

Faculty Senate • http://www.uwrf.edu/faculty_senate/welcome.html
Senators: Chair – Wes Chapin, Vice Chair – Ogden Rogers, Secretary – John Heppen, Executive Committee – Glenn Potts, Brenda Boetel

Date: September 6, 2006

To: Faculty Senate and University Community

From: Wes Chapin, Faculty Senate Chair

Subject: Agenda for Faculty Senate Meeting September 6, 2006

The 2006-2007 Faculty Senate will meet on Wednesday September 6 2006 at 3:40pm in the Alumni Room of South Hall. Faculty Senators who cannot attend should arrange for a substitute and notify John Heppen at john.heppen@uwrf.edu

Agenda September 6, 2006

Call to Order

Seating of Substitutes Recognition of Invited Guests Approval of Minutes from August 21, 2006

Reports

Old Business

New Business

Proposal 1: Motion to affirm the 12 UWRF Strategic Planning Goals and confirm the strategic planning bodies (committees).

Proposal 2: Discussion of the Draft Resolution of the Several Faculties of the University of Wisconsin System; The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 2.02 and to create ch. UWS 7, relating to procedures for dismissal of faculty in special cases;(attached).

Adjournment

Minutes of the UWRF Faculty Senate for August 21, 2005

Vol. 31 No. 2

Members:

Representation	Term Expires 2007	Term Expires 2008	Term Expires 2009
		Laine Vignona**	
CAFES	Bob Baker	(Kerry Keen)	
	Wes Chapin	Patricia Berg	
CAS	Larry Harred**	John Heppen	Peter Johansson**

	Barbara Werner**		
COEPS		Ogden Rogers	Michael Miller
CBE			Glenn Potts
4th Division	Cara Rubis	Gregg Heinselman	Sarah Egerstrom
		Brenda Boetel (Jr)	Melissa Miller (Jr)
	Karl Peterson (Jr)	Dawn Hukai (Sr)	John Walker (Sr)
At Large	Nan Jordahl (Sr)		Terry Ferris (Sr)
	Charlie Hurt*		

* Chancellor's Designee

** Absent

() Substitute

Call to Order: W. Chapin called the meeting to order at 4:19 p.m.

Seating of Substitutes: Kerry Keen for Laine Vignona

Guests: Chancellor Don Betz, Vice-Chancellor Mary Halada,

Approval of Minutes: The meeting of the minutes from May 3, 2006 (Faculty Senate 2005-2006) and May 3, 2006 (Faculty Senate 2006-2007) were approved and corrected by general consent.

Chair's Report:

- Committee Appointments: 1. The FS EC worked throughout the summer to ID all the various Senate, Faculty/Administrative, and Other University wide committees. 2. The appointments were made with an effort to limit new appointments to one per person. 3. A challenge was identifying the appropriate membership, especially when divisional or college-affiliation was required. 4. Wes Chapin suggest that we think about the identity we wish to develop as faculty and whether or not requiring so many people on committees and mandating representation from so many areas is a net benefit. 5. The last agenda item is a symbolic resolution designed to encourage new faculty to participate and to stop the knee-jerk reaction whenever an issue arises to "form a new committee."

 Motions signed by the Chancellor, 05-06 Senate: #25 re: the 08-09 calendar, #26 approving the Veterinary Technology emphasis to the Animal Science major, #27 to change the Recruitment and Initial appointment policy, #28 to change the freshmen and transfer requirements. For the 06-07 Senate, the Chancellor signed motion #1 appointing Ian Williams as the GE chair.
- **Assessment:** 1. There is an assessment workshop on the 31st. Given our crucial role in assessment I encourage you to attend. 2. Communicate to colleagues that assessment is not disappearing.
- **Faculty Reps and BOR meetings**: The main development is the drafting of dismissal and suspension policies (UWS 7 & 11). The BOR will vote on these at

its October meeting and we are being asked to submit a resolution on this quickly. The FS EC will draft a recommendation and present it at our September 6 meeting.

• Strategic Planning: 1. The timeline is going to unfold very rapidly. 2. Role of the Senate: affirmation vote (8/21), goal setting meetings (8/23 and 24), update session (8/28), action plans sent to Senate committees and Senate by the end of October.

Vice-Chair's Report:

- Vice-Chair Rogers asked for volunteers for six open at-large positions on the termination committee and stressed that 12 nominations will be needed of tenured professors.
- Rogers reported that Senator, John Walker has submitted his resignation to the Faculty Senate and that nominations will be needed for his at-large position (Sr.). Senator Walker will serve until his replacement is seated.

Chancellor Betz welcomed the Faculty Senate and announced that Provost Hurt will be his permanent designee to the Faculty Senate. Chancellor Betz addressed the importance of the NCA visit and announced that John Taylor will serve as the liaison with NCA. Chancellor Betz also repeated the importance of Strategic Planning and that the Faculty Senator will take a vanguard role.

Provost Hurt addressed the Faculty Senate and announced his willingness to work with the Senate and finding compromise and working within the committee structure.

Vice-Provost Halada addressed the Faculty Senate and spoke about the biannual budget, the H&HP project, and a future visit from the Division of State Facilities.

Patricia Berg asked Chancellor Betz about the strategic planning workshops and Chancellor Betz reiterated the main points from his university address that morning.

Old Business: None

New Business:

Proposal 1 to appoint Karl Peterson as Faculty Senate Parliamentarian was moved by Bob Baker and seconded by Ogden Rogers. The motion passed unanimously.

Proposal 2 to affirm the Vision, Mission, and Values Statement was moved by Nan Jordahl and seconded by Karl Peterson. O. Rogers asked Chancellor Betz to address the motion and Chancellor Betz restated the importance of the statement for strategic planning. The motion passed unanimously.

Proposal 3 to approve the 2006-2007 Faculty Senate Committees was moved by Bob Baker and seconded by Ogden Rogers. Greg Heinselman made a comment about how

some titles and names have changed and Wes Chapin reported that all positions and titles were identified by the Faculty Handbook. Sarah Egerstrom repeated similar concerns. Dawn Hukai alerted the Senate to a misspelling. The motion passed unanimously.

Proposal 4 to affirm the Committee Charges to the 2006-2007 Faculty Senate Committees was moved by John Heppen and seconded by Glenn Potts. Nan Jordahl asked if these are replacing charges currently stated in the Faculty Handbook. Wes Chapin replied no and Ogden Rogers stated that these were consistent with the charges in the Faculty Handbook. Charlie Hurt stated that in the future changes to the committees and committee structure may happen in order to smooth-over the committee structure. The motion passed unanimously.

Proposal 5 to affirm the Governance Resolution was moved by Greg Heinselman and seconded by Bob Baker. Dawn Hukai asked about other levels of service. Wes Chapin, Charlie Hurt, and Ogden Roger stated that all types of service are valuable and important and this document does not diminish other types of service. The motion passed unanimously.

Adjournment: Bob Baker moved and Karl Peterson seconded to adjourn the meeting at 5:20pm. The motion passed.

Respectfully submitted

John Heppen Secretary of the UW-River Falls Faculty Senate

UWRF Strategic Planning Goals Developed at the August 23-24 Strategic Planning Workshop August 28, 2006

- 1. Assess programs, set and articulate priorities, and allocate resources accordingly.
- 2. Develop a marketing strategy to convey our programs, personnel, and achievements to the community and system.
- 3. Develop and use state-of-the-art technology.
- 4. Invest in facilities that support institutional needs and have a process to identify needs that involve faculty, staff, and students.
- 5. Conduct a successful comprehensive capital campaign.
- 6. Integrate internationalization and globalization into every dimension of the university.
- 7. Employ sustainability principles that become systemic to every facet of the university.
- 8. Strengthen the learning experience for all students with attention to the first-year experience.
- 9. Invest in ongoing faculty and staff development.
- 10. Articulate performance expectations and reward excellence.
- 11. Create a university center for research, scholarly and creative activity that serves students, faculty, and staff.
- 12. Sustain diversity as an institutional value.

The Senate hereby affirms the twelve strategic planning goals (attached), and confirms the bodies identified below with the following considerations:

- 1. Membership of these committees is defined as detailed below,
- 2. All members shall be voting members,
- 3. All action plans will be developed for each assigned goal by the designated committee with a target date of October 30 and then forwarded to the Senate,
- 4. Meeting dates and locations, agendas, and minutes will be made available to the public through appropriate communication vehicles including, but not limited to, Falcon Daily, and the Senate's website, and
- 5. Action of these bodies shall be restricted to strategic planning activities.

NOTES:

- 1. Faculty, as defined in the Handbook, include both faculty and academic staff. The two are separated for the purposes of identifying them by category for this purpose only.
- 2. The numbers in the table refer to the voting members over members for each category.

Committee	Goal	Current	Current	Current	Standing	Additional members	TOTAL SP
	Assignment	Faculty	Academic	students	Committee		Committee
			Staff		Members		Members
Academic	1	9/9	1/1	4/4	14/14	Recommend that the Chancellor appoints one	18/18
Program &						member of either Team A or B from the NCA/HLC	
Policy						Self-Study Task Forces, and appoints three	
Strategic						additional individuals at least one of whom is a non-	
Planning (SP)						teaching academic staff member.	
Committee						-	
External	2 and 5	8/8	3/6	2/2	13/16	Recommend that the Chancellor appoints the	17/17
Relations SP						Director of Purchasing.	
Committee						-	
Faculty	9 and 10	6/6	1/5	2/2	9/13	Recommend that the Chancellor appoints the	16/16
Welfare &						Director of Human Resources, a member of the	
Personnel						Faculty and Academic Staff Development Board,	
Policies SP						and a classified staff member from the Professional	
Committee						Development Committee.	

Instructional & Learning Technologies	3	7/7	1/5	2/2	10/14		14/14
SP Committee Instructional Improvement SP Committee	11	9/9	2/2	3/3	14/14	Recommend that the Chancellor appoints the Director of Grants and Research, and the Library Director (or her designee).	16/16
International Programs SP Committee	6	9/9	6/6	2/2	17/17		17/17
Recruitment, Admissions, & Retention SP Committee	8	5/5	2/3	3/3	10/11	Recommend that the Chancellor appoints a representative from Residential Life, a representative from the NCA/HLC Self-Study Student Learning and Effective Teaching Task Force, and the Library's Head of Reference and Instruction.	14/14
Campus Planning SP Committee	4					Faculty Senate appoints three faculty members. Chancellor appoints a classified staff representative, the Campus Planner, and an additional two members (recommendation to consider members of the Space Management Committee). Student Senate appoints one member.	8/8
Sustainable Development SP Committee	7					Faculty Senate appoints three faculty members. Chancellor appoints a classified staff representative, the Vice Chancellor for Administration and Finance, and an additional two members (recommendation to consider members of the Space Management Committee). Student Senate appoints one member.	8/8

Campus Planning SP Committee faculty appointments: 1. Charlie Rader 2. Jennifer Borup

3. To be filled on September 6 (Chair, Dale Braun – Chancellor's appointee)

Sustainable Development SP Committee faculty appointments:

- Kelly Cain
 Brian Copp
 Jim Madsen

(Chair, Mary Halada – Chancellor's appointee)

Draft Resolution of the Several Faculties of the University of Wisconsin System

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

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

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

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

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

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

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

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

Therefore, be it resolved that the faculty of the University of Wisconsin-River Falls joins with the Board of Regents of the University of Wisconsin System to endorse and approve the promulgation of rules in ch. UWS 7, Wisconsin Administrative Code, as proposed by the board at its June 9, 2006 meeting (a copy of the proposed board order follows), and including such non-material amendments as may result through the process under ch. 227, Wisconsin Statutes, (Administrative Procedure and Review).

[texts of UWS 7 and UWS 11]

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

[INTRODUCTORY CLAUSE]

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

[RULE SUMMARY]

- 1. Statute interpreted: Sections 36.09(1), 36.11(1) and 36.13(3), Stats.
- 2. Statutory authority: Sections 36.09(1), 36.11(1) and 36.13(3), Stats.
- 3. Explanation of agency authority: The Board of Regents of the University of Wisconsin System has the authority under Sections 36.09(1), 36.11(1) and 36.13(3), Stats., to issue rules for the dismissal of faculty and academic staff members.
- 4. Related statute or rule: Current Wis. Admin. Code chs. UWS 4 and UWS 11.
- 5. Plain language analysis: The purpose of the proposed rules is to add provisions to Board rules regarding dismissal of faculty and academic staff to deal specifically with circumstances in which faculty and academic staff members have engaged in serious criminal misconduct, a category of just cause under the rule. The proposed rules would define serious criminal misconduct, provide protection for constitutionallyprotected conduct, expression, or beliefs, and assure adequate due process in the dismissal proceedings.
- 6. Summary of, and comparison with, existing or proposed federal regulations: There is no existing or proposed federal regulation for summary and comparison.
- 7. Comparison with rules in adjacent states. There are no corresponding rules in adjacent rules for comparison.
- 8. Summary of factual data and analytical methodologies: There were no factual data or analytical methodologies used to develop the proposed rules.
- 9. Analysis and supporting documents used to determine effect on small business: The proposed rules affect only faculty and academic staff of the University of Wisconsin

System. They have no effect on small business.

- 10. Effect on small business: The proposed rules will have no effect on small business.
- 11. Fiscal estimate: The proposed rules will have no fiscal effect.
- 12. Agency contact person: Christopher L. Ashley, Senior System Legal Counsel, University of Wisconsin System Administration, 1808 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706. Telephone: (608) 262-3662. Email: cashley@uwsa.edu.
- 13. Place where comments are to be submitted and deadline for submission: Comments may be submitted to: Christopher L. Ashley, Senior System Legal Counsel, University of Wisconsin System Administration, 1808 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706. Email to cashley@uwsa.edu. The deadline for written comments to the Board is 4:30 p.m. on September 29, 2006.

[TEXT OF RULE]

SECTION 1. UWS 2.02 is amended to read:

UWS 2.02 Delegation. Rules and procedures developed pursuant to chs. UWS 3, 4, 5, 6, 7, and 8 by the faculty of each institution shall be forwarded by the chancellor to the president and by the president to the board for its approval prior to their taking effect. Such policies and procedures, unless disapproved or altered by the regents, shall be in force and effect as rules of the regents.

SECTION 2. UWS 7.01, 7.02, 7.03, 7.04, 7.05, 7.06 and 7.07 are created to read:

UWS 7.01 Declaration of policy. University faculty members are responsible for advancing the university's missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness and credibility are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the public trust in the university or the university's ability to fulfill its missions, or seriously impairs the faculty member's fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The board of regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.

UWS 7.02 Serious criminal misconduct. (1) In this chapter, "Serious Criminal Misconduct" means:

- (a) Being charged with, pleading guilty or no contest to, or being convicted of a felony, in state or federal court, that involves:
 - 1. Causing serious physical injury to another person;
 - 2. Creating a serious danger to the personal safety of another person;
 - 3. Sexual assault:
 - 4. Theft, fraud or embezzlement;
 - 5. Criminal damage to property; or
 - 6. Stalking or harassment; and that
- (b) Clearly poses a substantial risk to the safety of members of the university community or others; or
- (c) Seriously impairs:
 - 1. The public trust in the university;
 - The university's ability, or the ability of the charged faculty member's colleagues, to fulfill teaching, research or public service missions;
 - 3. The charged faculty member's fitness or ability to fulfill the duties of his or her position; or
 - 4. The opportunity of students to learn, do research, or engage in public service.
- (2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute Serious Criminal Misconduct.
- (3) Except as otherwise expressly provided, a faculty member who has engaged in behavior that constitutes Serious Criminal Misconduct shall be subject to the procedures set forth in ss. UWS 7.03-7.06.
- (4) Any act required or permitted by ss. UWS 7.03-7.06 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the Board of Regents under s. UWS 2.02.
- **UWS 7.03 Dismissal for cause.** (1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his or her term of appointment only by the board and only for just cause and only after due notice and hearing.
- (2) Just cause for dismissal includes, but is not limited to, Serious Criminal Misconduct, as defined in s. UWS 7.02.
- **UWS 7.04 Reporting responsibility**. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony, in state or federal court, shall immediately report that fact to the chancellor.

- **UWS 7.05 Expedited process**. (1) Whenever the chancellor of an institution within the university of Wisconsin system receives a report under s. UWS 7.04 or other credible information that a faculty member has engaged in Serious Criminal Misconduct, or where the chancellor has determined to impose a suspension without pay pending the final decision as to dismissal under s. UWS 7.06, the chancellor shall:
- (a) Within three working days of receipt of the report or information, inform the faculty member of its receipt and, after consultation with appropriate institutional governance representatives, appoint an investigator to investigate the report or information;
- (b) Upon appointing an investigator, afford the faculty member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within two working days of the determination, appoint a different investigator.
- (2) The investigation shall be completed and a report filed with the chancellor not later than ten working days following the time allowed for the faculty member to request an investigator's disqualification, or the naming of a different investigator, whichever is later.
- (3) Within three working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings.
- (a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within two working days of reaching the decision.
- (b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies.
- (c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 6, and implementing institutional policies, shall be followed.
- (4) If charges seeking dismissal are filed under par. (3)(a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under s. UWS 4.05-4.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.

- (5) Upon receipt of the findings and recommendation of the committee under par. (4), the chancellor shall, within three working days, prepare a written recommendation on the matter.
- (a) If the chancellor's recommendation is for dismissal, the recommendation shall be transmitted to the board of regents for review.
- (b) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member.
- (6) Upon receipt of the chancellor's recommendation, the full board shall review the record before the institutional hearing committee, and may offer an opportunity for filing exceptions to the recommendation, or for oral argument. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor's recommendation.
- (7) If a faculty member whose dismissal is sought under par. (3)(a) does not request a hearing, the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.
- (8) The burden of proving just cause in this chapter shall be clear and convincing evidence.
- (9) (a) The time limits set forth in this section may be enlarged if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.
- (b) Enlargements of time under this section may be granted by the chair of the faculty hearing body, subject to the approval of the chancellor.
- **UWS 7.06 Temporary suspension from duties.** (1) The chancellor, after consultation with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to his or her dismissal where:
- (a) The faculty member has been charged with a felony and the chancellor finds, in addition, that one or more of the elements of serious criminal misconduct listed in s. UWS 7.02(1) are present, and that there is a substantial likelihood that the faculty member has engaged in the conduct as alleged; or
- (b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or
- (c) The faculty member has been convicted of serious criminal misconduct.

- (2) Before imposing a suspension without pay, the chancellor shall evaluate the available information to determine whether the conditions specified in par. (1) are present. If the chancellor finds that the conditions in par. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within two working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.
- (3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:
- (a) If the chancellor later determines that the faculty member should not be terminated, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, or may order the payment of back pay, as appropriate;
- (b) If the board later determines that the faculty member should not be terminated, the board may order a lesser penalty and/or the payment of back pay.
- (4) If, after affording the faculty member the opportunity to be heard, the chancellor determines that the conditions in par. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

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

SECTION 3. UWS 11.01(1) is amended to read:

(1) A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. UWS 11.02 through 11.10 11.106 or for reasons of budget or program under ch. UWS 12.

SECTION 4. UWS 11.01(3) is created to read:

(3) Just cause for dismissal includes, but is not limited to, Serious Criminal Misconduct, as defined in s. UWS 11.102.

SECTION 5. UWS 11.101, 11.102, 11.103, 11.104, 11.105, and 11.106 are created to read:

UWS 11.101 Dismissal for cause in special cases – indefinite academic staff appointments. A member of the academic staff holding an indefinite appointment may be dismissed for Serious Criminal Misconduct, as defined in s. 11.102.

UWS 11.102 Serious criminal misconduct. (1) In this chapter, "Serious Criminal Misconduct" means:

- (a) Being charged with, pleading guilty or no contest to, or being convicted of a felony, in state or federal court, that involves:
 - 1. Causing serious physical injury to another person;
 - 2. Creating a serious danger to the personal safety of another person;
 - 3. Sexual assault;
 - 4. Theft, fraud or embezzlement;
 - 5. Criminal damage to property; or
 - 6. Stalking or harassment; and that
- (b) Clearly poses a substantial risk to the safety of members of the university community or others; or
- (c) Seriously impairs:
 - 1. The public trust in the university;
 - The university's ability, or the ability of the charged academic staff member's colleagues, to fulfill teaching, research or public service missions;
 - 3. The charged academic staff member's fitness or ability to fulfill the duties of his or her position; or
 - 4. The opportunity of students to learn, do research, or engage in public service.
- (2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute Serious Criminal Misconduct.
- (3) Except as otherwise expressly provided, an academic staff member who has engaged in behavior that constitutes Serious Criminal Misconduct shall be subject to the procedures set forth in ss. UWS 11.103 11.106.
- (4) Any act required or permitted by ss. UWS 11.103 11.106 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the Board of Regents under s. UWS 9.02.
- **UWS 11.103 Reporting responsibility**. Any academic staff member who is charged with, pleads guilty or no contest to, or is convicted of a felony, in state or federal court, shall immediately report that fact to the chancellor.
- **UWS 11.104 Expedited process**. (1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 11.103 or other credible information that an academic staff member has engaged in Serious Criminal Misconduct, or where the chancellor has determined to impose a suspension without pay pending the final decision as to dismissal under s. UWS 11.106, the chancellor shall:

- (a) Within three working days of receipt of the report or information, inform the academic staff member of its receipt and, after consultation with appropriate institutional governance representatives, appoint an investigator to investigate the report or information;
- (b) Upon appointing an investigator, afford the academic staff member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within two working days of the determination, appoint a different investigator.
- (2) The investigation shall be completed and a report filed with the chancellor not later than ten working days following the time allowed for the academic staff member to request an investigator's disqualification, or the naming of a different investigator, whichever is later.
- (3) Within three working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the academic staff member pursuant to ss. UWS 11.101- 11.106, to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 11.10, to seek an alternative disciplinary sanction, or to discontinue the proceedings.
- (a) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.101-11.106, the chancellor shall file charges within two working days of reaching the decision.
- (b) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 -11.10, the chancellor shall file charges and proceed in accordance with the provisions of those sections of this chapter and implementing institutional policies.
- (c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 13, and implementing institutional policies, shall be followed.
- (4) If charges seeking dismissal are filed under par. (3)(a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05-11.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.
- (5) Upon receipt of the findings and recommendation of the committee under par. (4), the chancellor shall, within three working days, prepare a written decision on the matter. In the decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the Board, upon request of the academic staff member, grants a review based on the record.

- (6) The burden of proving just cause in this section shall be clear and convincing evidence.
- (7) (a) The time limits set forth in this section may be enlarged if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.
- (b) Enlargements of time under this section may be granted by the chair of the academic staff hearing body, subject to the approval of the chancellor.
- **UWS 11.105 Temporary suspension from duties.** (1) The chancellor, after consultation with appropriate academic staff governance representatives, may suspend a academic staff member from duties without pay pending the final decision as to his or her dismissal where:
- (a) The academic staff member has been charged with a felony and the chancellor finds, in addition, that one or more of the elements of serious criminal misconduct listed in s. UWS 11.102(1) are present, and that there is a substantial likelihood that the academic staff member has engaged in the conduct as alleged; or
- (b) The academic staff member is unable to report for work due to incarceration, conditions of bail or similar cause; or
- (c) The academic staff member has been convicted of serious criminal misconduct.
- (2) Before imposing a suspension without pay, the chancellor shall evaluate the available information to determine whether the conditions specified in par. (1) are present. If the chancellor finds that the conditions in par. (1) are present, he or she shall immediately notify the academic staff member, in writing, of the intent to impose a suspension without pay, and shall, within two working days, provide the academic staff member with an opportunity to be heard with regard to the matter. The academic staff member may be represented by counsel or another at this meeting.
- (3) (a) If, after affording the academic staff member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the academic staff member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:
- (b) If the chancellor later determines that the academic staff member should not be terminated, the chancellor may discontinue the proceedings, or may impose a lesser penalty, or may order the payment of back pay, as appropriate;
- (4) If, after affording the academic staff member the opportunity to be heard, the chancellor determines that the conditions in par. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.

UWS 11.106 Board Review. A member of the academic staff on indefinite appointment who has been dismissed for Serious Criminal Misconduct may appeal this action to the board as provided in s. UWS 11.10

SECTION 6. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.