unit shall provide a copy of the referral to the grievant. The Committee shall submit its written decision to the chancellor or designee regarding whether the grievance can be processed and shall send a copy to the employee, the former employing department and its dean or director, and the Secretary of the Academic Staff.

- b. *Reconciliation Period.* Following receipt of the written statement of grievance, there shall be a period of 20 working days, unless modified by mutual agreement, during which attempts shall be made to resolve the matter. At the request of either party, a conference shall be held during this period.
- c. *Written Response.* Following these initial resolution efforts, a written response to the formal grievance must be made to the grievant by the department chair or unit head, or designee within 20 working days of receipt of written grievance with copies to the dean or director, the Secretary of the Academic Staff, and the Office of Human Resources. This response must also notify the grievant of his or her right of appeal under 7.02.D.2.

2. Step 2 – Appeal to Dean, Director, or Designee.
 - a. *Filing of Written Appeal.* If the decision is not accepted by the grievant, they shall have 10 working days to file the appeal with the dean, director or designee together with any additional information the grievant deems appropriate and to send a copy to the Secretary of the Academic Staff, the Office of Human Resources, and the employing department. At the request of either party, a conference shall be held prior to the decision.
 - b. *Written Response.* The dean, director, or designee shall render a written decision within 10 working days and send copies to the grievant, the chair, director or designee, the Secretary of the Academic Staff, the Office of Human Resources, and the employing department. This decision must also include notice to the employee of his or her right of appeal under 7.02.D.3.
3. Step 3 – Appeal to the Academic Staff Appeals Committee.
 - a. *Filing of Written Appeal.* If the dean, director, or designee’s decision is not accepted by the employee, they shall have 20 working days from receipt of the dean’s decision to file the appeal with the Secretary of the Academic Staff, which will forward the files to the Academic Staff Appeals Committee, the Office of Human Resources, and the dean, director or designee within five working days. The dean, director or designee shall provide the employing department and employee's supervisor with a copy of the academic staff member’s request for a review or a hearing by the Academic Staff Appeals Committee. The Academic Staff Appeals Committee shall conduct a review or hearing in accordance with ASPP 9.
 - b. *Access to the Evidence.* An academic staff member who appeals a grievance to the Academic Staff Appeals Committee shall have the right to review all evidence the employer used to make the decision. All additional information the employer uses or plans to use to support the decision shall also be provided to the appellant in a reasonable time prior to a review or hearing. Likewise, the employer shall have the right to review all materials the appellant uses or plans to use to support the appeal. The exchange shall take place within a reasonable time prior to a review or hearing.

- c. *Notification and Disposition.* The Academic Staff Appeals Committee shall forward its findings of fact with a recommendation to the chancellor or designee and shall send a copy to the Secretary of the Academic Staff, the Office of Human Resources, the appropriate dean or director, and the grievant. Within 30 working days of receipt of the Committee's recommendation, the chancellor or designee shall implement the recommendation or give the grievant and the Committee written reasons for any decision to modify the recommendation based on his/her review of the appeals material and the Academic Staff Appeals Committee hearing. The employee, dean or director, Secretary of the Academic Staff, the Office of Human Resources, and the Committee shall be notified of the decision of the chancellor or designee, which is final. If the decision of the chancellor or designee has not been issued within 30 working days, the recommendation of the Academic Staff Appeals Committee becomes final. The use of this grievance procedure shall not prevent the grievant from seeking redress through another administrative or legal process.
- d. *Evaluations of Grievances.* At the completion of a grievance in which redress is awarded following a review or hearing by the Academic Staff Appeals Committee, the chancellor or designee shall make a reasonable effort to evaluate whether the specific redress awarded should be extended to other individuals in circumstances similar to those of the original grievant. A report of this evaluation and the action taken will be included in the report specified in ASPP 9.06.A.

CHAPTER 8 COMPLAINTS AGAINST ACADEMIC STAFF MEMBERS

8.01. Right to Be Informed of Complaint

Academic staff members have the right to be informed in writing of written complaints against them alleging facts which, if true, may constitute adequate cause for discipline or dismissal (ASPP 6), nonretention (ASPP 4), or nonrenewal (ASPP 3). The identity of a complainant may be kept in confidence until a decision is made to take action against the academic staff member. This provision will be waived if it is determined that the anonymity of the complainant will substantially impede the investigation.

8.02. Right to Be Notified of Investigation and Right to Respond

As soon as is reasonable, the academic staff member named in the complaint shall, except in a criminal investigation, be notified of the investigation. Before the investigation is concluded or a report prepared, the employee shall be given a written summary of the complaint and be offered an opportunity to respond to all allegations.

8.03. Investigation and Notification

The investigation shall be completed within a reasonable period of time. Upon completion of the investigation, the academic staff member shall be notified in writing of its outcome. If a decision is made to take action against the academic staff member, the staff member shall be notified in writing of his or her right of appeal under ASPP 8.04 and be given a copy of the ASPP chapter(s) pertaining to the action being taken.

8.04. Right of Appeal

The academic staff member may appeal the decision using the grievance procedure outlined in ASPP 7.02, except for discipline or dismissal (ASPP 6), nonretention (ASPP 4), or nonrenewal (ASPP 3).

CHAPTER 9 ACADEMIC STAFF APPEALS COMMITTEE

9.01. Purpose

The Academic Staff Appeals Committee, which serves as an impartial hearing body as required by Wis. Stat. 36.115(4)(b), shall review or hear all appeals of nonrenewals (ASPP 3), nonretentions of probationary employees (ASPP 4), layoffs (ASPP 5), discipline and dismissals (ASPP 6), and grievances (ASPP 7) not resolved at a lower level and shall forward its findings of fact with a recommendation to the chancellor or designee.

9.02. Composition and Procedures

The Academic Staff Appeals Committee consists of twelve members of the academic staff. The Committee is appointed by the chancellor or designee upon the recommendations made by the Academic Staff Executive Committee. Members will serve three-year terms, with one-third of the Committee appointed annually; members may be reappointed. The Committee shall elect its chair annually from among its members.

Vacancies will be filled by appointment by the Academic Staff Executive Committee. The appointed committee member will serve the unexpired portion of that term.

The Committee's procedures for reviews and hearings are subject to the provisions of ASPP 3, 4, 5, 6, and 7. Modifications shall be subject to the approval of the Personnel Policies and Procedures Committee of the Academic Staff Assembly. Modifications shall be part of the annual report specified in 9.06.B.

9.03. Conduct of Reviews

The Academic Staff Appeals Committee shall conduct reviews for nonrenewals (ASPP 3), nonretentions of probationary employees (ASPP 4), and grievances other than those involving discipline resulting in a loss of pay (ASPP 7) not resolved at a lower level. The Committee shall apply the required burden as described in ASPP 3, 4, and 7 and provide the procedural guarantees described in ASPP 9.05. The reviews shall be fair, impartial, and timely. The Committee shall review the written record and afford both the employee and employer an opportunity to submit additional written materials and to make a presentation to the Committee. The Committee shall seek any additional information it needs to reach a decision.

9.04. Conduct of Hearings

The Academic Staff Appeals Committee shall conduct hearings for appeals of layoffs (ASPP 5), dismissals for cause (ASPP 6) and grievances involving discipline resulting in a loss of pay (ASPP 7). The hearings shall be fair, impartial, and timely. The Committee shall apply the required burden as described in ASPP 5, 6, and 7 and provide the procedural guarantees described in 9.05. The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony and shall give effect to recognized legal privileges. The Committee shall seek any additional information it needs to reach a decision.

As a preliminary step, the Committee shall review all documentation provided by the parties and determine its relevance to the appeal. If the Committee determines that everything the employee alleges, even if true, is irrelevant to the disciplinary action or termination, the Committee shall render a decision without considering the matter further.

9.05. Procedural Guarantees

- A. A fair and impartial review or hearing shall provide the appellant the following rights:
- the right to be heard;
 - the right to counsel or other representation at the employee's expense; and
 - the right to the Committee's written findings of fact and the recommendation based on the record.
- B. A fair and impartial hearing shall provide the appellant the following additional rights:
- within a reasonable time prior to the hearing, the right to the names of witnesses and access to any
 - documents that form the basis of an action to impose discipline (ASPP 6.02.A) or terminate employment;
 - the right to offer witnesses;
 - the right to confront and question adverse witnesses; and
 - the right to a verbatim record of the hearing, such as a sound recording, provided at no cost.
- C. Any member of the Academic Staff Appeals Committee who participated in the decision or action being appealed shall not sit as a member of the Committee for that case.

- D. The review or hearing shall be closed unless the academic staff member requests an open hearing.
- E. When a valid claim of material surprise is made, adjournments shall be granted to enable either party to investigate evidence.
- F. Upon request, the chancellor or designee shall provide legal counsel to the Academic Staff Appeals Committee. The legal counsel shall advise and consult with the Committee on legal matters.
- G. Upon request of the Committee, the chancellor or designee shall make available any other staff assistance necessary to conduct a fair and impartial hearing.

9.06. Reports and Evaluations of Appeals

- A. The chancellor or designee shall submit a quarterly report to the Personnel Policies and Procedures Committee (PPPC) of the Academic Staff Assembly within 20 working days of the end of each calendar quarter listing the status of all appeals under consideration or resolved during the quarter. The report shall provide sufficient information regarding the basis of each case that the PPPC may be informed about areas of concern to the academic staff as implied by the substance of these appeals and make appropriate policy recommendations where necessary. Specific details of cases discussed by the PPPC shall remain confidential.
- B. At the end of each fiscal year, the Academic Staff Appeals Committee shall submit an annual report to the PPPC evaluating the effects of the Academic Staff Policies and Procedures and, if deemed appropriate, recommend changes to ASPP.

CHAPTER 10

PERFORMANCE REVIEWS

Job effectiveness and accountability as well as career development can be improved through increased communications between academic staff and their supervisors. One component of this communication is performance review, whether accomplished through department, team, or group meetings, individual performance reviews, or other one-on-one meetings. The diversity of programs at the University of Wisconsin-Madison has created an environment in which many methods of performance reviews have been developed to meet specialized needs of different units. Units are encouraged to develop, implement and maintain review procedures that best meet their needs.

10.01. Review

Academic staff shall be reviewed annually in a manner appropriate to their work setting and responsibilities. Absent a review document in an employee's personnel file, it shall be assumed that the employee's performance has been at least satisfactory.

10.02. Purpose of the Performance Review

The performance review is intended to serve various purposes, including but not limited to the following:

- To provide an opportunity for academic staff to present an organized overview of their activities and accomplishments.
- To identify ways to enhance academic staff job satisfaction and performance.
- To enable academic staff to identify career opportunities and to integrate these with the goals of the work unit.
- To encourage individual initiative and creativity in the work place.
- To foster communication between supervisors and staff and among staff.
- To provide a regular opportunity to build a record of performance for use in merit recommendations, indefinite appointment review, promotion, and other personnel actions.

10.03. Methods of Performance Review

- A. Some units use a structured process of periodic performance review. Methods of performance review may include peer review, committee review, individual consultation, and, when academic staff members have supervisory roles, gathering input from those individuals being supervised. These reviews usually result in written documentation. Examples of review documents used in these units are on file in the Academic Personnel Office.
- B. Other units use an ongoing performance review process in which academic staff meet frequently with supervisors to develop goals, review alternatives, discuss problems, evaluate progress toward achieving a desired outcome, and review performance on a continuing basis. While this process need not result in written documentation, supervisors are encouraged to acknowledge exceptional performance in writing and place a copy in the staff member's personnel file.
- C. Academic staff may at any time document their professional and other work-related activities by preparing an activities and accomplishments report, updated curriculum vitae, position description, or other form of self-reporting. Upon request, these documents shall be placed in the staff member's personnel file.
- D. Whenever a review process results in a document being placed in the staff member's personnel file, the staff member shall be given a copy. The staff member may respond in writing to any review document placed in the personnel file. This response shall be also placed in the personnel file.

10.04. Establishing or Changing the Method of Review

- A. Academic staff shall participate in establishing the criteria and defining the methods of academic staff performance review to be used in the unit. These criteria and methods shall be placed on file in the offices of the dean or director. An academic staff member who disagrees with the criteria or methods of performance review may file a statement of objection with the unit head and the dean or director. The academic staff member may request that a copy of this statement be placed in the personnel file.
- B. Staff members of a unit may request the criteria or methods of performance review be changed. Academic staff of the unit shall participate in developing and implementing the changes.

10.05. Individual Written Review at the Request of a Staff Member

Once each year a staff member may request a written performance review from the supervisor regardless of the method of review used by the work unit as a whole. This request shall be in writing and should include pertinent documents, such as an activities report, updated position description, or other documents to be considered by the supervisor when conducting the review. The supervisor shall prepare a written review and provide a copy of the review to the staff member and place a copy in the employee's personnel file. Upon request of the staff member or supervisor, a meeting shall be scheduled to discuss the review. The staff member may prepare a written response to the review and place it in the personnel file.

10.06. Notification of New Employees

New staff members shall be notified of the unit's procedures for performance review at the time of appointment.

10.07. Relationship to Annual Merit

Salary considerations are not the principal purpose of performance review, but the results of performance reviews shall be considered when determining the academic staff member's annual merit increment.

CHAPTER 11

THE PERSONNEL FILE

A personnel file for each academic staff employee shall be maintained by the employing department or unit. It shall contain only that information relevant to the employee's status and performance as an employee and to the commitments made to and by that employee, i.e., only that information which the university is required to know for the performance of valid and necessary university functions. The employee shall have the right to append signed personal statements to any material in this file concerning its accuracy, relevance, or applicability. Other information may be included (see 11.01.C below). Note that some personnel records may exist that are not considered part of the personnel file (see 11.01.B below).

The personnel file is not necessarily a single physical entity and may include electronic records. Collectively, these documents constitute the personnel file. Academic staff members are encouraged to review their personnel files periodically.

11.01. Contents

- A. The following items, if they exist, shall be included in the personnel file:
- Letter of application and supporting documents
 - Letters of reference; however, note that letters of reference provided under assurances of confidentiality shall be placed in a sealed envelope and are not available to the employee
 - Letters of offer, negotiation, and appointment
 - Letters of acceptance
 - All position description information, including such other documents as the Position Vacancy Listings, Position Questionnaires, job evaluations, and pay equity descriptions
 - Performance reviews and responses
 - Letters of reappointment, promotion, and change in appointment status
 - Notification of base rate and/or title change
 - Indefinite appointment dossiers
 - Documents relating to nonrenewal, layoff, or dismissal for cause
 - Documents relating to resignation, retirement, and emeritus status

- Requests for leave of absence and responses
 - Letters of discipline (see ASPP 6.02.B.3) and supporting documents
 - Documents relating to pending grievances
 - A summary of the results of final resolutions on grievances
 - Notices of work-related awards and grants
 - Employee interchange agreements, such as Inter-Institutional Agreements
 - Required campus reports, such as outside activities and expert witness reports
 - Personal statements that the employee has asked to have included in the personnel file concerning any of the above items
- B. Some personnel records are excluded from the personnel file by law, regulation, or policy.

Among these are the following:

- Employment Eligibility Verification form (I-9), which must be on file for each staff member, usually located in a separate, secure I-9 file; however, storage with personnel file records is permissible if these documents are placed in a sealed envelope
- Documents relating to employment-related visa applications; however, storage with personnel file records is permissible if these documents are placed in a sealed envelope
- A supervisor's personal notes
- Confidential medical records from any source, such as the employee, treating specialists, or the Division of Vocational Rehabilitation
- Academic Staff Disability Accommodation Requests (form F-2769-m) and supporting documents, except for a description of the accommodations granted
- Occupational Accident and Illness Reports (DOA-6058) and any subsequent materials relating to Worker's Compensation claims
- Publications and communications not relevant to the accomplishment of valid and necessary university functions, e.g., materials relating to an employee's associations, political activities, and personal life

C. The following items may be included in a personnel file:

- Professional publications
- Newspaper clippings
- Letters of congratulation
- Notices of awards not related to the employee's position
- Current résumé
- Other miscellaneous items relative to employment

Other records may exist for an employee, such as payroll and benefit information, family and medical leave, and sick-leave and vacation balances. An academic staff employee is advised to seek these records, if needed, from the appropriate office.

11.02. Access

Wisconsin Open Records Law contains an express “presumption of complete public access, consistent with the conduct of governmental business” (Wis. Stats. 19.31). The law further provides that access may be denied only in an exceptional case or when required by law. See also 11.04.

- A. *The Employee.* Whenever a document is added to an academic staff employee’s personnel file, copies of the document shall be given or electronically transmitted directly to the employee and the supervisor. The employee has the right to see all documents in the personnel file upon request. Exceptions to access are covered by provisions of Wis. Stats. 103.13(6) governing records open to the employee. A request for access may be oral or written and may be directed to the supervisor or other custodian of these records. It is the policy on this campus that access shall be provided as soon as possible, but in no case later than the seven working days required by Wis. Stats. 103.13(2). The supervisor shall be required to provide access to all records that are considered part of the personnel file, as described in 11.01.
- B. *The Supervisors.* Access to an employee’s personnel file by the supervisor, the department chair or unit head, the dean or director, or the chancellor, or their respective designees, shall be on a “need to know” basis, with access limited to circumstances in which the information sought is essential to a legitimate university purpose.

C. *Other State Employees and Members of the Public.* The chancellor designates a Custodian of Public Records for the university. Whenever any UW-Madison employee receives a request from anyone not identified in 11.02.B for access to an academic staff employee's personnel file, this Custodian shall be consulted for advice and authorization prior to any release of records, both to make sure that open records policies are followed and to protect the employee's privacy rights. The employee and the employee's supervisor shall be informed of the request, as well as the response to the request. Information published in the campus directory may be released outside the university without consulting the Custodian of Public Records.

11.03. Modification of the Personnel File

A document may be modified or removed from a personnel file by mutual agreement of the employee and supervisor, subject to the provisions of Wis. Stats. 103.13(4). However, if an employee considers any document in the file to be inaccurate, irrelevant, or inapplicable, and wishes it to be modified or removed without such mutual agreement, the employee may file a grievance (ASPP 7). If such a grievance is upheld, the document shall be modified or removed.

11.04. Confidentiality and Security

Persons collecting, maintaining, or obtaining personnel data are responsible for respecting the confidentiality of and maintaining the physical security of this information. Special security procedures may be necessary for electronic records. The only exceptions made to this policy shall be in response to a request submitted under open records laws.

11.05. Retention

The personnel file will be retained per the General Records Retention Policy and Schedule for University of Wisconsin System for Human Resources records. Following the retention period, the personnel file is either destroyed confidentially or transferred to the University Archives for permanent preservation. See the University Records Management Program website for specific record schedules. If an employee takes a position in a new department or unit, the personnel file remains in the former department. However, an employee who takes a new academic staff position may have copies of the personnel file records from a previous academic staff position placed in the personnel file required for the new position upon request.

CHAPTER 12 OUTSIDE ACTIVITIES AND CONFLICTS OF INTEREST

12.01. General

Members of the academic 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 academic 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 academic staff member is employed. Academic staff may not use their public position for personal gain in a manner contrary to the interests of the University of Wisconsin System. ("Personal gain" includes money, gifts in kind, equity, or anything of value to the recipient.) In addition, employees may not, in a manner contrary to the public interests of the UW System, use or attempt to use their public position or state property, including property leased by the state, to gain or attempt to gain anything of substantial value for private benefit, their immediate families, or any organization with which the staff members are associated (UWS 8.03).

The University of Wisconsin Board of Regents addresses conflicts of interest in Chapter UWS 8 of the *Wisconsin Administrative Code: Rules of the Board of Regents of the University of Wisconsin System*, sections of which are excerpted here. Academic staff members seeking more detailed information should consult the complete chapter, which is available at <http://www.uwsa.edu/bor/rules.htm>.

No member of the academic staff may engage in activities that are not consistent with the provisions of UWS 8.03. Each member of the academic staff will comply with the actions that are specified in UWS 8.04 to avoid conflict.

Regent policy prohibits only those activities that will result in a conflict between the personal interests of an academic staff member and that staff member's public responsibilities to the University of Wisconsin System.

A conflict of interest may exist when an individual has significant financial interest that could lead an independent observer reasonably to question whether the staff member's public responsibility might be influenced by the possibility of personal gain by the individual or his/her immediate family. Additionally, academic staff engaged in research should consult the UW-Madison Office of Research Policy Financial Conflict of Interest Policy and Procedures: Guidance Document for additional details on conflict of interest as it affects the design, conduct, or reporting of research.

A conflict of interest may also exist when an academic staff member is engaged in an outside activity that is of such magnitude that the obligation to the university is suffering. No member of the academic staff shall be absent from his/her regular duties except by permission of the supervisor.

Individuals who may be affected by these policies shall consult their supervisor before making commitments to outside activities. Further consultation with the appropriate department chair, unit head, dean or director and/or the Institutional Advisory Committee on Outside Activities may be necessary before approving an unusual arrangement.

12.02. Reporting

Each academic staff member with a half-time appointment or more shall annually, on or before April 30, file a report of outside activities with his or her department chair/director, or other appropriate administrator, whether or not there are any reportable outside activities. If, during the year, significant changes in an academic staff member's reportable outside activities occur, the staff member shall immediately inform, in writing, his or her department chair and dean, director, or other appropriate administrator.

12.03. Action to Avoid Conflict of Interest

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 supervisor, department chair, dean, director, or other appropriate administrator by submitting a written statement describing the nature of the possible conflict. See detailed information in UWS 8.04.

12.04. Service to Granting Agencies or as an Expert Witness

Any academic staff member who is asked to serve as adviser or consultant, or any other capacity, with a public or private agency that grants money or decides policy for grants shall ascertain if his or her participation will adversely affect the university's eligibility for funds from the agency involved and, if so, shall report this information to the chancellor through the dean or director, the supervisor, and the department chair or equivalent.

Any academic staff member who intends to serve as an expert witness in any civil or criminal case shall promptly report the nature of the case to his or her supervisor, who shall transmit the information to the department chair and the dean or director, who in turn shall inform the chancellor.

12.05. Use of University Facilities, Services and Staff

Academic staff members shall not use university facilities, equipment, supplies, services or staff for purposes other than carrying out their institutional responsibilities, except for incidental personal use as permitted by departmental or other campus policies.

CHAPTER 13

UNIVERSITY ACADEMIC STAFF ASSEMBLY

The authority of the academic staff is delegated to the Academic Staff Assembly. The Academic Staff Executive Committee (ASEC) is empowered to implement the policies of the Assembly in meeting the requirements of Wis. Stats. 36.09(4m). The ASEC shall report its activities directly to the Academic Staff Assembly and shall seek advice, consent, or ratification of its actions, as necessary or proper, from the Academic Staff Assembly. The ASEC may communicate directly with the academic staff in the performance of its duties. The Assembly shall retain authority to review and, by majority vote, to modify or rescind any action taken by the ASEC.

13.01. Name and Object.

The academic staff, under provisions of Wis. Stats. 36.09(4m) shall be active participants in the immediate governance of the University of Wisconsin-Madison subject to the responsibilities and powers of the chancellor and the faculty and other provisions of s. 36.09(4m). In accordance with s. 36.09(4m), an Academic Staff Assembly is hereby created to represent the academic staff in the governance of and policy development for the institution.

13.02. The Assembly.

A. The members of the Assembly shall be:

1. Representatives elected or appointed under 13.02.D.
2. Academic Staff Executive Committee (ASEC) members, elected under 14.12.A.7., ex officio.
3. The chancellor and the provost, ex officio.

B. *Voting.* Voting members shall be those referred to in 13.02.A.1. and 2.

C. *Districts.*

1. Every member of the academic staff shall be a member of one, and only one, district for the purpose of electing representatives to the Assembly. Each academic staff member in a district will have one vote.
2. Districts will be structured to recognize the diversity of professional interests within the academic staff. Criteria for districting will be determined by the Assembly. The Districting and Representation Committee will be responsible for organizing districts. Districts will range in size from a minimum of 0.6% of the total number of academic staff to a maximum equal to 1.2% of the total number of academic staff members per district, according to guidelines established by the Assembly.

3. In making district assignments for persons with multiple appointments, the first priority is given to the percentage of appointment and the second to the lowest UDDS (Unit/Division/Department/Subdepartment) code of the appointment. In the event of equal percentages of appointments, the lowest UDDS code governs the assignments.
4. The Districting and Representation Committee will organize districts in accordance with criteria approved by the Assembly and make initial assignments of academic staff to each district. Thereafter the Districting and Representation Committee will monitor districts and assignments to ensure that newly hired or transferred academic staff are appropriately assigned to districts. The district composition will be reviewed by the Districting and Representation Committee and reported to the Assembly prior to beginning each election process. This will ensure that the representational needs of the academic staff, according to Assembly approved criteria, continue to be met.
5. Individuals or groups presenting a reasonable basis for assignment to a different district, or to a new district, may appeal to the Districting and Representation Committee for reassignment. The Districting and Representation Committee, while adhering to the basic districting criteria approved by the Assembly, will give every consideration to possible district changes for individuals or groups.
6. A list of districts with assigned organizational or professional units and/or position titles shall be available from the Secretary of the Academic Staff.

D. *Election Processes.*

1. *Nominations.*

- a. Any member of the academic staff holding a paid appointment shall be eligible to serve in the Assembly.
- b. The Secretary of the Academic Staff shall seek nominations not later than March 15 of a district's election year. Any member of the academic staff may nominate an interested eligible member from her or his district for election to the Assembly. Nominations will be accepted by the Secretary of the Academic Staff until April 15 of a district's election year.
- c. Eligibility questions will be resolved by the Districting and Representation Committee.
- d. If there are no nominations at the time of election, the ASEC and the Secretary of the Academic Staff shall seek a volunteer from among the members of the district to serve the term. ASEC may appoint the volunteer as the representative of the district without conducting an election.

2. *Elections.*

- a. If the nominating procedure results in more than two nominees for a district, a primary election will be held not later than May 1. Voting will be by secret ballot, by district, and with only those persons belonging to the district being permitted to vote. The two candidates receiving the largest number of votes will be the final candidates.
- b. The final election for district representation will be held not later than May 15. Voting will be by secret ballot, by district, with only those persons belonging to the district being permitted to vote. A majority of those voting will be sufficient to elect the representative for that district.
- c. The ASEC, the provost(or designee), and the Secretary of the Academic Staff shall ensure fair and impartial elections, shall certify the validity of all ballots, and shall tabulate and announce the election results no later than 96 hours after the deadline for the return of ballots.
- d. If the nomination procedure results in only one nominee from a district, ASEC may appoint the unopposed candidate as the representative of the district without conducting an election.
- e. If the election results in a tie and there were more than 2 people on the ballot, a runoff election will be held between the tied candidates using the candidates' original statements. If the election results in a tie, and there are 2 people on the ballot, the winner is determined by a coin flip. The Secretary of the Academic Staff or designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.

3. *Terms of Office.* Representatives will serve two year terms, except as noted in 13.02.D.5., with one-half of the Assembly elected annually. The Assembly terms are from July 1 to June 30. There shall be no limit on the number of consecutive terms a representative may serve.

4. *Alternates.*

- a. An alternate from the district shall be designated by each representative. The names of alternates should be reported to the Secretary of the Academic Staff as soon as possible, but no later than July 1.
- b. An alternate's name must be recorded on the official alternates listing in the Office of the Secretary of the Academic Staff prior to any participation by the alternate in any Assembly meetings.

- c. Alternates must attend Assembly meetings in the absence of elected representatives. When representing his or her district, the alternate has the same rights and responsibilities as the elected representative. The elected representative is responsible for notifying the alternate that her or his attendance will be required. The alternate shall notify the Secretary of the Academic Staff that he or she will be in attendance as the district's official representative.

5. *Vacancies.*

- a. The office of the representative shall become vacant on incapacity, recall, or resignation, or if the district is unrepresented for four regular meetings of the Assembly annually without the authorization of the ASEC.
- b. When an office of the representative becomes vacant, ASEC will appoint the alternate as the representative for the remainder of the term of office and will ask the new representative to name an alternate.
- c. When an office of a representative becomes vacant and there is no alternate willing to serve the remainder of the term of office, the Secretary of the Academic Staff shall seek a volunteer from the members of the district to serve the remainder of the term. ASEC will appoint the volunteer to serve as the representative for the remainder of the term of office without conducting an election.

6. *Recalling Representatives.*

- a. A recall vote will be held upon petition by twenty-five percent (25%) of a district's members. The petition will be submitted to the Secretary of the Academic Staff and a recall election will be held within four weeks from the date the petition is received. If a majority of those voting choose to recall their representative, the procedures in 13.02.D.5. will be followed.
- b. The ASEC, the provost (or designee) and the Secretary of the Academic Staff shall ensure fair and impartial elections, shall certify the validity of all ballots, and shall tabulate and announce the election results no later than 96 hours after the deadline for the return of ballots.

E. *Organization of the Assembly.*

- 1. *Presiding Officer.* The chancellor is the presiding officer at meetings of the Assembly. If the chancellor is not present, the provost presides. If neither is present, the Chair of the ASEC or her or his designee will preside.
- 2. *Secretary of the Assembly.* The Secretary of the Academic Staff shall serve as Secretary of the Assembly.

F. *Responsibility of the Assembly to ASEC.*

1. *Election Responsibilities.* The Assembly or a designated committee of the Assembly, in conjunction with the provost (or designee) and the Secretary of the Academic Staff, shall ensure fair and impartial elections of members of the ASEC, shall certify the validity of all ballots, and shall tabulate and announce the results no later than 96 hours after the deadline for the return of ballots.
2. *Other.* The Assembly has the responsibility to the ASEC to initiate discussion and debate on policies, procedures and other issues affecting the academic staff, and to advise the ASEC of the formal positions of the Assembly. The Assembly and its designated committees shall involve the ASEC in ongoing discussions.

13.03. Meetings.

- A. *Meeting notification.* As specified by Wisconsin State Statutes, meeting notification and the agenda will be posted. Posting sites will include Bascom Hall and other locations as designated by the ASEC to ensure broad notification.
- B. *Regular meetings.* The Assembly will hold regular meetings at 3:30 p.m. on the second Monday of each month during the academic year. If the second Monday of the month falls on a legal holiday, the meeting is held on the first subsequent Monday that is not a legal holiday. The announced day, time and place of the meeting may be changed at the discretion of the ASEC or the Academic Staff Assembly. Regular meetings may be canceled by the Academic Staff Assembly, or by the chancellor or provost with consent of the ASEC if there is no significant business to be transacted.
- C. *Place of meeting.* The Assembly shall meet in a room designated annually, unless some other place is specified in the notice of the meeting.
- D. *Special meetings.* Special meetings of the Assembly shall be held at the call of the chancellor or provost, or the ASEC, by written petition to the ASEC by 15 Assembly representatives, or upon written petition to the ASEC by at least 100 members of the academic staff holding a paid appointment at UW-Madison. Notice of a special meeting shall be sent to each representative so as to be received at her or his office at least 24 hours prior to the meeting.
- E. *Quorum.* A Quorum is a majority of the voting members of the Assembly as defined in 13.02.B.
- F. *Parliamentarian.* The Secretary of the Academic Staff will provide a parliamentarian for the Assembly.

G. *Agenda.*

1. *Preparation.* The ASEC and the Secretary of the Academic Staff, in conjunction with the chancellor or provost, shall prepare the agenda for meetings of the Assembly. The agenda will contain the following items, in the order determined by ASEC: Call to Order, Approval of the Minutes, Announcements, Informational Reports by the ASEC and Committees, Opportunity to ask questions of (a) the Chancellor or Provost or Designee and (b) the ASEC chair, Old Business, and New Business.
2. *Distribution.* The Secretary of the Academic Staff will distribute the notice of every regular or special meeting of the Assembly to all members of the Academic Staff Assembly and their alternates, the University Committee Chair, the Associated Students of Madison, and the Secretary of the Faculty. For regular meetings the notice, the meeting agenda and related documents, including the text of any proposed Assembly legislation, will be sent to all representatives, their alternates, ASEC members, and the chancellor or provost at least seven days before the meeting.
3. *Additions to Agenda.* Items for consideration will be added to the agenda upon written request of any representative or on written request of any 15 members of the academic staff having a paid appointment at UW-Madison. The deadline for submitting such requests to the ASEC shall be ten working days prior to the Assembly meeting.

H. *Opportunity to Ask Questions of the Chancellor, Provost (or Designee), or ASEC Chair.*

1. *Questions for Leadership.* All members of the University community may submit questions for (a) the Chancellor or Provost or Designee and (b) ASEC Chair.
2. *Filing of Questions.* Assembly representatives, other members of the academic staff, members of the University Committee, and other members of the University community (i.e., faculty, university staff and students) may file questions with the ASEC at least three working days prior to the Assembly meeting.
3. *Order of Questions.* Questions shall be listed in order of their delivery to the ASEC, with questions from the academic staff given priority. A document containing these questions shall be available for each member of the Assembly at the beginning of the meeting.
4. *Supplementary Questions.* Any member of the Assembly may ask supplementary questions arising out of the reply. It shall be the duty of the presiding officer to prevent the presentation of supplementary questions from becoming a debate.

5. *Questions from the Floor.* Assembly representatives may raise questions from the floor.
- I. *Attendance.* The Secretary of the Academic Staff shall be responsible for taking attendance.
 - J. *Participation Privileges.*
 1. *Speaking.* Any member of the University community (UW-Madison academic staff, faculty, university staff and students) may speak at Assembly meetings upon recognition by the presiding officer.
 2. *Motions.* Only elected Assembly representatives (or the alternate in a representative's absence) and ASEC members may offer motions or second motions in meetings of the Assembly.
 - K. *Limits.*
 1. At the discretion of the presiding officer, a speaker who is not an elected representative (or the alternate in a representative's absence) to the Assembly may be asked to sum up or finish speaking within a specified period of time.
 2. The Assembly may choose to limit discussion of a particular agenda item to representatives (or their alternates if representatives are absent) only, academic staff only, academic staff and faculty only, etc. Such limitations shall require a majority vote of representatives present and voting.
 - L. *Reconsideration.*
 1. *Requirements.*
 - a. A motion to reconsider a matter already voted upon can only be made by someone who voted on the prevailing side on the original vote or as indicated in 13.03.L.1.b.
 - b. Upon a majority vote in the Assembly, or upon petition by 50 members of the academic staff, the Assembly shall reconsider action it has taken.
 2. *Time Limits.* On matters having time constraints, for example, the need to forward a response to another group by a set date, the motion or petition to reconsider must be timely. Other matters must be brought up not later than the next regular meeting.

- M. *Vote Counts.* Votes will normally be taken as voice votes or by a show-of-hands. When voting is by a show-of-hands, the ASEC and the Secretary of the Academic Staff shall be responsible for verification. Individual voice (roll-calls) or written ballots may be required on any vote in accordance with the Wisconsin Open Meetings Law.
- N. *Closing Debate.* Debate may be closed by a two-thirds vote of representatives present and voting.

13.04. Parliamentary Authority.

The rules contained in the most current edition of *Robert's Rules of Order, Newly Revised* shall govern the Academic Staff Assembly in all cases to which they are applicable and in which they are not inconsistent with these rules and any special rules of order the Assembly may adopt.

13.05. Amendments to Chapter 13.

Amendments to this chapter may be proposed by any member of the Assembly and accepted by majority vote from among those present and voting at two consecutive Assembly meetings. It is the responsibility of the Secretary of the Academic Staff to ensure that the format and cross-referencing between sections is maintained. The procedures for rules changes indicated herein do not apply to changes that would alter the basic structural elements included in or referenced in ASPP 13.06.

13.06. Structural Changes.

- A. *Definition of Structure.* Unless changed by the procedures outlined in this section, the basic structural elements are those approved by the academic staff through the ratification of the Articles of Organization in Chapter 4, Provisional Bylaws, as follows:
1. *District Representation.* Representatives of the Assembly will be apportioned on the basis of approximately one assemblyperson per 55 members of the academic staff. Districts will be so designated as to recognize the diversity of professional interests within the academic staff. As a result, districts may range in size from 35 to 75 members but will conform to the desired basis of 55 members per district to the maximum extent consistent with the professional interests and organizational assignments of the members. Geographical relationships may also be considered in districting decisions but will be secondary to professional interests and organizational assignments.
 2. *ASEC Elections.* An Academic Staff Executive Committee (ASEC) shall be elected by the academic staff from the academic staff at large.

B. *Requirements for Making Structural Changes.*

1. *Petitions.* Proposals for restructuring the Assembly or the ASEC must be by petition to the ASEC by 100 members of the academic staff holding paid appointments at UW-Madison.
2. *Meeting.* At least one month prior to a discussion of a proposed restructuring of the Assembly or the ASEC, the ASEC Chair shall publish the proposal in the officially designated UW-Madison channel of communication. The date, time, and place of the meeting wherein the academic staff will discuss the proposed changes shall be published at the same time. The ASEC chair or designee will preside over the meeting.
3. *Ratification.*
 - a. The restructuring shall be in effect when adopted and ratified by a majority of academic staff submitting written ballots under such procedures as the ASEC shall provide.
 - b. The ASEC, provost (or designee), and the Secretary of the Academic Staff shall ensure fair and impartial elections; shall certify the validity of all ballots; and shall tabulate and announce the results no later than 96 hours after the deadline for the return of the ballots.

CHAPTER 14 COMMITTEES OF THE UNIVERSITY

14.01. Academic Staff Committees

- A. The term "academic staff committee" as used in this chapter applies only to committees established by the Academic Staff Executive Committee or the Academic Staff Assembly and does not apply to committees created by the chancellor, by deans, by the faculty, or by others. Academic staff committees subject to the provisions of this section may be called committees, boards, or commissions.
- B. An academic staff committee reports to the academic staff through the Academic Staff Executive Committee and/or the Academic Staff Assembly.
- C. A majority of the voting members of an academic staff committee shall be members of the University academic staff.
- D. Actions taken by an academic staff committee when the academic staff members present do not constitute a majority must be approved either at the next meeting of the committee at which the academic staff members constitute a majority or through other procedures established by the committee such as a mail ballot.
- E. Persons not members of the academic staff may serve on academic staff committees when appropriate. In particular, provision may be made for representation from the faculty, students, and administrative bodies.
- F. The Academic Staff Executive Committee and the Academic Staff Assembly may provide for the selection of committee members, the scope of their authority, the rules and regulations for their proceedings, and the form in which the committee's work should be reported. New academic staff committees must be approved by the Assembly by majority votes in two consecutive Assembly meetings and shall become part of this chapter under 14.12.
- G. Ad hoc academic staff committees established by the Academic Staff Executive Committee or the Academic Staff Assembly are subject to the general provisions of this chapter. The chair will be designated by the appointing body. The charge, composition, and method of appointment or election to each ad hoc committee shall be a part of the proposal of its creation.

14.02. Joint Governance Committee

- A. A joint governance committee is:
 - 1. a committee established in conjunction with faculty and/or student government to address issue of common concern, or

2. a committee that has academic staff representation and is established for the purpose of making recommendations to the chancellor, provost, or designees concerning the governance of the institution.
- B. A joint governance committee reports to the academic staff through the Academic Staff Executive Committee and/or the Academic Staff Assembly and to other establishing authorities in accordance with their rules.
- C. The rules of the establishing authorities may provide for the selection of committee members, the scope of their authority, the rules and regulations for their proceedings, and the form in which the committee's work should be reported.

14.03. Consultants

The ASEC or the Assembly, by majority vote, may appoint consultants to a committee it has established. Requests for consultants may come from the ASEC, Assembly representatives, or the committees themselves. Consultants shall be nonvoting committee members.

14.04. Appointments to Committees

- A. Unless other provision for selection is made, the Academic Staff Executive Committee appoints academic staff members of committees and designates their terms of office, after such consultation with the Nominating Committee, chancellor or provost as may be appropriate.
- B. Representatives of the academic staff serving on committees established by the faculty shall be selected according to procedures established by the academic staff governance system.
- C. Representatives of the faculty on committees established by the academic staff shall be selected according to procedures established by the faculty governance system.
- D. Representatives of the students on committees established by the academic staff shall be selected according to procedures established by the student governance system.
- E. An ex officio member of an academic staff committee is a full member of that committee, with the right to participate and vote, unless legislation specifies otherwise.

14.05. Election of Academic Staff to Committees

- A. Academic staff members are elected to committees in accord with procedures described in this chapter.

- B. Unless otherwise provided, nominations for committee positions that are to be filled by election are made by the Nominating Committee.
- C. A vacancy in an elective committee position is to be reported by the chair of that committee to the Secretary of the Academic Staff.
- D. If circumstances warrant, and upon consultation with the committee concerned, the Academic Staff Executive Committee shall appoint, subject to confirmation by the Academic Staff Assembly, an appropriately qualified replacement to fill the vacancy until an academic staff member is elected at the next annual election to complete the unexpired term.

14.06. Terms of Office

- A. Unless otherwise specified, elected academic staff committee members serve one-year terms and assume their duties on July 1 following their election.
- B. Appointed academic staff committee members serve from the date specified by the appointing authority until the appointing authority has designated a successor. If Academic Staff Policies and Procedures or assembly legislation establishing a committee specifies a term for an appointment, the appointing authority may extend the specified term for one year to avoid too great a turnover of committee members in a single year or to facilitate work in progress.
- C. Unless otherwise specified, committee members may be reappointed by the Academic Staff Executive Committee.
- D. Unless otherwise specified, terms of committee members shall be staggered to the extent possible.

14.07. Committee Chairs

Unless otherwise specified, chairs of all academic staff committees shall be academic staff members. The chairs of all elected academic staff committees are chosen by the members of the respective committees unless other provision is made. The chairs of all appointed academic staff committees shall be designated by the authority appointing the academic staff members unless other provision is made. Committees that elect their own chairs shall do so on the call of the outgoing chair.

14.08. Committee Reports, Records, Recommendations, and Policies

- A. All academic staff Chapter 14 committees and joint governance committees shall report to the Academic Staff Executive Committee in writing at least annually. The ASEC shall determine a schedule for each committee to make progress reports to the Assembly and a deadline for any final or annual reports. These reports shall be submitted to the Academic Staff Assembly for its information. There shall be an opportunity for representatives to ask questions regarding these reports. If a committee of the faculty has academic staff representation, the Secretary of the Academic Staff shall also receive a copy of all recommendations and reports of the committee.
- B. All committee records and reports are official University records, and they may not be destroyed or discarded without the consent of the University archivist. When chairs of academic staff committees wish to be relieved of files, they shall transfer all material to the Secretary of the Academic Staff Office for transmittal to the University Archives under any appropriate or desirable restriction of use consistent with state and federal laws. When the chair of an academic staff committee changes, the outgoing chair shall transfer active files and other appropriate information to the new chair.
- C. If a committee makes a recommendation or proposes a resolution for action by the Academic Staff Assembly, the vote of the committee on the recommendation or proposed resolution shall be reported to the Academic Staff Assembly.
- D. Academic staff committees shall maintain a written statement of policies and procedures. A committee shall report any proposed changes to these policies and procedures and any contemplated action that would be an exception to these policies and procedures to the Academic Staff Executive Committee.
- E. If a matter has been reported to the Academic Staff Executive Committee under the provision of 14.08.D. and if the Academic Staff Executive Committee so requests, the committee shall postpone action or implementation relating to the matter pending consideration and action by the Academic Staff Executive Committee and, if the Academic Staff Executive Committee so decides, by the Academic Staff Assembly.

14.09. Meetings

Each academic staff committee meets at the call of its chair. A meeting shall be called at the request of any three members of the committee.

14.10. Quorum Rule

A quorum exists when a majority of the voting members of a committee is present.

14.11. Appeal From and Review of Committee Decisions

- A. Except as otherwise specified, when these rules delegate authority to an academic staff committee to take action without specific Assembly approval, the affected person or persons may appeal the committee action to the Academic Staff Executive Committee unless the committee's recommendation is made to the chancellor for a final decision under the provisions of Academic Staff Policies and Procedures, for example, the Academic Staff Appeals Committee.
- B. Except for the Nominating Committee, whenever these rules authorize a committee to take action or recommend action to the administration without prior approval by the Assembly, if one-third or more of the committee members believe that a committee action is sufficiently important or controversial that it merits consideration by the Academic Staff Executive Committee or the Academic Staff Assembly, they, or the chair of the committee, shall report this to the Academic Staff Executive Committee, which shall consult with the members, the committee chair and other appropriate persons. After such consultation, the Academic Staff Executive Committee may take such action as it considers proper, including submission of the matter to the Academic Staff Assembly.
- C. If a matter has been reported to the Academic Staff Executive Committee under the provisions of 14.11.B. and if the Academic Staff Executive Committee so requests, all steps to adopt or implement the committee action in question shall be postponed pending consideration by the Academic Staff Executive Committee and, if the Academic Staff Executive Committee so decides, by the Academic Staff Assembly.

14.12. Committees of the Academic Staff

- A. Academic Staff Executive Committee.
 - 1. *General Responsibilities.*
 - a. *Administrative.* The Academic Staff Executive Committee (ASEC) is the administrative executive committee of the academic staff and the Academic Staff Assembly. It provides administrative support to the Academic Staff Assembly. This support includes, but is not limited to, providing the Assembly with necessary information, coordinating and initiating meetings and meeting agendas, transmitting recommendations and decisions of the Assembly to the appropriate office, and implementing the policies of the Assembly in ensuring the role of academic staff in governance as stated in s. 36.09(4m).
 - b. *Day-to-Day.* The ASEC is empowered to carry on the day-to-day activities not otherwise delegated and as defined below as necessary to implement s. 36.09(4m).

- c. *Policy Referral.* The ASEC is responsible for referring to the Assembly issues of policy development or change.
 - d. *Reporting.* The ASEC must report all its activities and actions to the Assembly in a timely manner, either at the next meeting of the Assembly or in writing. The ASEC's activities and actions are subject to review by the Assembly.
 - e. *Communication with Academic Staff.* The ASEC may communicate directly with the academic staff in order to carry out its duties.
2. *Specific Responsibilities.*
- a. *Day-to-Day Activities.*
 - i. The ASEC and its chair are empowered to carry on the day-to-day activities which are necessary to implement s. 36.09(4m) and which are not otherwise delegated. Day-to-day activities include but are not limited to submitting names for appointment to campus committees, representing the position of the Assembly or the academic staff, handling matters of urgency by mail or telephone, and responding to requests for information by the UW-Madison administration.
 - ii. All of these activities must be reported to the Assembly.
 - b. *Assembly Meetings.* The ASEC and its chair have specific responsibilities in the preparation for and progress of Assembly meetings. These responsibilities are given in 13.02 and 13.03.
3. *Additional Responsibilities.* The ASEC may be given additional responsibilities by the Academic Staff Assembly.
4. *Committee Size.* The ASEC shall consist of nine members.
5. *Terms of Office.*
- a. The ASEC terms will run from July 1 to June 30. ASEC members will serve three-year terms with one-third of the committee elected annually.
 - b. Membership on the ASEC is limited to no more than seven consecutive years.
 - c. Eligibility for election to the ASEC is reinstated one year after a member vacates a seat on the committee.
6. *Membership.*

- a. *Eligibility.* Any member of the academic staff holding a salaried appointment shall be eligible to serve on the ASEC providing s/he is not excluded under 14.12.A.6.b.
- b. *Exclusions.*
 - i. Not more than two of the nine members of the ASEC may be from the same Assembly district, and not more than three can be from the same college, school, or division.
 - ii. ASEC members will be ex-officio voting members of the Assembly and may not concurrently serve as representatives of Assembly districts.
 - iii. Members of the Nominating Committee may not also be candidates for the ASEC.

7. *Election Processes.*

- a. *Election at Large.* The ASEC shall be elected by the academic staff, from the academic staff at large.
- b. *Slate.*
 - i. *Nominees.* The Nominating Committee shall prepare a slate of nominees for the ASEC to be reported to the Assembly not later than the December Assembly meeting each year, or the January Assembly meeting if the December meeting has been canceled. The total number of nominees shall be at least two more than the number of vacancies.
 - ii. *Additional Nominees.* Additional nominees may be added by a petition signed by at least 10 Assembly representatives, or 50 members of the academic staff. The petition must be submitted to the Secretary of the Academic Staff within 10 working days after the Assembly meeting at which the initial slate is presented.
- c. *Timing.* ASEC members will be elected not later than March 15 each year and prior to the call for nominations for Assembly districts.
- d. *Elections.*
 - i. Election shall be by secret ballot. Those candidates receiving the most votes from those submitting legal ballots shall be sufficient for election providing the provisions of 14.12.A.6.b. are met. If one of the top candidates is ineligible, the next eligible candidate with the most votes will be elected.

- ii. The Assembly, the provost (or designee) and the Secretary of the Academic Staff shall ensure fair and impartial elections; shall certify the validity of all ballots; and shall tabulate and announce election results not later than 96 hours after the deadline for the return of ballots.
 - iii. If the election results in a tie that needs to be broken to determine the last person to be seated on the committee, a runoff election will be held between the tied candidates using the candidate's original statement. If the runoff election does not produce a winner, the winner is determined by a coin flip. The Secretary of the Academic Staff or designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.
8. *Chair and Vice-Chair.* ASEC members will select their chair and vice-chair by majority vote.
9. *Vacancies.*
- a. The office of an ASEC member shall become vacant on incapacity, recall, resignation, or an absence without approval from the ASEC chair or vice-chair from four regular meetings of the ASEC annually.
 - b. To fill a vacated ASEC seat, the Nominating Committee will recommend one or two names to the Assembly. If one nominee, a majority vote is required; if two nominees, the one receiving more votes shall become the ASEC member. The seat will be up for election at the next ASEC election, regardless of whether that seat would normally be up for election that year. The person elected would then serve until the next regular election for that seat.
10. *Recall.* Recall proceedings against an ASEC member may be initiated by petition from 100 academic staff members. The petition will be submitted to the chancellor with a copy to the Secretary of the Academic Staff. Within four weeks from the date of receipt of the petition, a special election will be held to determine whether or not the academic staff at large wishes to recall the ASEC member. If a majority of the ballots cast vote for recall, that ASEC seat is vacant and shall be filled as in 14.12.A.9.b. If the next election is not the regular time for that ASEC seat, the person elected will serve until the next regular election for that seat.
11. *Rules of Order.* The most current edition of *Robert's Rules of Order, Newly Revised* will govern meetings of the ASEC in all cases to which they are applicable and in which they are not inconsistent with any bylaws or special rules of order the ASEC may adopt.

B. Committees of the Assembly

- 1. Communications.

- a. *Responsibilities.* The Communications Committee is charged with working with other campus units, entities, and organizations to coordinate communication about and relevant to Academic Staff to both internal and external audiences. This coordination should include identifying strategies to address communication gaps.
 - i. External communication responsibilities include: develop strategies to communicate the story of academic staff; monitor local media outlets for information that affects academic staff; and communicate this information to targeted communities within academic staff.
 - ii. Internal communication responsibilities include: oversee the development and ongoing maintenance of the academic staff governance website; oversee the Assembly e-mail list; coordinate oversight of the district distribution lists with DRC; develop guidelines for effective communication by other academic staff governance units; and monitor communication from or about Academic Staff Assembly and ASEC for clarity and relevance to academic staff.
 - iii. The Communications Committee shall make recommendations on these matters and report its activities to the Academic Staff Assembly.
- b. *Committee Size.* The Communications Committee shall consist of nine members.
- c. *Membership.*
 - i. *Eligibility.* Members of the academic staff holding a paid appointment shall be eligible to serve on the Communications Committee providing they are not excluded under 14.12.B.1.c.ii.
 - ii. *Exclusions.* No more than two members may be from the same district or three members from the same school, college or division.
- d. *Terms of Office.* Communications Committee members shall serve for three-year terms, beginning July 1. There is no limit to the number of terms a member may serve. When a committee member requests a leave of absence, the committee shall determine whether to grant the leave. If a leave is granted, the committee chair shall notify the ASEC. When a leave of absence is granted, the committee shall determine whether a temporary replacement member should be appointed. If so, the committee chair shall notify the ASEC, and the ASEC shall appoint a replacement to serve for the duration of the leave of absence.
- e. *Election Processes.*

- i. One-third of the Communications Committee shall be elected each year.
- ii. The Nominating Committee shall prepare a slate of nominees that exceeds the number of vacant seats assuring broad representation of academic staff regarding professional interests, employing unit, and funding source.
- iii. Nominees may be added to the slate by motion from the floor or by petition by 10 academic staff members.
- iv. Election will be in the spring by ballot to Assembly representatives following the meeting at which the slate is presented. Those candidates receiving the most votes from all the valid ballots cast will fill the vacant positions providing the provisions of 14.12.B.1.c.i. are met. If one of the top candidates is ineligible, the next eligible candidate with the most votes will be elected.
- v. If the election results in a tie that needs to be broken to determine the last person to be seated on the committee, a runoff election will be held between the tied candidates using the candidate's original statement. If the runoff election does not produce a winner, the winner is determined by a coin flip. The Secretary of the Academic Staff of designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.
- f. *Chair.* The chair will be elected by majority vote of the Committee at its first meeting each year. In the case of a tie vote, the ASEC chair will cast the deciding vote.
- g. *Vacancies.* Vacancies will be filled by appointment by the ASEC from a list of nominees supplied by the Nominating Committee. The appointed Committee member will serve until the next regular election for that seat.
- h. *Recall.* The Assembly may consider recalling a member of the Communications Committee on recommendation of a majority of the committee members. If there is a tie vote, the ASEC may appoint one or more members of the Assembly to consult with the Communications and report back to the ASEC. If a recommendation to recall a committee member is made by committee vote or after a recommendation from a consultant(s), the recall will require a majority vote by the Assembly. If a member of the Communications Committee is recalled, the procedures in 14.12.B.1.g. shall be followed to select a replacement.

2. Compensation and Economic Benefits.
 - a. *Responsibilities.* The Compensation and Economic Benefits Committee is charged with the continuing review of policies and procedures relating to academic staff compensation, fringe benefits and other economic benefits and with making recommendations to the Assembly on matters in these areas.
 - b. *Committee Size.* The Compensation and Economics Benefits Committee shall consist of nine members.
 - c. *Membership.*
 - i. *Eligibility.* Members of the academic staff holding a salaried appointment shall be eligible to serve on the Compensation and Economics Benefits Committee providing they are not excluded under 14.12.B.2.c.ii.
 - ii. *Exclusions.* No more than two members may be from the same district or three members from the same school, college or division.
 - d. *Terms of Office.* The Compensation and Economics Benefits Committee members shall serve for three-year terms, beginning July 1. There is no limit to the number of terms a member may serve.
 - e. *Election Processes.*
 - i. One-third of the Compensation and Economics Benefits Committee shall be elected each year.
 - ii. The Nominating Committee shall prepare a slate of nominees that exceeds the number of vacant seats assuring broad representation of academic staff regarding professional interests, employing unit, funding source, and expertise in compensation matters. The slate should contain both Assembly representatives and academic staff at large.
 - iii. Nominees may be added to the slate by motion from the floor or by petition by ten academic staff members.
 - iv. Election will be in the spring by ballot to Assembly representatives following the meeting at which the slate is presented. Those candidates receiving the most votes from all the valid ballots cast will fill the vacant positions providing the provisions of 14.12.B.2.c.i. are met. If one of the top candidates is ineligible, the next eligible candidate with the most votes will be elected.

- v. If the election results in a tie that needs to be broken to determine the last person to be seated on the committee, a runoff election will be held between the tied candidates using the candidate's original statement. If the runoff election does not produce a winner, the winner is determined by a coin flip. The Secretary of the Academic Staff of designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.
 - f. *Chair.* The chair will be elected by a majority vote of the Committee at its first meeting each year. In the case of a tie vote, the ASEC chair will cast the deciding vote.
 - g. *Vacancies.* Vacancies will be filled by appointment by ASEC from a list of nominees supplied by the Nominating Committee. The appointed Committee member will serve until the next regular election for that seat.
 - h. *Recall.* The Assembly may consider recalling a member of the Compensation and Economics Benefits Committee on recommendation of a majority of the committee members. If there is a tie vote, the Academic Staff Executive Committee may appoint one or more members of the Assembly to consult with the Compensation and Economics Benefits Committee and report back to the ASEC. If a recommendation to recall a committee member is made by committee vote or after a recommendation from a consultant(s), the recall will require a majority vote by the Assembly. If a member of the Compensation and Economics Benefits Committee is recalled, the procedures in 14.12.B.2.g. shall be followed to select a replacement.
3. Districting and Representation Committee.
- a. *Responsibilities.*
 - i. The Districting and Representation Committee is charged with reviewing election and districting processes and rules to ensure that the academic staff members may exercise their institutional governance rights in the most effective, equitable, and efficient manner.
 - ii. The Districting and Representation Committee is charged with periodic review of each academic staff district. The purpose of this review is to ensure that each district meets the requirements of the Academic Staff Policies and Procedures (ASPP), as stated in 13.02.C, 13.02.D, and 13.06.A.1.
 - iii. The Districting and Representation Committee is charged to hear appeals from individuals or groups presenting a reasonable basis for assignment to a different district or to a new district.

- iv. The Districting and Representation Committee is also charged to, when needed, review and recommend action to the Assembly on any of the following issues:
 - A. Substantial changes in the size or general composition of individual districts; substantial changes in the guidelines that address election and districting issues, which include 13.02.C., 13.02.D. and 13.06.A.1. of the ASPP; and
 - B. Substantial changes in the election process. These changes include, but are not limited to, changing the date of elections, changing the notification process for candidates, changing the notification process for voters, and changing the content of the ballot. Substantial changes do not include either changing the graphic format of the ballot or adding additional notifications of an upcoming election.
 - v. The Districting and Representation Committee is further charged to, when needed, review any of the following issues:
 - A. Changes in procedure to improve the equity or efficiency, or both, of the districting process; and
 - B. Changes in procedure to encourage academic staff members' participation in elections and academic staff governance activities in general.
 - vi. The Districting and Representation Committee is charged to report to the Assembly before each election, as required in 13.02.C.4.
- b. *Committee Size.* The committee shall consist of six members.
 - c. *Membership.*
 - i. *Eligibility.* Members of the academic staff holding a salaried appointment shall be eligible to serve on the Districting and Representation Committee providing they are not excluded under 14.12.B.3.c.ii.
 - ii. *Exclusions.* No more than two members may be from the same district or three members from the same school, college or division.
 - d. *Terms of Office.* Districting and Representation Committee members shall serve for three-year terms, beginning July 1. There is no limit to the number of terms a member may serve.

- e. *Election Processes.*
- i. One-third of the Districting and Representation Committee shall be elected each year.
 - ii. The Nominating Committee shall prepare a slate of nominees that exceeds the number of vacant seats assuring broad representation of academic staff regarding professional interests, employing unit, and funding source. The slate should contain both Assembly representatives and academic staff at large.
 - iii. Nominees may be added to the slate by motion from the floor or by petition by ten academic staff members.
 - iv. Election will be in the spring by ballot to Assembly representatives following the meeting at which the slate is presented. Those candidates receiving the most votes from all the valid ballots cast will fill the vacant positions providing the provisions of 14.12.B.3.c.i are met. If one of the top candidates is ineligible, the next eligible candidate with the most votes will be elected.
 - v. If the election results in a tie that needs to be broken to determine the last person to be seated on the committee, a runoff election will be held between the tied candidates using the candidate's original statement. If the runoff election does not produce a winner, the winner is determined by a coin flip. The Secretary of the Academic Staff of designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.
- f. *Chair.* The chair will be elected by a majority vote of the committee at its first meeting each year. In the case of a tie vote, the ASEC chair will cast the deciding vote.
- g. *Vacancies.* Vacancies will be filled by appointment by ASEC from a list of nominees supplied by the Nominating Committee. The appointed committee member will serve until the next regular election for that seat.

- h. *Recall.* The Assembly may consider recalling a member of the Districting and Representation Committee on recommendation of a majority of the committee members. If there is a tie vote, the Academic Staff Executive Committee may appoint one or more members of the Assembly to consult with the Districting and Representation Committee and report back to the ASEC. If a recommendation to recall a committee member is made by committee vote or after a recommendation from a consultant(s), the recall will require a majority vote by the Assembly. If a member of the Districting and Representation Committee is recalled, the procedures in 14.12.B.3.g. shall be followed to select a replacement.

4. Mentoring Committee.

a. *Responsibilities.*

- i. The Mentoring Committee Promotes professional and personal development among academic staff by:
 - A. Documenting and communicating campus mentoring programs, activities and resources for academic staff.
 - B. Working with current university resources to provide available mentors for incoming academic staff.
 - C. Developing and delivering campus presentations and workshops on mentoring.
 - D. Partnering with campus groups and committees, like CASIs, to develop mentoring opportunities for professions or title series.

b. *Committee Size.* The Mentoring Committee shall consist of nine members.

c. *Membership.*

- i. *Eligibility.* Any member of the academic staff holding a salaried appointment shall be eligible to serve on the Mentoring Committee providing they are not excluded under 14.12.B.4.c.ii or three members from the same school, college or division.
- ii. *Exclusions.* No more than two members may be from the same Assembly district.

d. *Terms of Office.* Mentoring Committee members shall serve for three-year terms, beginning July 1. There is no limit to the number of terms a member may serve.

- e. *Election Process.*
- i. One-third of the Mentoring Committee shall be elected each year.
 - ii. The Nominating Committee shall prepare a slate of nominees that exceeds the number of vacant seats assuring broad representation of academic staff regarding professional interests, employing unit, and funding source.
 - iii. Nominees may be added to the slate by motion from the floor or by ten academic staff members.
 - iv. Election will be in the spring by ballot to Assembly representatives following the meeting at which the slate is presented. Those candidates receiving the most votes from all the valid ballots cast will fill the vacant positions providing the provisions of 14.12.B.4.c.i are met. If one of the top candidates is ineligible, the next eligible candidate with the most votes will be elected.
 - v. If the election results in a tie that needs to be broken to determine the last person to be seated on the committee, a runoff election will be held between the tied candidates using the candidate's original statement. If the runoff election does not produce a winner, the winner is determined by a coin flip. The Secretary of the Academic Staff of designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.
- f. *Chair(s).* The chair (or co-Chairs if the Mentoring Committee so elects) will be elected by majority vote of the Committee at its first meeting each year. In the case of a tie vote, the ASEC chair will cast the deciding vote.
- g. *Vacancies.* Vacancies will be filled by appointment by ASEC from a list of nominees supplied by the Nominating Committee. The appointed committee member will serve until the next regular election for that seat.
- h. *Recall.* The Assembly may consider recalling a member of the Mentoring Committee on recommendation of a majority of the committee members. If there is a tie vote, the Academic Staff Executive Committee may appoint one or more members of the Assembly to consult with the Mentoring Committee and report back to the ASEC. If a recommendation to recall a committee member is made by committee vote or after a recommendation from a consultant(s), the recall will require a majority vote by the Assembly. If a member of the Mentoring Committee is recalled, the procedures in 14.12.B.4.g. shall be followed to select a replacement.”

5. Nominating Committee.

a. *Responsibilities*

- i. The Nominating Committee is charged with nominating members of the academic staff for election to the Academic Staff Executive Committee and for election or appointment to appropriate UW-Madison committees.
- ii. The Nominating Committee will make recommendations to the ASEC when asked to recommend academic staff for university committee assignments. The ASEC will choose from the list submitted by the Nominating Committee and will notify the Chair of the Nominating Committee of the appointment by sending a copy of the letter being sent to the appointing body.
- iii. Responsibilities in the ASEC election process are outlined in 14.12.A.7.
- iv. The Nominating Committee shall respond to appointment requests in the most timely fashion possible within the time frame set by the appointing authority's request.

b. *Committee Size.* The Nominating Committee shall consist of nine members.

c. *Terms of Office.* Members of the Nominating Committee will serve for three years with one-third of the Committee being elected each year. Membership on the Nominating Committee is limited to two consecutive full terms. Eligibility for election is reinstated one year after a member vacates her or his seat on the Nominating Committee.

d. *Membership.*

- i. *Eligibility.* Any member of the academic staff holding a salaried appointment shall be eligible to serve on the Nominating Committee providing they are not excluded under 14.12.B.5.d.ii.

- ii. *Exclusions.*

A. No more than two members of the Nominating Committee may be from the same Assembly district or the same college, school or division.

B. ASEC members may not stand for election to the Nominating Committee.

e. *Election Processes.*

- i. The ASEC will solicit nominations for election to the Nominating Committee from the academic staff at large and from the Academic Staff Assembly in March. The slate of nominees will be presented to the Assembly in April and may be amended by the addition of names proposed and seconded from the floor.
 - ii. Election will be in the spring by ballot to Assembly representatives following the meeting at which the slate is presented. The candidates receiving the most votes from all the valid ballots cast will fill the vacant positions providing the provisions of 14.12.B.5.d.i are met. If one of the top candidates is ineligible, the next eligible candidate with the most votes will be elected.
 - iii. If the election results in a tie that needs to be broken to determine the last person to be seated on the committee, a runoff election will be held between the tied candidates using the candidate's original statement. If the runoff election does not produce a winner, the winner is determined by a coin flip. The Secretary of the Academic Staff of designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.
- f. *Chair.* After each election, Nominating Committee members shall select their chair by majority vote. In the case of a tie, the ASEC chair shall cast the deciding vote.
- g. *Vacancies.* When a member of the Nominating Committee becomes unable to serve and/or resigns, the ASEC will recommend one or two names to the Assembly for replacement for the remainder of that term of service. If only one nominee is recommended, a majority vote is required; if two nominees are recommended, the one receiving the most votes will fill the vacancy.
- h. *Recall.* The Assembly may consider recalling a member of the Nominating Committee on recommendation of a majority of the committee members. If there is a tie vote, the Assembly may appoint one or more members of the Assembly to consult with the Nominating Committee and report back to the Assembly. If a recommendation to recall a committee member is made by committee vote or after a recommendation from a consultant(s), the recall will require a majority vote by the Assembly. If a member of the Nominating Committee is recalled, the procedures in 14.12.B.5.g. shall be followed to select a replacement.

6. Personnel Policies and Procedures Committee.
 - a. *Responsibilities.* The Personnel Policies and Procedures Committee is charged with continuing review of personnel policies and procedures relating to academic staff and with making recommendations to the Assembly on matters in these areas.
 - b. *Committee Size.* The Personnel Policies and Procedures Committee shall consist of nine members.
 - c. *Membership.*
 - i. *Eligibility.* Members of the academic staff holding a salaried appointment shall be eligible to serve on the Personnel Policies and Procedures Committee providing they are not excluded under 14.12.B.6.c.ii.
 - ii. *Exclusions.* No more than two members may be from the same district or three members from the same school, college or division.
 - d. *Terms of Office.* Personnel Policies and Procedures Committee members shall serve for three-year terms, beginning July 1. There is no limit to the number of terms a member may serve.
 - e. *Election Processes.*
 - i. One-third of the Personnel Policies and Procedures Committee shall be elected each year.
 - ii. The Nominating Committee shall prepare a slate of nominees that exceeds the number of vacant seats assuring broad representation of academic staff regarding professional interests, employing unit, and funding source. The slate should contain both Assembly representatives and academic staff at large.
 - iii. Nominees may be added to the slate by motion from the floor or by petition by ten academic staff members.
 - iv. Election will be in the spring by ballot to Assembly representatives following the meeting at which the slate is presented. Those candidates receiving the most votes from all the valid ballots cast will fill the vacant positions providing the provisions of 14.12.B.6.c.i are met. If one of the top candidates is ineligible, the next eligible candidate with the most votes will be elected.

- v. If the election results in a tie that needs to be broken to determine the last person to be seated on the committee, a runoff election will be held between the tied candidates using the candidate's original statement. If the runoff election does not produce a winner, the winner is determined by a coin flip. The Secretary of the Academic Staff of designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.
 - f. *Chair.* The chair will be elected by majority vote of the Committee at its first meeting each year. In the case of a tie vote, the ASEC chair will cast the deciding vote.
 - g. *Vacancies.* Vacancies will be filled by appointment by ASEC from a list of nominees supplied by the Nominating Committee. The appointed committee member will serve until the next regular election for that seat.
 - h. *Recall.* The Assembly may consider recalling a member of the Personnel Policies and Procedures Committee on recommendation of a majority of the committee members. If there is a tie vote, the Academic Staff Executive Committee may appoint one or more members of the Assembly to consult with the Personnel Policies and Procedures Committee and report back to the ASEC. If a recommendation to recall a committee member is made by committee vote or after a recommendation from a consultant(s), the recall will require a majority vote by the Assembly. If a member of the Personnel Policies and Procedures Committee is recalled, the procedures in 14.12.B.6.g. shall be followed to select a replacement.
7. Professional Development and Recognition Committee.
- a. *Responsibilities.* The Professional Development and Recognition Committee is charged with promoting the concept of professional development and recognition for UW-Madison academic staff; working with campus administration to explore and develop programs that will enhance the professional skills and abilities, and develop a recognition process for academic staff; making recommendations regarding the review of and changes to academic staff professional development guidelines; reviewing or establishing review mechanisms for UW-Madison proposals under the UW System Professional Development Program and any similar programs through the UW System or the UW-Madison; working with campus administration and faculty to locate or create funding resources for professional development and recognition for academic staff; developing a permanent Forum Series structure for the enrichment of UW-Madison academic staff; working with campus administration in selecting academic staff for professional recognition, awards and special training programs; and coordinating publicity efforts and public relations for the recognition of outstanding contributions

made by academic staff to the campus and within their professions. The Professional Development and Recognition Committee shall make recommendations on these matters and report its activities to the Academic Staff Assembly.

- b. *Committee Size.* The Professional Development and Recognition Committee shall consist of twelve members.
- c. *Membership.*
 - i. *Eligibility.* Members of the academic staff holding a salaried appointment shall be eligible to serve on the Professional Development and Recognition Committee providing they are not excluded under 14.12.B.7.c.ii.
 - ii. *Exclusions.* No more than two members may be from the same district or four members from the same school, college or division.
- d. *Terms of Office.* Professional Development and Recognition Committee members shall serve for three-year terms, beginning July 1. There is no limit to the number of terms a member may serve.
- e. *Election Processes.*
 - i. One-third of the Professional Development and Recognition Committee shall be elected each year.
 - ii. The Nominating Committee shall prepare a slate of nominees that exceeds the number of vacant seats assuring broad representation of academic staff regarding professional interests, employing unit, and funding source. The slate should contain both Assembly representatives and academic staff at large.
 - iii. Nominees may be added to the slate by motion from the floor or by petition by ten academic staff members.
 - iv. Election will be in the spring by ballot to Assembly representatives following the meeting at which the slate is presented. Those candidates receiving the most votes from all the valid ballots cast will fill the vacant positions providing the provisions of 14.12.B.7.c.i are met. If one of the top candidates is ineligible, the next eligible candidate with the most votes will be elected.

- v. If the election results in a tie that needs to be broken to determine the last person to be seated on the committee, a runoff election will be held between the tied candidates using the candidate's original statement. If the runoff election does not produce a winner, the winner is determined by a coin flip. The Secretary of the Academic Staff of designee will flip the coin. The person who submitted the candidate statement first calls heads or tails.
 - f. *Chair.* The chair will be elected by majority vote of the Committee at its first meeting each year. In the case of a tie vote, the ASEC chair will cast the deciding vote.
 - g. *Vacancies.* Vacancies will be filled by appointment by ASEC from a list of nominees supplied by the Nominating Committee. The appointed Committee member will serve until the next regular election for that seat.
 - h. *Recall.* The Assembly may consider recalling a member of the Professional Development and Recognition Committee on recommendation of a majority of the committee members. If there is a tie vote, the Academic Staff Executive Committee may appoint one or more members of the Assembly to consult with the Professional Development and Recognition Committee and report back to the ASEC. If a recommendation to recall a committee member is made by committee vote or after a recommendation from a consultant(s), the recall will require a majority vote by the Assembly. If a member of the Professional Development and Recognition Committee is recalled, the procedures in 14.12.B.7.g. shall be followed to select a replacement.
8. Other Committees.
- a. Area Review Committees. See ASPP 2.07.B.
 - b. Academic Staff Appeals Committee. See ASPP 9.02.
 - c. Distinguished Prefix Review Committee. See UW-Madison Unclassified Title Guideline, Distinguished Prefix Review Committee Policies and Procedures, Academic Staff Document 473.

14.13. Committees of the Faculty with Academic Staff Representation

The term "committees of the faculty" as used in this section applies only to committees designated as Chapter 6 committees in *Faculty Policies and Procedures*. Unless otherwise specified, the Academic Staff Executive Committee shall appoint members of the academic staff to faculty committees and designate their terms of office. Members of the academic staff appointed or elected to committees of the faculty are expected to represent the interests of the academic staff as participants in the shared governance of the university. If the Academic Staff Executive Committee determines that an appointed or elected academic staff member is not representing the interests of the academic staff or is not attending committee meetings, the Academic Staff Executive Committee may submit a recall resolution to the Academic Staff Assembly. If a recall resolution is approved by the Academic Staff Assembly, the academic staff member shall be removed from the committee and another member of the academic staff shall be appointed or elected in accord with the provisions of this chapter. Notwithstanding the faculty committee membership and function described in this section, whenever a conflict with *Faculty Policies and Procedures* exists, *Faculty Policies and Procedures* shall rule. Joint governance committees are listed in 14.14.

A. Academic Affairs of Minority/Disadvantaged Students, Committee On

1. *Membership*. The Committee on Academic Affairs of Minority/Disadvantaged Students shall consist of the following members:
 - a. Six faculty members, including persons of minority/disadvantaged backgrounds, appointed for terms of four years.
 - b. Two academic staff members having familiarity with minority/disadvantaged programs.
 - c. Three students.
2. *Functions*.
 - a. Reviews and makes recommendations regarding University policy and programs affecting educational opportunities for minority/disadvantaged students.
 - b. Monitors academic progress of minority/disadvantaged students and the programs and services designed for them.
 - c. Makes annual reports to the faculty and to the chancellor concerning the recruitment, admission, retention, progress, and graduation of undergraduate, professional, and graduate minority/disadvantaged students.

B. Archives Committee.

1. *Membership.* The Archives Committee consists of the following members:
 - a. Three faculty members.
 - b. One academic staff member.
 - c. Chair of the Library Committee.
 - d. Director of the University General Library System.
 - e. Director of the State Historical Society.
 - f. University archivist, ex officio nonvoting.
 - g. Secretary of the Faculty, ex officio nonvoting.
 - h. Provost, ex officio nonvoting.
 - i. Secretary of the Academic Staff, ex officio nonvoting.
2. *Functions.* Determines the policies governing the control and use of the University Archives.

C. Athletic Board.

1. *Membership.* The Athletic Board consists of the following members:
 - a. Twelve members of the university faculty, as defined in 1.02.A of Faculty Policies and Procedures, who shall have one vote each and shall be appointed by the University Committee after consultation with and approval of the chancellor.
 - b. Two members of the academic staff, who shall have one vote each and shall be appointed by the Academic Staff Executive Committee after consultation with and approval of the chancellor.
 - c. Four alumni each with one vote who shall be appointed by the Wisconsin Alumni Association after consultation with the chancellor and the Chair of the Athletic Board.

- d. Three student memberships with one vote each. Two shall be held by students selected by the organization representing UW-Madison students; one shall be shared by two students elected by the organization representing UW-Madison student athletes. Of the two student athletes, one shall be a member of a women's team and one a member of a men's team.
 - e. One nonvoting representative of the Division of Recreational Sports.
2. *Tenure of Appointments.*
- a. The academic staff and faculty members shall serve four-year terms, and may be reappointed for one additional four-year term. Faculty representatives to the NCAA, the Big Ten and Western Collegiate Hockey Association and other faculty members of the Athletic Board performing extraordinary responsibilities may be appointed on an annual basis beyond two four-year terms. The terms of faculty members shall be staggered. A faculty or academic staff member who takes a leave of one year or less during a four-year term may serve out the remainder of his or her term, if any, upon returning to university service. Temporary replacements of faculty members shall be appointed by the University Committee in consultation with and approval of the chancellor. Temporary replacements of the academic staff member shall be appointed by the Academic Staff Executive Committee in consultation with and approval of the chancellor.
 - b. Alumni members shall serve four-year terms and may not be reappointed. Their appointments shall be staggered.
 - c. Student members shall serve one-year terms and may be reappointed.
3. *Selection of the Chair of the Board and of Faculty Representatives to Intercollegiate Athletic Organizations.* The chair of the Athletic Board and the University's faculty representatives to the NCAA, the Big Ten and the Western Collegiate Hockey Association shall be faculty members of the Board and shall be selected by the chancellor in consultation with the University Committee.
4. *Functions.* The Athletic Board exercises the authority of the faculty over intercollegiate athletics, subject to the review, direction and control of the Faculty Senate and of the faculty itself. The Athletic Board has the responsibility and authority to take all action appropriate to the supervision of the intercollegiate athletic program, including but not limited to the following:
- a. establishing and implementing academic and other eligibility standards for recruitment of student athletes;

- b. establishing and implementing academic standards, such as grade point and class attendance, and other requirements for participation in intercollegiate athletics;
- c. overseeing the Athletic Department's systems for providing student athletes with academic services, and monitoring the academic progress of student athletes;
- d. establishing and implementing policies on equity and nondiscrimination;
- e. reviewing and approving schedules for athletic events, including participation in all post-season events;
- f. participating actively in the search-and-screen process for head coaches and senior departmental administrators; approving the employment contracts of such persons. The Board initiates personnel recommendations, which are subject to the approval of the chancellor and the Board of Regents; if such recommendations are disapproved, the authority to make further recommendations reverts to the Athletic Board;
- g. setting criteria to be applied in evaluating the performance of Athletic Department staff; reviewing and approving the evaluations of head coaches and senior departmental administrators and approving their contract renewals;
- h. approving awards and prizes;
- i. setting policy for and approval of uses of Athletic Department facilities;
- j. participating actively in the development of fiscally responsible departmental budgets and approving them for recommendation to the chancellor;
- k. approving prices and policies for tickets for Athletic Department events;
- l. monitoring compliance with all rules and regulations of the NCAA, Big Ten and WCHA; reviewing and approving petitions to the NCAA, Big Ten, and WCHA; taking appropriate action on proposed legislation by the NCAA, Big Ten and WCHA; certifying to the NCAA, Big Ten and WCHA compliance with their eligibility requirements.

D. Campus Planning Committee

1. *Membership.* The Campus Planning Committee shall consist of the following members:

- a. Four faculty members, one from each faculty division, appointed for terms of four years. Two members shall be appointed in each odd-numbered year.
 - b. Two faculty members, appointed by the University Committee for four-year terms, who shall also serve on the University Academic Planning Council.
 - c. One faculty member to represent environmental concerns, appointed by the University Committee with confirmation by the Senate, to serve for a four-year term.
 - d. One faculty member, appointed by the Arboretum Committee from among its current membership.
 - e. The chancellor or designee of the chancellor, who shall chair the committee.
 - f. Three deans appointed by the chancellor.
 - g. One academic staff member.
 - h. One student.
 - i. One nonvoting member representing each of the following committees. The member shall be selected by each committee from among its current or recent past membership:
 - i. Campus Transportation Committee
 - ii. Information Technology Committee
 - iii. Library Committee
 - iv. Recreational Sports Board
 - v. Committee on Women in the University
 - vi. The Assistant Vice Chancellor for Facilities Planning and Management, ex officio, and a representative of the space and remodeling policies committee, both nonvoting.
2. *Functions.* The committee shall advise the chancellor on long-range development plans, building priorities site selection, and aesthetic criteria, regarding facilities for research, instruction, recreation, parking and transportation, and other university functions.

3. *Procedures.* The procedures followed by the committee shall include the following: If the committee is considering a site for new construction or significant change in use of an existing facility, all departments and programs located in close proximity to the site or facility shall be informed of this consideration in a timely fashion so that there will be a reasonable opportunity to address the committee.

E. Campus Transportation Committee

1. *Membership.* The Campus Transportation Committee shall consist of the following members:
 - a. Three faculty members appointed for terms of three years.
 - b. Three academic staff members.
 - c. One student.
 - d. One member appointed annually by the chancellor to represent the administration.
 - e. Two members appointed annually by the chancellor to represent the classified civil service.
 - f. Two nonvoting members, appointed annually by the chancellor to represent, respectively, the Transportation Services Office and the Department of Facilities Planning and Management.
2. *Functions.*
 - a. Provides advice and recommendations to the administration and all governance bodies on policies and budgetary matters, including rates, relating to all aspects of pedestrian and motorized and non-motorized vehicular transportation and parking on the campus.
 - b. Interprets policies related to transportation and parking adopted by governance bodies.
 - c. Ensures appropriate consultation of governance bodies regarding proposed changes in any policies.
 - d. Initiates and recommends projects for addressing campus transportation needs including projects to enhance pedestrian, bicycle, bus, and automobile access to the campus. Such recommendations are to be considered in detail by the Department of Facilities Planning and Management, or other appropriate divisions of the University, and the Campus Planning Committee.

- e. Provides representation on all building committees for projects that include or affect transportation facilities.
- f. Creates subcommittees to address issues related to particular aspects of the campus transportation system.

Implementation Note: The current Bicycle-Pedestrian Subcommittee of the Campus Planning Committee should become a subcommittee of the Campus Transportation Committee and be chaired by a member of the Campus Transportation Committee.

F. Equity and Diversity Resource Center, Advisory Committee for the

1. *Membership.* The Advisory Committee for the Equity and Diversity Resource Center shall consist of the following members:
 - a. Seven faculty members appointed for terms of four years.
 - b. Three academic staff members.
 - c. Two students.
 - d. One classified staff member.
2. *Functions.*
 - a. Works with the Director of the Equity and Diversity Resource Center, providing consultation and oversight and advises the university administration and governance organizations on policy issues related to affirmative action and compliance.
 - b. Reviews periodically the discrimination and harassment complaint procedures for effectiveness and appropriateness.
 - c. Reviews the functions of the Equity and Diversity Resource Center in carrying out the Center's mission.
 - d. Reviews campus committees pursuing discrimination goals regarding missions and coordination.
 - e. Reports annually in June to the Academic Staff Assembly and chancellor as well as to the Faculty Senate.

G. Information Technology Committee

1. *Membership.* The Information Technology Committee shall consist of the following members:
 - a. Eight faculty members, two from each faculty division, appointed for terms of four years.
 - b. Three academic staff members. No member of the Division of Information Technology staff may serve as a voting member of the committee.
 - c. Three students, at least one of whom shall be an undergraduate student and at least one a graduate student, to serve one-year terms.
 - d. Director of the Division of Information Technology, ex officio nonvoting.
 - e. Director of the University General Library System, ex officio nonvoting.
 - f. One nonvoting member from the Office of the Vice Chancellor for Administration, one nonvoting member from the Office of Business Services, and one nonvoting member representing the provost. These members shall be appointed by the provost.
2. *Functions.* The Information Technology Committee is the faculty advisory body for policy and planning for information technology throughout the University. In performing its functions, it shall consult with such groups and individuals as it feels may be able to provide valuable advice. It may request such reports on budgets, personnel policies, and other topics as are necessary for it to make informed judgments and recommendations. It shall establish such subcommittees as are necessary to carry out its functions.
 - a. Reviews and makes recommendations on strategic planning for the University's information technology resources.
 - b. Reviews the performance of information technology facilities and services in supporting and assisting scholarly activities.
 - c. Receives reports from and provides general direction to committees formed to address specific information technology issues including the Committees on Distance Education and Video Strategic Planning.
 - d. Monitors technical developments.

- e. Consults with and advises appropriate administrative officers on budget matters including charges and funding sources for information technology services.
- f. Receives recommendations from departments, deans, and the Division of Information Technology regarding the establishment, abolition or merger of information technology services and facilities supported by University funds, and makes recommendations regarding these actions to the appropriate administrative officers.
- g. Gives advice on the allocation of resources among major information technology services and facilities.

H. Lectures Committee.

1. *Membership.* The Lectures Committee shall consist of the following members:

- a. Four faculty members, one appointed by each divisional executive committee for a term of four years.
- b. One academic staff member.
- c. One student.
- d. One academic dean, appointed by the provost.

2. *Functions.*

- a. Considers requests for lectures of general interest that are not primarily supplementary to or extensions of programs of instruction provided by colleges, schools, or departments. Application for lectures within the jurisdiction of the Committee may be made by departments or other groups of faculty members.
- b. Recommends annually to the chancellor a budget for its activities.
- c. Exercises such control over the announcement of lectures as it deems necessary and desirable.

I. Library Committee.

1. *Membership.* The Library Committee shall consist of the following members:

- a. Eight faculty members, two from each faculty division, to serve four-year terms; two of these shall be elected each year by the faculty at large.

- b. Two members of the academic staff. No member of the library staff may serve as a voting member of the committee.
 - c. Three students, at least one of whom shall be an undergraduate student and at least one a graduate student, to serve one-year terms.
 - d. Four nonvoting library staff members: the Director of the General Library System, ex officio; one other member of the chancellor's Library Coordinating Council, elected by the Council to serve a two-year term which shall rotate among its members; two academic or faculty library staff members, elected by academic and faculty library staff members to serve two-year terms; one of these shall be elected each year.
 - e. One nonvoting member from the Office of Budget, Planning, and Analysis and one nonvoting member representing the provost. These members shall be appointed by the provost.
2. *Functions.* The Library Committee is the faculty advisory body for policy and planning for libraries throughout the university including the General Library System. In performing its functions, it shall consult with such groups and individuals as it feels may be able to provide valuable advice. These groups may include but are not limited to the Library Coordinating Council, committees for Memorial Library and the branch libraries, and others concerned with libraries of record and special campus libraries. It may request such reports on library budgets, personnel policies, and other topics as are necessary for it to make informed judgments and recommendations. It shall establish such subcommittees as are necessary to carry out its functions.
- a. Reviews and makes recommendations on long range planning for the university's library resources.
 - b. Reviews the performance of the libraries in supporting and assisting scholarly activities.
 - c. Monitors technical developments (such as automation or computerization) for the libraries.
 - d. Consults with and advises appropriate administrative officers on library budget matters.
 - e. Receives recommendations from departments and deans regarding the establishment, abolition or merger of libraries supported by university funds, and makes recommendations to the chancellor.
 - f. Gives advice on the allocation of resources among major library units and services.

- g. Advises on the appointment of faculty members to search and screen committees for the senior administrative appointments in each major library unit.

J. Recreational Sports Board

1. *Membership.* The Recreational Sports Board shall consist of the following members:
 - a. Five faculty members.
 - b. Five academic staff members.
 - c. Five student members.
 - d. Director of the Division of Recreational Sports, ex officio nonvoting.
 - e. One nonvoting representative of the Division of Intercollegiate Athletics.

To avoid the appearance of conflicts of interest, voting membership on the Recreational Sports Board will not be open to faculty and academic staff members who are affiliated with units that are shared users of recreational facilities or that receive funding through student segregated fees.

2. *Functions.*
 - a. Advises the administration concerning the development, programming, staffing, maintenance, and financing of recreational sports facilities for faculty, staff, and students.
 - b. Initiates actions in matters of budget and personnel for the chancellor.
 - c. When issues related to academic matters develop, decisions shall be restricted to a subcommittee consisting of the faculty members of the committee. Disputes about identifying issues as academic shall be resolved by the University Committee.

K. School and College Academic Planning Councils

The faculty of each school or college shall establish an Academic Planning Council with which the dean shall consult on school or college programs and budgetary planning. The Council shall advise the dean on such matters and present departmental, school, or college views and opinions.

1. *Membership.* Since considerable variance exists in the size and method of administration of each school or college, the size of each council, the term of membership, and the selection process may vary. Each school or college shall, however, adhere to the following provisions:
 - a. The dean shall be a member ex-officio.
 - b. All elected and appointed members of each Academic Planning Council shall be faculty or academic staff whose primary responsibilities are instruction, outreach/extension, and/or research or be academic associate deans.
 - c. Except as provided elsewhere for the Graduate School Academic Planning Council, at least two-thirds of the membership shall be University faculty elected by the school or college faculty and shall hold no substantial administrative appointment beyond the departmental level.
 - d. At least one member shall be academic staff elected by the school or college academic staff.
 - e. The process of selection should foster representation of the major divisions of study within a school or college.

Changes in procedures for nomination or election of faculty members shall be approved by the school or college faculty, and transmitted to the University Committee. Procedures for nomination and election of academic staff members shall be transmitted to the Academic Staff Executive Committee. If requested, the Academic Staff Executive Committee shall assist schools and colleges to develop nomination and election procedures that recognize the special characteristics of each unit.

2. *Procedures.* Except as provided elsewhere for the Graduate School Academic Planning Council,
 - a. Each Council shall be chaired by the dean or his/her designee. At least three times per semester, the council shall meet and the dean shall consult with it on such matters as program review and future development or contraction of academic programs within the school or college. The dean shall schedule an Academic Planning Council meeting within a reasonable time if requested to do so by at least one third of Council faculty members.
 - b. Each dean shall consult with the Academic Planning Council and the Academic Planning Council shall advise the dean in developing strategic plans and long-range planning for the school or college. In addition, the Council may consider any other factors relevant to the capacity of the school or college to fulfill its mission.

- i. Each school and college council shall adopt rules governing advance circulation of Council agendas, how items may be added to agendas by a Council member, how appropriate summaries of Council meetings shall be made available to the faculty of the school or college and how the faculty of the school or college shall be notified of the Council membership. These rules and any subsequent modifications shall be filed with the University Committee.
 - ii. At intervals which shall not exceed five years, the elected faculty members of each Council shall review its structure and functions to assess its effectiveness as a faculty voice and its compliance with Faculty Policies and Procedures 3.08. The self study report shall be submitted to the dean, the faculty of the school or college, and to the University Committee.
- c. Each dean shall consult with the Academic Planning Council and the Academic Planning Council shall advise the dean on program decisions likely to affect promotions to tenure or nonrenewal of probationary faculty appointments. When advising the dean the Council shall give appropriate weight to:
- i. the anticipated responsibilities of the department and of the school or college for teaching, research, and public service of high quality;
 - ii. existing and potential budgetary commitments in relation to present and anticipated resources of the school or college;
 - iii. the effect of the proposed program decision in strengthening the capacity of the school or college to carry out its mission;
 - iv. the goals of the University's affirmative action programs.
- d. Academic Planning Councils shall afford the affected departments an opportunity to present their position during the course of the discussions.

L. Search and Screen Committees

1. *Membership.* When a vacancy occurs or is anticipated in the position of academic vice chancellor/provost or college/school dean, a search and screen committee shall be appointed by the chancellor and shall consist of:
 - a. A faculty majority, as defined in Faculty Policies and Procedures 6.01.C, appointed after consultation with the University Committee.
 - b. Administrators, academic staff, and students.
 - c. A chair designated by the chancellor from among the faculty majority.

2. *Functions.* It is the function of the committee to determine and supply to the chancellor an unranked list of acceptable candidates for the vacant position. It is not necessary that the committee ascertain whether each candidate on the list would accept the position if it were offered. The committee shall also report to the chancellor and the University Committee on the manner in which it conducted its deliberations.
3. *Further Actions.* If none of the slate of candidates recommended is acceptable to the chancellor and the Board of Regents, or if all acceptable candidates decline, the Committee may be requested to submit a new list of acceptable candidates, or a new search and screen committee may be appointed. [Procedures for the selection of the chancellor conform to Regent policy.]

M. Student Policies and Non-Academic Program Committee

1. *Membership.* The Student Policies and Non-Academic Program Committee shall consist of the following members:
 - a. Four faculty members appointed for terms of three years,
 - b. Four students,
 - c. Two academic staff members,
 - d. The Dean of Students, ex officio nonvoting,
 - e. A nonvoting representative of the administration appointed by the provost.
2. *Functions.* The Student Policies and Non-Academic Program Committee advises the Dean of Student, the Faculty Senate, and the administration on aspects of student life not part of the formal instructional program of the University. The Committee:
 - a. Recommends, encourages and evaluates programs and policies that support a positive learning environment and student learning outside the formal instructional program, in cooperation with the Undergraduate Education Committee.
 - b. Recommends, encourages and evaluates programs and policies regarding the student social environment including issues of conduct, health and safety, harassment, and substance abuse.

- c. Studies and makes recommendations regarding student academic and nonacademic misconduct and related policies, rules, and procedures. The Committee does not hear or consider whether an existing policy or rule ought to be applied in any individual case.
- d. Advises the Dean of Students on organization and priorities for programs under her/his direction.

N. Undergraduate Recruitment, Admissions and Financial Aid, Committee On

1. *Membership.* The Committee on Undergraduate Recruitment, Admissions, and Financial Aid shall consist of the following members:

- a. Eight faculty members.
- b. Two academic staff members.
- c. Four students.
- d. The Director of Admissions, ex officio nonvoting.
- e. The Director of Student Financial Services, ex officio nonvoting.

2. *Functions.*

- a. Represents the faculty in regard to all aspects of the recruitment and admission of students and in regard to all aspects of financial aid for students except those handled by the faculties of individual colleges, schools, or departments. Makes recommendations to the faculty concerning the formulation of, or any substantive modification in, University policies on admission and financial aid.
- b. Makes recommendations to the faculty and administration concerning programs directed at enhancing the quality and diversity of the undergraduate student body.
- c. Advises the administration on and reviews the implementation and operation of these policies and programs.

O. University Academic Planning Council

1. *Membership.* The University Academic Planning Council shall consist of the following members:

- a. The chancellor.

- b. The provost, who shall chair the council.
- c. The dean of the Graduate School.
- d. One administrative member selected by the provost.
- e. One faculty member appointed by the University Committee with the approval of the Senate, who will chair the Budget Planning and Analysis Joint Subcommittee.
- f. One member selected by the University Committee from among its current members.
- g. One member selected by the Academic Staff Executive Committee from among its current members.
- h. Four faculty members, one from each faculty division, selected by the Divisional Executive Committee from departmental nominees after consultation with the Committee on Committees.
- i. For each division making an appointment, the executive committee of each department with membership in that division may nominate one faculty member or second the nomination of a faculty member nominated by another department.
- j. Two faculty members selected by the University Committee from school and college nominees in even numbered years. For each vacancy to be filled by the University Committee, the academic planning council of each school or college may nominate one faculty member or second the nomination of a faculty member nominated by another school or college.
- k. Two faculty members selected by the University Committee from school and college nominees in odd numbered years to serve jointly on the University Academic Planning Council and the Campus Planning Committee. For each vacancy to be filled by the University Committee, the academic planning council of each school or college may nominate one faculty member or second the nomination of a faculty member nominated by another school or college.
- l. One student member, nonvoting.
- m. The faculty members selected under 14.13.O.1.h., i., and j. above shall serve four-year terms, which shall be staggered.

2. *Functions.*
 - a. Advises the chancellor and provost on major program decisions, long term academic plans, and associated campus development and budgetary policies.
 - b. Addresses university academic issues and provides for faculty participation in long-range planning, and as such
 - i. Oversees the long-range planning process for the academic programs of the university.
 - ii. Reviews progress on and initiates selective updates of the recommendations of major planning exercises and documents.
 - iii. Identifies and initiates studies of academic issues crossing school and college lines.
 - c. Assures that appropriate review and consideration is given to requests for new programs; the implementation of proposals for new majors, degrees, departments, schools, or colleges; recommendations concerning the establishment or discontinuation of departments; and academic program evaluation. As part of this function it
 - i. Assumes responsibility for review and approval of programs as required by statute.
 - ii. Oversees and updates program review procedures, procedures for the evaluation and approval of new program proposals, and the university's overall assessment strategy.
 - iii. Assigns the responsibility for reviews of existing programs and new program proposals to the appropriate school, college, or divisional academic planning council.
 - d. Advises the Campus Planning Committee on the impact of academic priorities on the campus physical development plans.
3. *Structure.* The council shall, within six months of its establishment in accord with Section 1, inform the University Committee and Senate of the structure and mechanisms it has established to provide for the functions specified in Section 2. The council may create subcommittees as needed. Subcommittees must have a faculty majority and may include members who are not members of the Council. The University Committee and Senate shall be informed of any changes in the structure of the Council or the mechanisms it establishes.

4. *Budget Planning and Analysis Joint Subcommittee.* The Budget Planning and Analysis Joint Subcommittee is a joint subcommittee of the University Academic Planning Committee and the University Committee.
 - a. *Membership.* The Budget Planning and Analysis Joint Subcommittee shall consist of
 - i. The subcommittee chair, appointed in accord with 14.13.O.1.e.
 - ii. One faculty member appointed by the University Academic Planning Council from among its members under 14.13.O.1.h. and i.
 - iii. The Academic Staff Executive Committee member of the University Academic Planning Council under 14.13.O.1.g.
 - iv. One faculty member appointed by and from the Commission on Faculty Compensation and Economic Benefits.
 - v. The administrative member of the University Academic Planning Council appointed by the provost under 14.13.O.1.d.
 - vi. The vice chancellor for administration, ex officio nonvoting.
 - vii. A member of the University Committee as in 14.13.O.1.f.
 - b. *Functions.*
 - i. Advises the chancellor, the provost and the University Academic Planning Council on issues of budgetary impact.
 - ii. Advises the University Committee on issues of budgetary impact and the public position to be taken by the faculty on budgetary issues.
 - iii. Advises relevant college and divisional committees on budgetary issues related to academic planning.
 - iv. Advises the chancellor, the provost and the vice chancellor for administration on issues related to budget planning and analysis including
 - A. the objectives and procedures of studies and analyses carried out by the Office of Budget, Planning and Analysis including the cost analyses for proposed new programs and other initiatives
 - B. the manner in which studies and analyses are reported to the faculty
 - C. the impact of budget proposals on academic programs.

P. Women in the University, Committee On

1. *Membership.* The Committee on Women in the University consists of the following members:
 - a. Nine faculty members appointed for terms of three years.
 - b. Six academic staff members.
 - c. The Associate Vice Chancellor responsible for women's issues and the Director of the Equity and Diversity Resource Center, ex officio, nonvoting.
2. *Functions.*
 - a. Evaluates and monitors the status of women faculty and academic staff at the University.
 - b. Recommends to the University Committee and Academic Staff Executive Committee for consideration and action proposals related to priorities, programs and policies directed toward improving the status of women at UW-Madison.
 - c. Makes suggestions to administrative officers about implementing priorities and policies designed to address issues of gender equity.

14.14. Joint Governance Committees

The term "joint governance committee" as used in this section applies to a committee established in conjunction with faculty or student government to address issues of common concern; or a committee that has academic staff representation and is established for the purpose of making recommendations to the chancellor, provost, or designees concerning the governance of the institution. Unless otherwise specified, the Academic Staff Executive Committee shall appoint members of the academic staff to joint governance committees and designate their terms of office. Members of the academic staff appointed or elected to joint governance committees are expected to represent the interests of the academic staff as participants in the shared governance of the university. If the Academic Staff Executive Committee determines that an appointed or elected academic staff member is not representing the interests of the academic staff or is not attending committee meetings, the Academic Staff Executive Committee may submit a recall resolution to the Academic Staff Assembly. If a recall resolution is approved by the Academic Staff Assembly, the academic staff member shall be removed from the committee and another member of the academic staff shall be appointed or elected in accord with the provisions of this chapter. Committees of the faculty are listed in 14.13.

A. Fraternities and Sororities, Commission On

1. *Membership.* Three faculty members, four academic staff members, and two students, one from off campus.
2. *Functions.* Oversee the relationship between the University and the Interfraternity Council, the Panhellenic Association, the Black Panhellenic Association, and their member organizations.

B. Gay, Lesbian and Bisexual Issues Committee

1. *Membership.* Five faculty members appointed by the University Committee, two academic staff members appointed by the Academic Staff Executive Committee, and two students appointed by the student governance system. In addition a representative from the Gay, Lesbian and Bisexual Issues Committee, which is advisory to the Dean of Students, attends meetings as a consultant.
2. *Functions.* Foster relevant teaching and research, facilitate interdisciplinary and interdepartmental communication, convene scholarly conferences, consider discrimination and career advancement concerns, and act as a resource on matters such as recognition and benefits for employee's domestic partners.

C. Health Care, Committee On

1. *Membership.* Faculty, academic staff and students.
2. *Functions.* Advises the Director of the University Health Service regarding its services, programs and annual budget.

D. Memorial Library Committee

1. *Membership.*
 - a. Six faculty members, three each from the humanities and social sciences and no more than one from any department, appointed to staggered three-year terms by the chancellor. Nominations are to be obtained from all deans of colleges and schools having faculty members in the humanities or social sciences. The dean's nominations shall be made in consultation with their academic planning councils. The chancellor's selections shall reflect the patterns of library use and shall be reviewed with the University Committee.
 - b. One faculty member appointed for a one-year renewable term by the chancellor with appropriate regard to divisional representation.

- c. Two academic staff members appointed by the chancellor for one-year renewable terms after consultation with the Academic Staff Executive Committee.
- d. One faculty member from the University Library Committee selected by the University Library Committee to serve for a one-year renewable term as liaison.
- e. Two students, one graduate and one undergraduate, appointed to one-year renewable terms.
- f. Five non-voting members from the Memorial Library staff: the director, and representatives for collection development, circulation, reference, and rare books.

2. *Functions.*

- a. Reviews and advises the Memorial Library Administration on policies related to collection development, collection evaluation, and bibliographic activities, especially in the humanities, social sciences, and general reference.
- b. Advise the Memorial Library Administration on other major policy issues concerning, inter alia, staffing levels, and budget, automation, and user regulations. Significant gift collections, special fund-raising efforts, major building and space remodeling projects, and major appointments are some of the items upon which the Committee should be consulted.
- c. Responds to the concerns of faculty, staff and students who use the Memorial Library.
- d. Receives regular reports on Memorial Library operations.

E. Merit Awards Committee

1. *Membership.* Academic staff, classified staff and faculty.

2. *Functions.*

- a. Promote participation in the suggestion program among university employees by encouraging employees to submit suggestions and providing emphatic recognition of them.
- b. Investigate and evaluate each suggestion referred to them.
- c. Enlist the services of employees who have the expertise to judge impartially and evaluate a suggestion accurately.

F. Outside Activities, Institutional Advisory Committee On

1. *Membership.* The committee consists of twelve members appointed by the vice chancellor from names submitted by the University Committee and the Academic Staff Executive Committee. In selecting members of the committee, the value of having different perspectives represented on the committee shall be taken into account. A majority of those selected should be knowledgeable about, or have experience in, outside activities. Four members shall be selected each year to serve three-year terms.
2. *Functions.*
 - a. Provides to any member of the unclassified staff and to the administrative consultation and advice on the application of UWS Chapter 8.
 - b. Committee deliberations and actions upon requests for consultation or advice shall be in meetings not open to the public. Records obtained in connection with requests for consultation or advice shall be considered confidential university information.
 - c. Summaries of advice provided by the Committee, without disclosing the identities of persons requesting such advice, shall be made public in an annual report.
 - d. The Committee may form panels of at least three persons each. An order of rotation shall be established for the panels and requests for advice shall be assigned to the panels in sequence. When a request for advice is received the chairman shall decide whether the request should be heard by the full Committee or assigned to one of the panels.

G. Undergraduate Education, Committee On

1. *Membership.* Faculty, academic staff and students.
2. *Functions.* Encourage and support innovative teaching.

H. Union Council Committee

1. *Membership.*
 - a. One faculty member and one academic staff member appointed by the chancellor, one each year for two-year terms, limited to two successive terms.

- b. Two alumni members, one appointed by the chancellor for two-year term (limited to one term), the other appointed in alternate years by the Alumni Association.
 - c. Two Union staff members, ex officio.
 - d. Nine students (three ex officio - president and vice president of the Union Council and the president of ASM).
2. *Functions.* The Union Council is the governing board of The Wisconsin Union, responsible to the Board of Regents through the Chancellor of the University of Wisconsin-Madison. The Council determines the scope of Union programs through the approval of the free program goals and budgets. The Council sets overall building policies and provides guidance and counsel to the various operating departments.

I. University Bookstore Board of Trustees

- 1. *Membership.* Two faculty appointed by the chancellor after consultation with the University Committee; one member of the academic staff appointed by the chancellor after consultation with the Academic Staff Executive Committee; two alumni elected by Board after consultation with the Alumni Association; three students (one appointed by the chancellor, one appointed by the ASM, and one elected by Board members); the manager of the University Bookstore serves as ex officio.
- 2. *Functions.* The University Book Store Board of Trustees meets to manage the business of the University Book Store. The Board of Trustees ensures the Book Store is managed in a financially responsible manner and is fulfilling the duties, as written in the by-laws.

J. University Child Care Committee

- 1. *Membership.* Dean of Students representative; two classified staff members; associate vice chancellor for academic affairs, ex officio; two students (one in preschool education, School of Education; one in early childhood education, School of Human Ecology); three members of the academic staff; representative from the Teaching Assistants Association. (Note: Names are received from associate vice chancellor for academic affairs.)
- 2. *Functions.* Provides support and development of programs for childcare for students, staff and faculty.

CHAPTER 15

ACADEMIC FREEDOM

Members of the academic staff, when they are performing instructional and research duties, enjoy and exercise all rights of the principles of academic freedom, as they are generally understood in higher education in the United States. These principles include those granted by the constitution, law, administrative rules, policies or relevant practices and established custom. These rights are subject to a department's ordinary control over curriculum and a principal investigator's ordinary control over research direction and methodology, as individually applicable.