

UWEX FACULTY POLICIES AND PROCEDURES

Chapter UWEX 4

PROCEDURES FOR DISMISSAL

- 4.01** **Statement of intent.** Members of the faculty enjoy and exercise all rights secured to them by the constitutions and laws of the United States and the State of Wisconsin. Such members also exercise prerogatives of academic freedom, as defined by the 1940 Statement of Principles of the American Association of University Professors.
- 4.02** **Dismissal for cause.** Any faculty member, tenured or probationary, may be dismissed only by the Board and only for just cause, after preferment of charges by the Chancellor, due notice, and opportunity for hearing by the Faculty Hearings Committee. A non-renewal of a probationary appointment, regardless of reasons, is not a dismissal under this Chapter.
- 4.03** **Charges.**
- (1) Whenever the Chancellor receives a complaint against a faculty member which if substantial and if true might lead to dismissal under chapter UWS 4, the Chancellor shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member. A faculty member may be dismissed only after receipt of a written statement of specific charges from the Chancellor as the chief administrative officer of the institution and, if a hearing is requested by the faculty member, in accordance with the provisions of this Chapter. If the faculty member does not request a hearing, action shall proceed along normal administrative lines but the provisions of sections UWEX 4.03 and UWEX 4.10 shall still apply.
 - (2) Any formal statement of specific charges for dismissal sent to a faculty member shall be accompanied by a statement of the appeal procedures available to the faculty member.
 - (3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, 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 a newspaper serving the community in which the faculty member resides.
- 4.04** **Hearing body.** The Faculty Hearings Committee shall operate as the hearing body for the Board of Regents pursuant to 227.12, Wis. Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the Board according to UWEX 4.08 and UWS 4.07.

4.05 Hearing.

- (1) If the faculty member requests a hearing within 20 days of notice of the statement of charges (25 days if notice is by first class mail and publication), such a hearing shall be held not later than 20 days after the request except that this time limit may be extended by mutual written consent of the parties, or by order of the hearing body. The request for a hearing shall be addressed in writing to the chair of the hearing body.
- (2) The hearing will be conducted as described in UWEX 6.03 and 6.04.
- (3) The burden of proof of the existence of just cause is on the administration or its representatives.
- (4) If a proceeding on charges against a faculty member not holding tenure is not concluded before his/her appointment would expire, he/she may elect that such proceeding be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be discontinued at the expiration of the appointment.
- (5) If a faculty 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.

4.06 Recommendations.

- (1) The hearing body shall send to the Chancellor and to the faculty member concerned, as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. The hearing body may determine that while adequate cause for discipline exists, some sanction less severe than dismissal is more appropriate. Within 20 days after receipt of this material the Chancellor shall review it and afford the faculty member an opportunity to discuss it. The Chancellor shall prepare a written recommendation within 20 days following the meeting with the faculty member, unless the proposed recommendation differs substantially from that of the hearing body. If the Chancellor's proposed recommendation differs substantially from that of the hearing body, the Chancellor shall promptly consult the hearing body and provide it with a reasonable opportunity for a written response prior to forwarding the recommendation. If the recommendation is for dismissal, it shall be submitted through the President to the Board. A copy of the hearing body's report and recommendations shall be forwarded through the President to the Board along with the Chancellor's recommendation. A copy of the Chancellor's recommendation shall also be sent to the faculty member concerned and to the hearing body.
- (2) Disciplinary action other than dismissal may be taken by the Chancellor, after affording the faculty member an opportunity to be heard on the record, except that, upon written request by the faculty member, such action shall be submitted as a recommendation through the President to the Board together with a copy of the hearing body's report and recommendation.

4.07 **Board review.** The faculty member may seek a Board review pursuant to UWS 4.09.

4.08 **Suspension from duties.** Pending the final decision as to his/her dismissal, the faculty member shall not be relieved of duties, except as follows: if, after consultation with the appropriate departmental executive committee or its functional equivalent, the Chancellor finds that substantial harm to the institution may result if the faculty member is continued in his/her position, the faculty member may be relieved immediately of his/her duties, or reassigned to other professional duties. His/her salary shall continue until the Board makes its decision as to dismissal.