

# UWEX FACULTY & ACADEMIC STAFF POLICIES AND PROCEDURES

## Chapter UWEX 8

### UNCLASSIFIED STAFF CODE OF ETHICS

- 8.01**     **Declaration of policy.** The University of Wisconsin-Extension affirms its adherence to the common standards expressed in Chapter UWS 8, "Unclassified Staff Code of Ethics," adopted by the Board of Regents, University of Wisconsin System:
- (1) Every member of the unclassified staff at the time of appointment in UW-Extension makes a personal commitment to professional honesty and integrity, to seek knowledge and to share that knowledge freely with others. Such a commitment is essential for UW-Extension to perform its proper function and to ensure continued confidence of the people of this state in UW-Extension and its personnel. It is a violation of this commitment for unclassified staff members of UW-Extension to seek financial gain for themselves, their immediate families, or organizations with which they are associated through activities that conflict with the interests of UW-Extension and the University of Wisconsin System.
  - (2) As a matter of policy, the code of ethics recognizes that:
    - (a) Members of the unclassified staff retain their rights as citizens to interests of a personal or economic nature.
    - (b) Members of the unclassified staff have personal and economic interests in the decisions and policies of national, state, and local government.
    - (c) The Code of Ethics must distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material.
  - (3) The purpose of the standards of conduct is to prohibit only those activities which will result in a conflict between the personal interests of an unclassified staff member and his or her responsibilities to UW-Extension and the University of Wisconsin System. It is not the purpose to prohibit an unclassified staff member from pursuing those teaching, research, and public service activities which will not result in such a conflict, nor to prohibit an unclassified staff member from accepting any compensation, fees, honoraria or reimbursement of expenses for activities that do not result in such a conflict.
- 8.02**     **Definitions.** In this Chapter, definitions as developed in Chapter UWS 8 will apply:
- (1) "Academic staff" means professional and administrative personnel other than faculty with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration.
  - (2) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include:

- (a) Any salary, expenses or other compensation received by a member of the unclassified staff from the University for his or her services;
  - (b) Any compensation, honoraria or expenses derived from outside activities permitted under this chapter;
  - (c) Political contributions which are reported under s. 11, Stats.; or
  - (d) Hospitality extended for a purpose unrelated to University business.
- (3) "Associated," when used with reference to an organization, means that a person or a member of a person's immediate family is a director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent of the outstanding equity.
  - (4) "Board" means the Board of Regents of the University of Wisconsin System.
  - (5) "Chancellor" means the chief executive officer of a university, the University of Wisconsin Colleges or the University of Wisconsin-Extension.
  - (6) "Confidential University information" means information relating to University financial operations or personnel which is obtained from University records or in the course of official University business and which is not available to the general public upon request.
  - (7) "Contracting personnel" means those persons who are designated in writing by the Chancellor of University of Wisconsin-Extension or the President of the System to negotiate, review, approve, or sign contracts for the purchase of goods and services on behalf of University of Wisconsin-Extension, the University System, or the Board of Regents. The term does not include persons who do either or both of the following:
    - (a) Contract only with outside agencies for research or for services to be performed by the University; or
    - (b) Negotiate, review, approve or sign only employment contracts.
  - (8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution.
  - (9) "Immediate family" means:
    - (a) An unclassified staff member's spouse; and
    - (b) Any person who receives, directly or indirectly, more than one half of his or her support from an unclassified staff member or from whom an unclassified staff member receives, directly or indirectly, more than one half of his or her support.
  - (10) "Institution" means any university or an organizational equivalent designated by the Board.
  - (11) "Limited appointees" means persons holding special appointments to administrative positions designated in s. 36.17, Stats., and Chapter UWS 15, and who serve at the pleasure of the Board or of the authorized official making the appointment.
  - (12) "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.
  - (13) "President" means the President of the University of Wisconsin System.

- (14) "Secretary" means the Secretary of the Board.
- (15) "Unclassified staff" or "staff members" means faculty, academic staff or limited appointees of the University of Wisconsin System who are not subject to subchapter III, s. 19, Stats.
- (16) "Vice President" means System administration officials with the title "Vice President" or other administrative officers with similar duties.

**8.03 Standards of Conduct.**

- (1) Personal gain from UW-Extension position. In a manner contrary to the interests of UW-Extension or the University of Wisconsin System, no member of the unclassified staff may:
  - (a) use or attempt to use his or her position or state property to gain or attempt to gain anything of substantial value for the private benefit of the unclassified staff member, his or her immediate family, or any organization with which the staff member is associated;
  - (b) solicit or accept from any person or organization anything of value pursuant to an express or implied understanding that his or her conduct of UW-Extension or University of Wisconsin System business would be influenced thereby; or
  - (c) intentionally use or disclose confidential University information in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person or organization with which the staff member is associated.
- (2) Contracting and leasing:
  - (a) No member of the UW-Extension unclassified staff, member of his or her immediate family, nor any organization with which the staff member is associated, may enter into any contract or lease involving payment of \$3,000 or more within a 12 month period, derived in whole or in part from University funds, if the staff member is in a position to approve or influence, in his or her official capacity, the University's decision to enter into the contract or lease.
  - (b) If the unclassified staff member is not in a position to approve or influence the University's decision, the staff member may enter into a contract or lease described in par. (a) if the staff member first makes written disclosure of the nature and extent of any relationship described in par. (a) to the dean, director, or other appropriate administrator and he or she approves. The dean, director or other appropriate administrator shall approve a staff member's interest in a lease or contract unless he or she determines that the staff member's personal interest in the agreement will conflict substantially and materially with the staff member's discharge of his or her UW-Extension responsibilities.
- (3) Nepotism:
  - (a) No member of the unclassified staff may participate, formally or informally, in the decision to hire, retain, grant tenure to, promote or determine the salary of a member of his or her immediate family.
  - (b) No member of the unclassified staff may, in the supervision or management of another unclassified staff member who is a member of

- his or her immediate family, give preferential or favored treatment.
- (4) Protection of research/evaluation participants:
    - (a) An unclassified staff member shall inform people engaged in research or evaluation under his or her supervision of any financial interest which the staff member has in the activity, including, but not limited to:
      - (i) Financial arrangements involved in the direct support of the activity;
      - (ii) Agreements made by the staff member to obtain data for the research or evaluation; or
      - (iii) Agreements concerning copyright or patent rights arising from the research or evaluation.
    - (b) All research or evaluation involving students or clientele under the supervision of UW-Extension unclassified staff shall be governed by the educational needs and benefits of the students or clientele.
  - (5) The Board, upon written request or by action within a reasonable time of receipt thereof, may waive any provision of this section whenever its literal application would be adverse to the best interests of the University of Wisconsin System or would cause an unreasonable hardship on a member of the unclassified staff.

#### **8.04 Outside activities and interests.**

- (1) Outside activities are those activities of an unclassified staff member that fall outside the staff member's regular UW-Extension duties and responsibilities, during any period of employment. Members of the unclassified staff are free to engage in outside activities, whether or not such activities are remunerative or related to staff members' fields of academic interest or specialization. However, no member of the unclassified staff may engage in an outside activity if it conflicts with his or her public responsibilities to UW-Extension or the University of Wisconsin System. Unclassified staff members should give serious consideration to the following in undertaking outside activities:
  - (a) Outside activities should not be of such a frequency, of such intensity, or at a period in time so as to interfere with the performance of departmental, UW-Extension, or University of Wisconsin System responsibilities. UW-Extension divisions may establish more specific guidelines or policies regarding frequency, intensity, period of time, and absence from regular duties. These are available from divisional offices.
  - (b) University facilities, equipment, supplies and personnel should not be used by unclassified staff for purposes other than carrying out their UW-Extension and University of Wisconsin System responsibilities, except as authorized by an appropriate administrator. UW-Extension divisions may have more specific guidelines regarding use of facilities for outside activities. These are available from divisional offices.
  - (c) Outside activities should not interfere with or compete with an existing UWEX program or service.
  - (d) Outside activities should not impede the development of a valid UW-Extension or University program or service.

- (e) Unclassified staff members should not receive or accept payment beyond their normal salaries if the activity is recognized as falling within their regular duties.

**8.045 Federal regulations governing Cooperative Extension personnel.**

- (1) Cooperative Extension personnel are subject to federal guidelines which may supersede or be more restrictive than these policies and procedures. Federal guidelines apply to service as an expert witness or consultant in judicial proceedings for which the individual may or may not have received a subpoena.
- (2) If an unclassified staff member proposes to engage in an outside activity subject to federal guidelines, he or she must provide advance notice to the dean, director, or other appropriate administrator.

**8.05 Action to avoid possible conflict.**

- (1) When it appears that a material conflict may arise between the personal interests of a staff member and his or her public responsibilities to the University, the staff member shall notify his or her dean, director, or other appropriate administrator by submitting a written statement describing the nature of the possible conflict.
- (2) Within 15 days after receipt of the statement, the dean, director or other appropriate administrator shall advise the staff member in writing that:
  - (a) There is no conflict prohibited by this Chapter and the staff member may proceed; or
  - (b) There may be a conflict and further consultation is necessary prior to reaching a determination; or
  - (c) There is a conflict which must be resolved in one of the following ways:
    - (i) The staff member shall not proceed with his or her University duties which result in the conflict, so long as the conflict remains; or
    - (ii) The staff member shall not proceed with his or her personal interests which result in the conflict, so long as the conflict remains.
    - (iii) If the staff member is advised that sub. (2)(c) (i) or (ii) applies to his or her case, the staff member, within 15 days after notice of the decision of the dean, director, or other appropriate administrator, may appeal the decision under Chapter UWS 6 or Chapter UWS 13.
    - (iv) Record of the request and administrative response shall be placed on file with the staff member's annual statement of outside interests. Upon approval of the dean, director, or other appropriate administrator, the nature of a business or organization may be sufficient for this record if disclosure of the name of the business or organization is deemed to be inappropriate.

**8.06 Reporting outside activities.**

- (1) The following outside activities must be reported to the individual's dean, director, or other appropriate administrator:

- (a) Associations with organizations related to the unclassified staff member's field of academic interest or specialization (see Chapter UWEX 8 for definition of "associated").
  - (b) Private remunerative relationships between unclassified staff members and non-governmental sponsors of University research in which the staff member is a principal investigator.
  - (c) Remunerative outside activities in an unclassified staff member's field of academic interest or specialization, including but not limited to consulting, and whether the staff member earns for such activities \$5,000 or more in a year from a single source.
- (2) Each unclassified staff member engaging in outside activities shall annually, on or before April 30, file a report of outside activities with his or her dean, director, or other appropriate administrator. These reports shall, unless otherwise privileged by law, be a matter of public record. One copy of this report shall be kept on file in the divisional office. Another copy of this report shall be placed in the unclassified staff member's official personnel file. Upon approval of the dean, director, or other appropriate administrator, a description of the nature of a business or organization may be sufficient for this record if disclosure of the name of the business or organization is deemed to be inappropriate.
  - (3) If, during the year, significant changes in a staff member's reportable outside activities occur, the staff member shall immediately inform, in writing, his or her dean, director, or other appropriate administrator. (See Chapter UWEX 8.)

**8.07 Sanctions.**

- (1) Any person may file a written complaint charging a violation of this chapter. The complaint shall state the name of the unclassified staff member alleged to have committed a violation and describe the violation.
- (2) Complaints against a UW-Extension unclassified staff member shall be submitted to the Chancellor.
  - (a) Where the complaint is against a UW-Extension faculty member, the Chancellor shall proceed under the policies and procedures described in Chapter UWEX 6.
  - (b) Where the complaint is against a UW-Extension academic staff member, the Chancellor shall proceed under the policies and procedures described in Chapter UWEX 13.
- (3) Complaints involving UW-Extension limited appointees shall be submitted to the official who made the appointment, and that official shall take appropriate action.
- (4) Notwithstanding the other provisions of this section, the President or Chancellor may investigate possible violations of this Chapter whenever the circumstances warrant and proceed in accordance with Chapter UWEX 8.

**8.08 UW-Extension Ethics Committee.**

- (1) Membership. The UW-Extension Ethics Committee shall consist of four members: Two members appointed from the membership of the UW-Extension University Committee, and two members appointed from the

- membership of the UW-Extension Academic Staff Council.
- (2) Appointment process. By October 1 of each year, the chairs of the UW-Extension University Committee and the UW-Extension Academic Staff Council shall inform the UW-Extension Secretary of the Faculty and Academic Staff of the Committee's and the Council's appointees to the UW-Extension Ethics Committee.
  - (3) Terms of office. Committee members shall serve two-year terms, appointed on a staggered-year basis, with a UW-Extension University Committee member and a UW-Extension Academic Staff Council member being newly appointed annually by their respective governance bodies. Terms of office shall begin on October 1 and end on September 30.
  - (4) Responsibilities. The Committee shall:
    - (a) In accordance with Chapter UWS 8, be prepared to provide any member of the unclassified staff with consultation and advice on the application of Chapter UWS 8.
    - (b) When called upon to do so, act to inform UW-Extension divisional administrators of the requirements of Chapter UWS 8.
    - (c) Prepare an annual report to be filed with the UW-Extension Secretary of the Faculty and Academic Staff by September 1. The annual report shall be presented to the UW-Extension University Committee and to the UW-Extension Academic Staff Council at their September meetings.
  - (5) Committee actions and records.
    - (a) Committee deliberations and actions upon requests for consultation or advice shall be in meetings not open to the public.
    - (b) Records obtained in connection with requests for consultation or advice shall be considered confidential University information and will be kept in the office of the Secretary of the Faculty and Academic Staff.
    - (c) Summaries of advice provided by the Ethics Committee, which do not disclose the identities of persons requesting such advice, shall be made public in the Committee's annual report.
  - (6) Committee chair. Annually, the Committee shall elect its chair. The election shall take place at the Committee's first meeting.

**Revised May 2004**

## UWEX ACADEMIC STAFF POLICIES AND PROCEDURES

### Chapter UWEX 9

#### DEFINITIONS

- 9.01 Governance.** Academic staff governance is established by s. 36.09(4m) Stats. and the UW-Extension Articles of Academic Staff Governance.
- 9.02 Coverage.** Pursuant to the rules of Chapters UWS 9 through UWS 13, Wisconsin Administrative Code, these policies and procedures apply to all academic staff appointments in UW-Extension.
- 9.03 UWEX.** UWEX means the institution designated as University of Wisconsin-Extension.
- 9.04 UWS.** UWS means the University of Wisconsin System.
- 9.05 Board of Regents or board.** Board of Regents or board means the Board of Regents of the University of Wisconsin System.
- 9.06 President.** President means the President of the University of Wisconsin System.
- 9.07 Chancellor.** The chief executive officer of UW-Extension is the Chancellor of UW-Extension, hereinafter referred to as Chancellor.
- 9.08 Dean/Director.** Dean/Director means the executive head of any administrative grouping, operating division, or equivalent, and includes, but is not limited to, persons titled dean.
- 9.09 Operating division.** An operating division is a grouping of departments and/or administrative units approved by the Regents as a division and headed by a dean or functional equivalent.
- 9.10 Secretary of the Academic Staff.** The Secretary of the Academic Staff is appointed by the Chancellor after consultation with the Academic Staff Council and is administratively responsible to the Chancellor. The Secretary of the Academic Staff assists the Council and maintains appropriate records of the academic staff.
- 9.11 Academic Staff.** Academic staff means professional and administrative personnel, other than faculty and classified staff, with duties that are primarily associated with higher education institutions or their administration. These appointments normally require a baccalaureate degree. Academic staff appointments include, but are not limited to, the position titles identified in s. 36.15(1) (a) and (b) Stats..
- 9.12 Limited appointment.** A limited appointment is a special appointment to a designated administrative position.
- 9.13 Initial appointment.** An initial appointment is an individual's first classified or unclassified appointment within the last 36 months in the UW System other than ad hoc or limited term employee appointments.
- 9.14 Operational area.** An operational area is a department as designated by the UDDS code (Unit, Division, Department, Sub-Department) of the UWS budget structure.
- 9.15 Academic Staff Council.** The Academic Staff Council consists of members of the academic staff voting body elected by the academic staff voting body, to exercise the governance powers vested in the academic staff.



- 9.16 Voting body.** The academic staff voting body consists of individuals who hold academic staff appointments of one-half time or more in the University of Wisconsin-Extension.
- 9.17 Hearings Committee.** Wherever a hearing body is specified in Chapters UWEX 10 through UWEX13, the UW-Extension Academic Staff Hearings Committee will be assigned to hear the appeal, complaint, or grievance . The UW-Extension Academic Staff Hearings Committee shall be elected from the academic staff body by the academic staff voting body and shall include seven members serving staggered three-year terms. The method of nomination and election of members shall be established by the Academic Staff Council. The committee shall elect its own chair and establish its own procedures, subject to the limitations and requirements in these Chapters.
- 9.18 Notice periods.** When an act is required by these policies and procedures to be done within a specified number of days:
- (1) Day shall mean calendar day.
  - (2) The first day shall be the day after the event, such as receipt of a notice or conclusion of a hearing.
  - (3) Each day after the first day shall be counted, except that a Sunday or legal holiday shall not be counted if it would be the final day of the period.

Revised July 2004

# **UWEX ACADEMIC STAFF POLICIES AND PROCEDURES**

## **Chapter UWEX 10**

### **ACADEMIC STAFF APPOINTMENTS**

- 10.01 Types of appointments.** Appointments may be fixed term, probationary, or indefinite. Several probationary appointments may precede the granting of an indefinite appointment. An appointment shall be limited to an operational area specified at the time of appointment and shall not carry rights beyond that limitation. The type of academic staff appointment, based upon anticipated functions of the position and criteria of the operational area, will be recommended by the operational area to the appointing authority who shall establish the type of position.
- 10.02 Recruitment and letter of appointment.**
- (1) Recruitment shall follow appropriate federal and state law and University rules and policies relating to non-discrimination and affirmative action.
  - (2) Letters of initial appointment shall be signed by an authorized official and shall include such detailed terms and conditions of appointment as title and type of appointment, operational area, duration of appointment, salary, and position description. Copies of academic staff appointment rules and policies and procedures shall accompany each letter of appointment.
  - (3) Reappointment or renewal letters shall contain title and type of appointment, notice of reappointment or non-renewal, duration of appointment, and salary, if known. Identification of operational area and position description need be included only if they are changed from the previous appointment.
- 10.03 Appointment policies.**
- (1) Fixed term appointments. Fixed term appointments shall be for a definite period of time specified in the letter of appointment, with reappointment solely at the option of the appointing authority, and shall carry no expectation of reemployment beyond the stated term regardless of how many times renewed except that notice periods described in 10.07 must be met. The initial fixed term appointment may include a period of up to six months during which the appointee may be dismissed without appeal at the discretion of the authorized official. If such a period of evaluation is used, the letter of appointment must so state. A dismissal during this period is not subject to the provisions of UWEX 11.
    - (a) An initial fixed term appointment may not exceed 18 months.
    - (b) Following the initial appointment and a positive performance review [see UWEX 10.04], an academic staff member may be given a multi-year appointment.
    - (c) A rolling horizon fixed term appointment is an appointment to a position with continuing stability of funding and for which there is a long-term institutional need. Academic staff employed in such

positions will be considered by the appointing authority for terms of two or three years at a time with annual extensions possible to keep the appointment for the stated term of two or three years. Academic staff with seven years or more of service in the operational area whose appointments do not provide at least two year terms shall be given the reasons in writing upon request. Academic staff with ten years or more of service in the operational area whose appointments do not provide at least three year terms shall be given the reasons in writing upon request.

Consideration for a rolling horizon contract shall include:

- (i) Continuing need for the position such as:
    - a. The position is an essential core position.
    - b. A certain number of this type of position are required to conduct a minimally acceptable level of activity.
    - c. The position is important to high priority program initiatives.
    - d. The position has an impact on partnership arrangements.
  - (ii) Stability of funding source.
  - (iii) The individual's job performance and breadth of skills.
  - (iv) Gender and racial balance of the work force.
- (2) Indefinite and probationary academic staff appointments.
- (a) An indefinite appointment is an appointment for an unlimited term, granted by the Chancellor to a member of the academic staff in a UWEX operational area. Such an appointment may be granted to a member of the academic staff who holds or will hold an appointment of one-half time or more. The proportion of full time provided for in the initial indefinite appointment may not be decreased or increased without the mutual consent of the academic staff member and the appointing authority, unless the appointment is terminated or decreased under UWEX 11 or UWEX 12. Academic staff members may be granted indefinite appointments prior to the end of their probationary period.
  - (b) A probationary academic staff appointment is one leading to review and a decision on indefinite appointment. A probationary academic staff appointment will normally be for one year at a time. The probationary period shall not be greater than seven years for either full or part-time appointments.
  - (c) A leave of absence shall not constitute a break in continuous service, nor shall it be included in the 7-year probationary period. In addition to leaves of absence, circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward

achieving indefinite status. A request for additional time because of circumstances under this section shall be initiated in writing by the academic staff member concerned and shall be submitted to the head of the operational area, who shall forward a recommendation to the dean who shall be authorized to grant a request following consultation with the academic staff member's supervisor and who shall specify the length of time for which the request is granted. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before an indefinite status review commences. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic staff member ordinarily shall be no more than one year. If any academic staff member has been in probationary status for more than seven years because of one or more of the reasons set forth in this section, the academic staff member shall be evaluated as if he or she had only 7 years to work towards achieving indefinite status. An indefinite appointment is not acquired solely because of years of service.

- (d) An affirmative review appropriate to the academic staff position will be conducted by the operational area which will recommend an indefinite appointment, non-renewal of the probationary appointment, or appointment to a fixed term academic staff contract to the dean. General areas to be covered in an affirmative review should be established at the beginning of a probationary appointment and should include the competence level and performance of the individual, continuing need for the position and stability of funding source. When, in the judgment of the dean, an operational area does not have sufficient numbers of qualified personnel to conduct an affirmative review, the dean may, in consultation with the affected academic staff member and the Chancellor, appoint an ad hoc review body which may consist of UWEX academic staff members, faculty, personnel from other institutions, students, or persons outside the academic community. Academic staff members shall be notified in writing at least thirty days before an affirmative review session at which the granting of an indefinite appointment will be considered. The academic staff member may review all documents and materials being presented and may make a personal presentation and submit additional written material. The evidence portion of the meeting will be closed unless an open meeting is requested by the academic staff member. The deliberations and preparation of findings and recommendations will be closed. The reports and recommendations will be advisory to the dean and the Chancellor.

- (3) A member of the academic staff who accepts a limited appointment in UWEX does not lose existing rights under an indefinite, probationary, or fixed term academic staff appointment. A concurrent fixed term,

probationary, or, following appropriate affirmative review procedures, indefinite academic staff appointment may be granted to persons appointed to limited appointments in UWEX.

#### **10.04 Performance review.**

- (1) The performance of every academic staff member shall be reviewed at least annually during a face-to-face conference prior to salary determination for the coming year. If the person conducting the conference is not the immediate supervisor, then the immediate supervisor must have equal opportunity to contribute to the review process. Any committee conducting a review must have adequate familiarity with the academic staff member's responsibilities.
- (2) Each UWEX department and administrative unit shall establish, in conjunction with representative academic staff members, comparable guidelines and criteria for use in performance reviews of comparable academic staff positions within the department/administrative unit.
- (3) The format and conduct of performance reviews shall be flexible and tailored to meet the goals of individual supervisors, employees, and departments/ administrative units.
- (4) The review presents the opportunity to address the performance, work situation, and career development of the employee. The assignment of annual merit increments should take cognizance of this and any other performance reviews.
- (5) The review should be based upon, but not limited to, performance relative to the following:
  - (a) Plan of work/annual goals and objectives.
  - (b) Accomplishments since the last performance review, including successes, failures, changes in work approach, additional duties, etc.
  - (c) Position description which outlines employee's current responsibilities.
  - (d) Letter of appointment.
  - (e) Any other written evidence submitted by the employee.
- (6) The evaluation conference shall include the opportunity for the employee to discuss the performance of his/her supervisor in the role of supervisor.
- (7) The supervisor shall prepare a written summary based on the conference and give it to the employee within fourteen days after the conference. The employee may respond in writing within fourteen days after receipt of the summary. Both documents shall be signed by the employee and the immediate supervisor. One copy shall be given to the employee; the other copy shall be placed in the employee's personnel file.

**10.05 Personnel file.**

UWEX maintains personnel files for each academic staff member. These files may be located at one or more of the following locations:

- UWEX Payroll Office;
- UWEX Divisional offices; and
- UWEX Administrative unit offices.

**10.06 Non-renewal of academic staff appointments.**

(1) Fixed term academic staff.

A fixed term academic staff member may be non-renewed upon the decision of the authorized appointing official. That official shall inform the staff member in writing of such decision in accordance with the notice provisions in UWEX 10.07. If requested, reasons for that decision shall be furnished in writing. The non-renewal notice shall also indicate the offices to be contacted for information about the continuation of fringe benefits, unemployment compensation, and job placement counseling.

Reconsideration: The academic staff member may have an informal conference on non-renewal by submitting a written request to the authorized appointing official within 20 days of receipt of the statement of reasons. The academic staff member shall receive at least three days' notice of the conference and may be accompanied by not more than two persons of her/his choice and may present pertinent information. The informal conference is not a formal hearing or appeal. The authorized appointment official shall confirm the results of the informal conference within five working days of its close.

(2) Probationary academic staff.

A probationary academic staff member may be non-renewed upon the decision of the authorized appointing official. That official shall inform the staff member in writing of such decision in accordance with the notice provisions in UWEX 10.07. If requested, reasons for that decision shall be furnished in writing [UWS 10.04]. The non-renewal notice shall also indicate the offices to be contacted for information about the continuation of fringe benefits, unemployment compensation, and job placement counseling. Included in the non-renewal notice shall be the academic staff member's rights to reconsideration and review.

(a) Reconsideration.

The academic staff member may have an informal conference on non-renewal by submitting a written request to the authorized appointing official within 20 days of receipt of the statement of reasons. The academic staff member shall receive at least three days' notice of the

conference and may be accompanied by not more than two persons of her/his choice and may present pertinent information. The informal conference is not a formal hearing or appeal. The authorized appointment official shall confirm the results of the informal conference within five working days of its close.

(b) Hearing.

A non-renewed probationary academic staff member seeking a formal review must make written request for a hearing to the Secretary of the Academic Staff within 20 days of notice of non-renewal or confirmation of the results of an informal conference (25 days if notice is by first class mail and publication). Failure of the academic staff member to meet these time limitations shall constitute waiver of the right involved.

(c) Not later than 20 days following receipt of a request for a hearing a hearing shall be held following procedures described in UWEX 13.03 & 13.04. This time limit may be extended by mutual consent of the parties or by order of the Hearings Committee. The burden of persuasion in such a hearing shall be on the non-renewed appointee and the scope of the hearing shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

- (i) Conduct, expressions, or beliefs which are constitutionally protected, or actions which are consistent with an appropriate professional code of ethics;
- (ii) Employment practices proscribed by applicable state or federal law; or
- (iii) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a staff member in question if material prejudice resulted because of any of the following:
  - a. The procedures required by the Chancellor or board were not followed; or
  - b. Available data bearing materially on the quality of performance were not considered; or
  - c. Unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.
  - d. Findings as to the validity of the appeal shall be reported to the official making the non-renewal decision and to the academic staff member involved, the appropriate dean, and the Chancellor.
  - e. Such report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision maker, a reconsideration by the decision maker under instructions from the hearing

examiner, or a recommendation to the next higher administrative level. Cases shall be remanded for reconsideration by the decision maker in all instances unless the Hearings Committee specifically finds that such a remand would serve no useful purpose. The Hearings Committee shall retain jurisdiction during the pendency of any reconsideration.

**10.07 Notice of Non-renewal or Change in Percent-of-Time.**

(1) Notice periods. Written notice shall be given to the probationary/fixed term appointee in advance of the expiration of the appointment when the appointment is not being renewed or is being renewed with a change in percent-of-time. Written notice shall be given as follows:

(a) Fixed term appointments: For fixed term academic staff who began service before January 1, 1995, written notice shall be given as follows:

<u>Years of UW System Service*</u>	<u>Notice Period</u>
less than two years	3 months
two to six years	6 months
six full years to twelve	12 months
twelve full years or more	24 months

For fixed term academic staff who began service after January 1, 1995, written notice shall be given as follows:

<u>Years of Service *</u>	<u>Notice Period</u>
less than 2	3 months
at least 2, less than 7	6 months
at least 7, less than 10	9 months
10 or more	12 months

\* "Years of Service" means FTE years of UW System Service in a classified or unclassified appointment.

A leave of absence or professional improvement assignment shall not constitute a break in service, but will not be counted in calculating years of service. When the letter of offer for a fixed term appointment states that renewal is not intended, no further notice of non-renewal is required.

(b) Probationary appointments: In the first year, appointees shall be entitled to at least 3 months' notice before the end of the appointment; 6 months' notice before the end of the appointment in the second year; and 12 months' notice thereafter.

(2) Extension in the absence of proper notification. If proper notice of non-reappointment, non-renewal or change in percent-of-time is not given in accordance with UWEX 10.08(1), the appointment shall be extended so that at least the required notice is given.

(3) Backup appointment and maximum salary reduction for limited appointments. When an appointing authority cancels a limited appointment and invokes a backup academic staff appointment, the affected academic staff member's salary should not be reduced below 85% of the limited



appointment's salary. If this is not possible within the range of the backup academic staff title, the maximum allowable salary within that range should be assigned.

# **UWEX ACADEMIC STAFF POLICIES AND PROCEDURES**

## **Chapter UWEX 11**

### **DISMISSAL OF ACADEMIC STAFF FOR CAUSE**

A member of the academic staff may be dismissed only for just cause under Chapter UWEX 11 or for reasons of budget or program under Chapter UWEX 12. A non-renewal of a fixed term or probationary appointment is not a dismissal under this chapter. Members of the academic staff enjoy and exercise all rights of United States citizens and are entitled to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

#### **11.01 Responsibility for charges.**

- (1) Whenever the Chancellor receives an allegation which concerns an academic staff member which appears to be substantial and which, if true, might lead to dismissal under Chapter UWEX 11, the Chancellor shall request within a reasonable time that the appropriate dean/director (as defined in Chapter UWEX 9.08) 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. In those cases where the immediate supervisor of the academic staff member concerned is a dean/director, the Chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean/director under this section. In those cases where the dean/director is the subject of the allegation, an appropriate impartial review procedure will be developed by the Chancellor.
- (2) If the dean's/director's investigation and discussion does not result in a resolution of the allegation, then the dean/director must present a written statement to the Chancellor and the academic staff member. If the allegation is not deemed sufficiently serious to warrant dismissal, the dean/director shall recommend proceeding under Chapter UWEX 13.01. If the allegation is deemed sufficiently serious to warrant dismissal, the dean/director shall prepare a written statement of specific charges.
- (3) Any formal statement of specific charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days of the investigation and discussion described in Chapter UWEX 11.01(1), service shall be accomplished by first class mail and by publication as if the statement of charges were a summons. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper serving the community in which the academic staff member resides.
- (4) A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a conference with the appropriate dean/director or his/her designee. A conference with the dean/director or designee shall be held not

later than 20 days following the original request for such a conference. The conference with the dean/director or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Determination of just cause for dismissal shall be made by the dean/director or designee and reported to the Chancellor and the staff member.

- (5) Dismissal shall be effective immediately on receipt of written notification of the decision of the dean/director or designee, except in the case of indefinite appointment [see UWEX 11.03], unless a different dismissal date is specified by the dean/director or designee.

#### **11.02 Hearing.**

- (1) Dismissals for cause shall be appealable by filing an appeal with the Secretary of the Academic Staff. If the staff member requests a hearing within 20 days from the service of the statement of charges or receipt of written notification of the decision of the dean/director or designee (25 days if notice is by first class mail and publication), such hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the Hearings Committee. The hearing will be conducted as provided in Chapter UWEX 13.03 and 13.04.
- (2) The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. If a staff member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit. In no event, however, shall a decision favorable to the appellant extend the term of the existing appointment and notice periods.
- (3) If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the Chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the Chancellor's decision or the end of the contract period, whichever is earlier, shall be restored.
- (4) In the event of a hearing, the Hearings Committee established under Chapter UWEX 9.17 shall operate as the hearing agent pursuant to s. 227.44 and 227.45, Stats. The Hearings Committee shall forward its report to the Chancellor and the parties involved. After reviewing the matter on record and considering arguments if submitted by the parties, the Chancellor shall issue a decision. In that decision, the Chancellor may order dismissal of the staff member, or may impose a lesser disciplinary action, or may find in favor of the staff member.

#### **11.03 Exceptions for Indefinite appointment.**

- (1) Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except where, after

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

- (2) A decision by the Chancellor ordering dismissal shall specify the effective date of the dismissal.
- (3) A member of the academic staff on indefinite appointment who has been dismissed for cause by the Chancellor following a hearing may appeal this action to the board. Any appeal must be made within 30 days of the date of the decision of the Chancellor to dismiss.

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# UWEX ACADEMIC STAFF POLICIES AND PROCEDURES

## Chapter UWEX 12

### LAYOFF OF ACADEMIC STAFF FOR REASONS OF BUDGET OR PROGRAM

- 12.01** **General.** Notwithstanding s.36.15, Stats., and Chapters UWEX 10 and 11, the Chancellor of each institution or his/her designee may lay off a member of the academic staff holding an indefinite appointment, or may lay off a member of the academic staff holding either a fixed term or a probationary appointment prior to the end of the appointment period, when such action is deemed necessary due to budget or program decisions requiring program discontinuance, curtailment, modification or redirection. Decisions made pursuant to a change in the level of resources available for a particular project or for program discontinuance, curtailment, modification or redirection shall be discussed by the Chancellor or his/her designee with the Academic Staff Council. Non-reappointment of a fixed term academic staff appointment or non-renewal of a probationary academic staff appointment, even if for financial reasons, is not a layoff.
- 12.02** **Layoff.** For the purposes of this Chapter, "layoff" is the suspension of an academic staff member's employment by the University of Wisconsin System during the appointment period, for reasons of budget or program. A laid-off academic staff member retains the rights specified in Chapter UWEX 12.06 through UWEX 12.09 inclusive. For the purposes of s. 36.21, Stats., termination occurs at the time of layoff.
- 12.03** **Individual layoff decision.**
- (1) A layoff is initiated by the operational area which will recommend to the dean and Chancellor the order in which academic staff members should be laid off.
  - (2) The order of layoffs within an operational area shall depend on:
    - (a) The budget or program situation.
    - (b) The need to maintain specific areas of expertise within the operational area.
    - (c) Job performance.
    - (d) Seniority shall be calculated in terms of years, months, and days of service as a member of the academic staff within UW System, including leaves of absence. Appointments of less than 50 percent time, and employees in training shall not accrue seniority.
  - (3) For layoff of probationary and fixed term appointees under this Chapter, the notice periods specified in Chapter UWEX 10.07 should be used whenever possible.
  - (4) Indefinite appointees shall be given 12 months' notice whenever possible.
- 12.04** **Review and hearing**
- (1) An academic staff member whose position is to be eliminated shall be notified in writing. Within 20 days of such notification, the staff member may request reasons. A written statement of reasons for the decision will be provided within 15 days of the request for reasons. The academic staff

member may request a hearing before the Hearings Committee (**see Chapter UWEX 13.03 and 13.04**). The request for a hearing should be in writing to the Secretary of the Academic Staff within 20 days of receipt of the statement of reasons. However, a request for a hearing shall not forestall a layoff under this Section.

- (a) The request for a hearing shall specify the grounds to be used in establishing the impropriety of the decision.
  - (b) The staff member shall be given at least 10 days notice of such hearing. A hearing (**see Chapter UWEX 13.03 and 13.04**) shall be held not later than 20 days after the request except that this time limit may be extended by order of the Hearings Committee.
- (2) In the event of a hearing, the Hearings Committee established under Chapter UWEX 17 shall operate as the hearing agent pursuant to s. 227.44 and 227.45, Stats. The first question to be considered by the Hearings Committee in an appeal of a lay-off decision is whether one or more of the following factors improperly entered into the decision to lay off:
- (a) Conduct, expressions, or beliefs on the staff member's part which are constitutionally protected or actions which are consistent with an appropriate professional code of ethics.
  - (b) Employment practices prescribed by applicable state or federal law.
  - (c) Improper consideration of the qualifications of the staff member. For the purposes of this section, "improper consideration" occurs if material prejudice resulted from any of the following:
    - (i) The procedures required by the Board or this Chapter were not followed.
    - (ii) Available data bearing materially on the quality of the staff member's actual or potential performance were not considered.
    - (iii) Unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.
- (3) The staff member shall present evidence on whether one or more of the factors specified above improperly entered into the decision to lay off. The Hearings Committee shall then consider whether the evidence presented establishes a prima facie (reasonable) case that such factor or factors did enter significantly into the layoff decision. If the Hearings Committee finds that a prima facie case has not been established, the layoff decision shall be found to have been proper and the hearing shall be ended.
- (4) If the Hearings Committee finds that a prima facie case has been established, the appropriate administrative officer for the operational area shall be entitled to present evidence to support the layoff decision, and thereafter, the staff member may present evidence in rebuttal. Thereafter, on the basis of all the evidence presented, the hearings committee shall make determinations as follows:
- (a) The Hearings Committee shall first consider whether one or more of the above specified factors improperly entered into the decision to lay off. Unless the Committee is convinced that such factor or factors did

improperly enter into that decision, the Committee shall find the decision to have been proper.

- (b) If the Hearings Committee is convinced that such factor or factors entered into the decision to lay off, then the examiner shall find that decision to be improper, unless the Committee is also convinced (1) that there was a bona fide program or budgetary reason(s), and that the determination of such reason(s) was made in the manner prescribed by, and in accordance with, the standards established by the institution; and (2) that the decision to lay off the particular academic staff member was in accordance with the provisions of Chapter UWEX 12.03.
- (5) In determining whether a bona fide budgetary or program reason existed for layoff of the appointment of the academic staff member concerned, the Hearings Committee shall presume that the decision to curtail the program was made in good faith and for proper reasons. The Hearings Committee shall not substitute its judgment on priorities for that of the administration.
- (6) The Chancellor shall review the Hearings Committee report, decide whether the staff member should be laid off and notify the Hearings Committee, appropriate administrator for the operational area, and academic staff member of the decision. This decision shall be deemed final unless the Board, upon request of the academic staff member, grants review based on the record.

**12.05 Layoff status.**

- (1) An academic staff member whose position has been eliminated according to the provisions of this chapter may, at the end of the appropriate notice period [see Chapter UWEX 12.03(3) & (4)], be placed on layoff status, unless the layoff notice has been rescinded prior to that time. The academic staff member whose notice period has expired and who is placed on layoff status shall remain on layoff status until:
  - (a) The appointment expires under its own terms or the staff member resigns.
  - (b) The staff member is reappointed to the position from which laid off. Failure to accept such reappointment would terminate the academic staff member's association with the institution.
  - (c) The staff member accepts an alternative continuing position in the institution. Failure to accept an alternate appointment would terminate the academic staff member's association with the institution except that a staff member on indefinite appointment may refuse an alternate appointment and continue on layoff status.
  - (d) The staff member fails to notify the Chancellor or his/her designee not later than December 1 of each year while on layoff status, as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notice of desire to remain on layoff status shall terminate the academic staff member's association with the institution.
  - (e) A period of 3 years elapses.

**12.06 Alternative employment.** The Chancellor and dean shall consider laid-off staff for other vacancies within UW-Extension for which they meet the necessary

qualifications. To the extent possible, laid-off staff members on layoff status should be notified of appropriate openings anywhere in the University of Wisconsin System.

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

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

**12.09 Rights of academic staff members on layoff.** An academic staff member on layoff status under provisions of this Chapter has the reemployment rights guaranteed by Chapter UWEX 12.06 and 12.07 and has the following minimal rights:

- (1) Such voluntary participation in fringe benefit programs as may be permitted under existing policies;
- (2) Use of institutional facilities available to other academic staff members under guidelines established by UW-Extension.
- (3) Such participation in UWEX activities as permitted by UW-Extension policies.

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## UWEX ACADEMIC STAFF POLICIES AND PROCEDURES

### Chapter UWEX 13

#### COMPLAINTS AND GRIEVANCES

**13.01 Complaints.** Complaints are allegations by persons other than the academic staff member's supervisor(s), including administrators, students, faculty members, academic staff members, classified staff members, or members of the public concerning conduct by an academic staff member which violates University of Wisconsin System rules and policies, or which adversely affects the academic staff member's performance or his/her obligation to the University of Wisconsin System, but which are not serious enough to warrant dismissal under Chapter UWEX 11.

- (1) A complaint which specifically describes the alleged misconduct shall be in writing to the Chancellor, or to another administrator who shall forward it to the Chancellor.
- (2) Whenever the Chancellor receives an allegation which concerns an academic staff member, which appears to be substantial and which, if true, might lead to disciplinary action, the Chancellor may immediately dismiss the complaint or may request within 7 days that the appropriate dean/director (as defined in Chapter UWEX 9.08) 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. This investigation and discussion must be completed within 30 days. In those cases where the immediate supervisor of the academic staff member concerned is a dean/director, the Chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean under this section. In those cases where the dean/director is the subject of the allegation, an appropriate impartial review procedure will be developed by the Chancellor.
- (3) If the dean/director or designee's investigation and discussion does not result in a resolution of the allegation, then the dean/director or designee must present a written statement of specific charges and the disciplinary action taken or a referral to the Hearings Committee. This statement shall be served to the academic staff member personally or by certified mail, return receipt requested.
- (4) The disciplinary action shall be effective immediately on receipt of written notification of the decision of the dean/director or designee unless a different date of effect is specified by the dean/director or designee.
- (5) The Hearings Committee shall hold a hearing on a complaint at the request of the dean/director or designee, or at the request of the academic staff member concerned if the dean/director or designee invokes a disciplinary action without requesting a hearing. The request by a staff member must be made in writing, addressed to the Secretary of the Academic Staff, and received within 20 days after the receipt of notice of the dean/director or

designee's disciplinary action (25 days if notice is by first class mail and publication). The hearing will be conducted as provided in Chapter UWEX 13.03 and 13.04.

- (6) The burden of proof of the existence of misconduct shall be on the person or party making the complaint, or the dean/director or designee if he/she has invoked disciplinary action.
- (7) After the hearing, the Hearings Committee shall recommend to the Chancellor dismissal of the complaint, invocation of specific disciplinary actions, or modification or affirmation of the disciplinary action imposed by the dean/director or designee.
- (8) The decision of the Chancellor on the recommendation of the Hearings Committee shall be final and the Chancellor shall inform all parties.

**13.02 Grievances.** A grievance is a personnel problem, perceived by the academic staff member to involve unfair treatment or violation of the staff member's rights and privileges accorded by law, UW-Extension policy, or established UW-Extension practice.

- (1) Dismissals, which are appealable under Chapter UWEX 11, layoffs, appealable under Chapter UWEX 12, and non-renewals of probationary academic staff members, appealable under Chapter UWEX 10.06(2), may not also be grieved under this section.
- (2) Prior to filing a request for a hearing, the grievant shall attempt to discuss the grievance with his/her supervisor, department chair, dean/director, or other appropriate administrative official. The grievant shall notify the appropriate administrative official of a desire to discuss the grievance within 120 calendar days after the grievant knew or should have known about the incident which gave rise to the grievance. This provision may be waived by the Hearings Committee in exceptional cases.
- (3) The request for a hearing shall be made in writing to the chair of the Hearings Committee or Secretary of the Academic Staff either within 60 calendar days of the meeting between the grievant and the appropriate administrative official or within 180 calendar days from the time the grievant knew or should have known about the incident which gave rise to the grievance. The grievance shall be described in detail, providing information on the nature of the disputed action, time, place, and relevant surrounding circumstances and the desired remedial action or actions. It shall also state what informal settlement attempts were made, or state the grievant's reasons for not making such attempts.
- (4) A Hearings Committee shall have 30 days to consider the request, 10 days to inform the academic staff member of the decision on whether to grant a hearing, and 90 additional days to conduct the hearing. If the decision is to grant a hearing, the relevant unit of UW-Extension will be informed at the same time. These time limits may be extended by mutual consent of the parties or by order of the Hearings Committee.
- (5) The Hearings Committee may refuse to hear a grievance if:
  - (a) Appropriate informal settlement efforts were not made by the academic staff member;

- (b) The request does not state a grievance or fails to state a cause of action upon which the Chancellor can grant relief;
  - (c) The matter was previously grieved and heard by the Committee; or
  - (d) Following a request for information, a prehearing conference or exchange of evidence and witness lists by the parties, the Committee decides that no credible evidence supporting the grievance will be forthcoming.
- (6) The Chancellor shall make a decision on the grievance as soon as practicable after receiving the report of the Hearings Committee. The Chancellor's decision shall be final and the Chancellor shall inform all parties of the decision.

**13.03 Hearings Committee.**

- (1) The UW-Extension Academic Staff Hearings Committee specified in Chapter UWEX 9.17 shall hear all appeals, complaints, and grievances under Chapters UWEX 10, 11, 12, and 13.
- (2) The Hearings Committee not only hears evidence, but is also responsible for conducting the hearing in accordance with Chapter UWEX 13.04:
  - (a) The Committee applies the policies and procedures relevant to a hearing;
  - (b) The Committee rules on requests of the parties and on procedural issues;
  - (c) The Committee schedules and sets the parameters for a hearing; and
  - (d) The Committee selects the moderator of the hearing proceedings.
- (3) Following a hearing, the Committee shall provide to the Chancellor and the parties involved a report consisting of a summary of the evidence, findings of fact, and recommendations and access to a verbatim record of the hearing, which may be a sound recording.

**13.04 Hearings Committee Procedures.** Whenever the UW-Extension Academic Staff Hearings Committee holds a hearing under Chapters UWEX 10, 11, 12, or 13, the following conditions and rules shall apply.

- (1) Anyone who participated in the decision of the action being appealed or grieved, who is a material witness, who participated in the investigation of the matter of the hearing for either party, or who otherwise has a conflict of interest, shall not be qualified to participate as a member of the Hearings Committee for that hearing. The committee may by its own action or at the request of either party, disqualify any one of its members for any of the above reasons by a majority vote. If one or more of the Hearings Committee members disqualify themselves or are disqualified, the remaining members will select a number of replacements equal to the number who have been disqualified to serve.
- (2) If the Hearings Committee requests, the Chancellor or his/her agent shall provide legal counsel after consulting with the Committee concerning its wishes in this regard. The function of legal counsel shall be to advise the Committee, consult with them on legal matters, and such other responsibilities as shall be determined by the Committee within the provisions of the policies and procedures adopted by the institution.

- (3) Not later than 20 days following the filing of a request for a hearing, unless otherwise specified in the rules, a hearing shall be held except time limits in which to conduct a hearing may be extended by mutual consent of the parties or by order of the Hearings Committee.
- (4) The hearing shall be closed unless the staff member involved requests an open hearing, in which case it shall be open (see s. 19.85 Stats.);
- (5) The Hearings Committee shall determine whether a pre-hearing conference is necessary.
- (6) The Hearings Committee 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. The Hearings Committee shall give effect to recognized legal privileges.
- (7) Additional procedures may be established by the Hearings Committee.
- (8) The following due process rights apply to both parties involved in the matter of the hearing:
  - (a) At least 10 days' written notice of the hearing;
  - (b) The right to advance notice of the names of witnesses and advance access to documentary evidence which may be called forward or entered as evidence at the hearing by the other party.
  - (c) The right to testify on his/her own behalf;
  - (d) The right to counsel and other appropriate representatives;
  - (e) The right to offer witnesses;
  - (f) The right to confront and cross-examine adverse witnesses;
  - (g) The right to enjoy and exercise all the rights and privileges of a United States citizen and the right and privileges of appropriate professional codes of ethics; and
  - (h) The right to a decision based on the hearing record.
- (9) The Hearings Committee may call witnesses and/or have access to documentary evidence which is in the control of either party.
- (10) Nothing in these procedures shall prevent the settlement of cases by mutual agreement between the two parties at any time prior to a final decision by the Chancellor; or when appropriate, with the board's approval prior to a final decision by the board.
- (11) Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

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