

UWEX FACULTY POLICIES AND PROCEDURES

Chapter UWEX 1

DEFINITIONS

- 1.01 Academic department.** An academic department, hereinafter referred to as "department," is a group of faculty members recognized by the faculty, the chancellor, and the board of regents, as dealing with a common field of knowledge or as having a common or closely related disciplinary or interdisciplinary interest which recommends faculty for rank and academic tenure. Departments are established, restructured, and discontinued by the chancellor in consultation within the appropriate voting bodies.
- 1.02 Faculty governance unit.** A faculty governance unit is a group of voting body members dealing with a common field of knowledge or having interdisciplinary programming responsibilities. It differs from a department in that it does not grant faculty rank or academic tenure. However, faculty governance units may recommend faculty rank and tenure action to the department and the appropriate administrator. Faculty governance units are established, restructured, and discontinued by the chancellor in consultation with the appropriate voting bodies.
- 1.03 Board of Regents or board.** "Board of Regents" or "board" means the Board of Regents of the University of Wisconsin System.
- 1.04 Chancellor.** The chief executive officer of Extension is the chancellor, hereinafter referred to as "chancellor."
- 1.05 Dean.** "Dean" means the executive head of any administrative grouping of faculty, and includes, but is not limited to, persons titled "dean."
- 1.06 Faculty status.** "Faculty status" means a right to participate in the faculty governance of Extension, according to its policies and procedures and its articles of faculty governance. Faculty status does not confer faculty rank or tenure, or convert an academic staff appointment into a faculty appointment.
- 1.07 Institution.** "Institution" means any university, or an organizational equivalent designated by the board. As used throughout these policies and procedures, "Extension" means the institution designated as University of Wisconsin-Extension.
- 1.08 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.
- 1.09 President.** "President" means the President of the University of Wisconsin System.
- 1.10 Senate.** The Senate consists of members of the voting body elected by the voting body to exercise the governance powers vested in the faculty.

- 1.11 Staff categories.** The following staff categories are established within Extension:
- (1) "Faculty" ("tenure track" or "ranked") means persons who hold the following ranks:
 - (a) Professor
 - (b) Associate professor
 - (c) Assistant professor
 - (d) Instructor
 - (2) "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. Academic staff appointments include, but are not limited to, the position titles identified in 36.15(1)(b), Wis.Stats.
 - (3) Limited appointments, including, but not limited to, the position titles identified in 36.17(2), Wis. Stats.
 - (4) Other appointments, including, but not limited to, the position titles identified in 36.19 Wis. Stats.
 - (5) Emeritus faculty and emeritus academic staff.
- 1.12 University Committee.** The University Committee is the executive committee of the Faculty Senate.
- 1.13 Voting body.**
- (1) The voting body consists of the following individuals who hold appointments of one-half time or more in the University of Wisconsin-Extension:
 - (a) The ranked faculty; and
 - (b) Academic staff members who have been granted "faculty status" by the senate and the chancellor upon the recommendation of the appropriate department or faculty governance unit.

Revised October, 1997
Revised January 2008

UWEX FACULTY POLICIES AND PROCEDURES

Chapter UWEX 2

DELEGATION

- 2.01 Faculty Senate.** The Senate shall develop institutional policies and procedures pursuant to implementation of the University of Wisconsin System personnel rules for faculty. These policies and procedures 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 board shall be in force and effect as Rules of the Regents.
- 2.02 Faculty Hearings Committee.** A Faculty Hearings Committee shall be created to serve as the hearings committee for the purposes of Chapters UWEX 3, UWEX 4, UWEX 5, UWEX 6, and UWEX 8. Also please review UWS 7 for additional rules and regulations: <http://www.legis.state.wi.us/rsb/code/uws/uws007.pdf>. The committee shall consist of six members of the faculty elected by the faculty at large to three-year terms, two elected each year. The method of election and nomination of candidates shall be established by the Senate. The committee shall establish its own operating procedures, subject to the limitations and requirements in these Chapters. The committee shall elect its own chair annually at its first meeting following election of the committee.
- 2.03 Faculty Tenure Advisory Committee.** A Faculty Tenure Advisory Committee shall be created to make recommendations to the dean in accordance with UWEX 3.05(1), 3.05(1)(b), and 3.06. The committee shall consist of eleven members of the tenured faculty in Extension elected to staggered three-year terms. The function, procedures, and method for election and nomination of candidates for committee membership shall be as prescribed in Article 5 of the UWEX Articles of Faculty Governance.

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UWEX FACULTY POLICIES AND PROCEDURES

Chapter UWEX 3

FACULTY APPOINTMENTS

- 3.01 Appointment letter.** Each person to whom an appointment is offered must receive an appointment letter in which an authorized official of the institution details the terms and conditions of the appointment, including but not limited to, duration of the appointment, salary, starting date, ending date, general position responsibilities, and probation and tenure status. Position responsibilities may change with the changing needs of the institution.
- 3.02 Types of appointments.** Appointments to the Extension faculty, as defined in Chapter UWEX 1, are with tenure or are probationary. Faculty appointments carry the following titles: professor, associate professor, assistant professor, and instructor.
- 3.03 Recruiting.** Recruiting for faculty shall be the responsibility of individual departments or administrative units. The faculty shall develop procedures relating to recruitment of members of the faculty, after consultation with appropriate students and the deans. These procedures shall be subject to the approval of the Chancellor. Recruitment shall be consistent with state and federal laws regarding non-discriminatory and affirmative action procedures and provide for departmental peer review and judgment in the recruiting process. In the case of Cooperative Extension community-based faculty positions, recruitment will be coordinated by the Cooperative Extension Personnel Office.
- 3.04 Departmental role.** Faculty appointments may be granted only upon affirmative recommendation of a department, or if the appointment is to be divided among several departments, the group of departments shall identify one department as the principal sponsor of the recommendation for appointment. The fraction of a divided appointment in two or more departments may be changed only after consultation with the faculty member and by mutual agreement among the appropriate departmental executive committees.
- 3.05 Tenure appointments.**
- (1) A tenure appointment is an appointment for an unlimited period granted to a ranked faculty member by the Board of Regents, or the President on behalf of the board, upon the affirmative recommendation of the appropriate academic department or its functional equivalent, the dean, with the advice of the Faculty Tenure Advisory Committee, and the Chancellor.
Tenure may be granted without the affirmative recommendation of the appropriate academic department or its functional equivalent if the following apply:
 - (a) the UW-Extension Faculty Hearings Committee has found that the negative decision of the academic department or its functional

equivalent was based upon impermissible factors as defined in Chapter UWEX 3.13(2).

- (b) An affirmative recommendation has been made by an ad hoc tenure review committee which was appointed by the University Committee which shall review the individual's record with reference to the criteria for tenure as published in institutional and departmental guidelines. This must be followed by an affirmative recommendation by the dean, with the advice of the Faculty Tenure Advisory Committee, the Chancellor, and the Board of Regents, or the President on behalf of the Board.
 - (c) The ad hoc committee must consist of persons who are knowledgeable or experienced in the individual's academic field or a substantially similar academic field. No member of this committee may be a member of the department or its functional equivalent that made the negative recommendation. Members of this committee need not be employees of UW-Extension.
 - (d) This ad hoc committee may not use impermissible factors as a basis for its decision. If the UW-Extension Faculty Hearings Committee found that a negative decision by the ad hoc committee was based upon impermissible factors, the ad hoc committee will be asked to reconsider its decision.
- (2) Tenure consideration is initiated by the probationary faculty member who makes application to the department. The department's recommendation passes through the dean and Chancellor to the President.
 - (3) The granting of tenure is based on a consistent and high level of scholarship (see Criteria for Faculty Appointment and Promotion in UW-Extension which is Appendix I to the Articles of Faculty Governance), not on years of experience. Standards of performance and scholarship shall be the same for part-time as for full-time faculty. Early tenure consideration (within the first 12 months of employment) may be negotiated at the time of hire, based on performance and scholarship prior to UW-Extension employment, or tenure may be granted after a minimum of four years of probationary faculty employment in UW-Extension, based on performance and scholarship in UW-Extension.

3.06 Advice on tenure appointments by the Faculty Tenure Advisory Committee.

Before a person is recommended for appointment to a position of tenure, the dean shall seek the advice of the Faculty Tenure Advisory Committee.

3.07 Probationary appointments.

- (1) A probationary appointment is a one-half time or more appointment as an instructor or assistant professor held by a member of the Extension faculty during the probationary period that precedes determination of tenure status. In the case of either a new appointment or a reappointment to a probationary position, the conditions of appointment shall be stated in writing to the appointee at the time the appointment or reappointment is made.

- (2) A probationary faculty member is normally appointed for a period of one year and may be reappointed for a similar probationary period not more than six times, but no obligation of reappointment during the probationary period is implied.

3.08 The probationary period.

- (1) Tenure must be achieved (approved by the Board of Regents or by the President on behalf of the Board) by the end of the sixth year of UW-Extension probationary faculty employment. No faculty member will be allowed to apply for or be considered at the institutional level for tenure during a seventh and terminal year of UW-Extension probationary faculty employment.
- (2) Part-time service at less than one-half time shall not be counted in the probationary period. Each year of service at the rate of at least one-half time but not more than three-quarters time shall count as half of a year for probationary purposes, and service at a rate greater than three-quarters time shall be counted as a full year. The probationary period shall not exceed twelve calendar years, exclusive of approved leave of absence and military leave. This maximum may be decreased by agreement between the candidate and the department, if made at the time of appointment and included in the letter of appointment. In no case shall the maximum be less than that for full-time probationary appointments.
- (3) The period of an approved leave of absence does not constitute a break in continuous service but is excluded in calculating the probationary period.
- (4) 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 faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. A request for additional time because of circumstances under this section shall be initiated in writing by the probationary faculty member concerned and shall be submitted to the department chair, who shall forward a recommendation to the dean who shall be authorized to grant a request 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 or adoption shall be approved. A request shall be made before a tenure 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 because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary faculty 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 faculty member ordinarily shall be no more than one year.

- (5) If any faculty member has been in probationary status for more than six years because of one or more of the reasons set forth in sub. (4), the faculty member shall be evaluated as if he or she had only six years to work towards achieving tenure.

3.09 Vacant

3.10 **Notification of non-renewal.** Written notice that a probationary appointment will not be renewed shall indicate the offices to be contacted for information about the continuation of fringe benefits, unemployment compensation, and job placement counseling. This written notice shall be given to the faculty member in advance of the expiration of his/her appointment, as follows:

- (1) At least three months before the end of the appointment during the first twelve months of faculty service;
- (2) At least six months before the end of the appointment during the next twelve months of faculty service;
- (3) At least twelve months before the expiration of an appointment after more than 24 months of faculty service.

3.11 **Absence of proper notification.** If proper notice is not given in accordance with Chapter UWEX 3.10, the aggrieved faculty member shall be entitled to a one-year terminal appointment.

3.12 **Non-renewal of probationary appointments.**

- (1) Statement of reasons. Upon the written request of the faculty member concerned, within 30 days of the faculty member having received the non-renewal notice, the department or administrative unit making the non-renewal decision shall give him/her written reasons for non-renewal within 20 days of the request. Such reasons shall become a part of the personnel file of the individual. A non-renewal of a probationary appointment, regardless of reasons, is not a dismissal under this chapter.
- (2) Reconsideration. There shall be a reconsideration of a non-renewal decision to provide an opportunity to a fair and full reconsideration of the non-renewal decision, and to insure that all relevant material is considered. The request for a reconsideration must be made by the faculty member concerned within 30 days of his/her receipt of the written reasons for non-renewal. The reconsideration shall be undertaken by the individual or body making the non-renewal decision and shall include, but not be limited to, proper notice of the time of reconsideration of the decision, an opportunity to respond to the written reasons and to present any written or oral evidence or arguments relevant to the decision, and written notification of the decision resulting from the reconsideration. The reconsideration shall be held not later than 60 days after the request, except that this time limit may be enlarged by mutual written consent of the parties. Such a reconsideration is not a hearing or an appeal, and shall be non-adversary in nature. In the event that a reconsideration affirms the non-renewal decision, the faculty member may appeal under the procedures specified in Chapter UWEX 3.13.

3.13 Appeal of a non-renewal decision.

- (1) The standing faculty committee designated to hear appeals of non-renewal decisions is the Faculty Hearing Committee, as established in Chapter UWEX 2.02.
- (2) The appeal of a faculty member, made within 20 days (25 days if notice is by first class mail and publication) of notification that the reconsideration has reaffirmed the non-renewal decision, shall be heard by the Faculty Hearings Committee. The appeal shall be in writing and addressed to the chair of the hearing body or Secretary of the Faculty. The hearing shall be held according to procedures described in Chapter UWEX 6.03 and 6.04, not later than 20 days after the request, except that this time limit may be enlarged by mutual written consent of the parties, or by order of the hearing body. The faculty member shall be given at least 10 days' notice of such review. The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:
 - (a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, or
 - (b) Factors proscribed by applicable state or federal law regarding fair employment practices, or
 - (c) 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 faculty member in question if material prejudice resulted because of any of the following:
 - (i) The procedures required by rules of the faculty or board were not followed, or
 - (ii) Available data bearing materially on the quality of performance were not considered, or
 - (iii) Unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.
- (3) The hearing body shall report its recommendations to the party or official making the non-renewal decision and to the appropriate dean and the Chancellor.

3.14 Vacant

3.15 **Leave** A department or administrative unit may recommend leave for a probationary or tenured faculty member for personal reasons or for reasons relevant to one's professional area. Leave is granted for a period of up to one year, but under exceptional circumstances it may be extended.

3.16 **Leave of absence for administration.** A department or administrative unit may recommend leave to a faculty member to assume administrative responsibilities under a fixed term academic staff appointment or a limited appointment anywhere in the University of Wisconsin System. A tenure appointment is not lost by appointment to such an administrative position.

- 3.17** **Leave of absence for service at another institution.** Where full- or part-time leave has been granted to a probationary or tenured faculty member for service at another institution in the University of Wisconsin System, the department and/or administrative unit shall review such leave annually to determine whether renewal should be recommended.
- 3.18** **Military leave.** In accordance with state statutes and national policy, Extension cooperates in facilitating the return to normal occupation of faculty who (as defined in 45.50, Wis. Stats.) serve the federal government in the interest of national defense. Military leave is granted as follows:
- (1) Faculty with tenure shall be granted leaves of absence for federal service, and their departure and return shall be in accord with 45.50 Wis. Stats. Following return, they shall continue in tenure status.
 - (2) Faculty on probationary status shall be granted leaves of absence for federal service, and their departure and return shall be in accord with the general intent of 45.50, Wis. Stats., to the extent that the University requirements and standards will allow. To prevent prejudice against the person concerned, leave granted hereunder shall not be deemed probationary service.
- 3.19** Vacant
- 3.20** Vacant
- 3.21** **Annual reviews.** Annually the academic department chair and/or administrative unit chair (depending on where one functions) or a small committee elected for this purpose shall review with each faculty member job conditions, the individual's performance, potential advancement, and further career developmental opportunities, consistent with Unclassified Personnel Policy (UPG) #1. Written summary copies of the review shall be provided to the faculty member, the administrative unit chair, grant funding source (if required), and the academic department chair, and be included in the faculty member's personnel file.
- 3.22** **Limitation.** Tenure and probationary appointments in Extension are confined to Extension except that other institutions within the University of Wisconsin System may agree to share tenure appointments through established procedures. Shared tenure appointment agreements shall specify the tenure responsibility and budget responsibility of each institution sharing the appointment.

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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.

UWEX FACULTY POLICIES AND PROCEDURES

Chapter UWEX 5

FACULTY LAYOFFS

- 5.01 General.** Notwithstanding 36.13, Wis. Stats., the Board may lay off or terminate a tenured faculty member, or lay off or terminate a probationary faculty member prior to the end of his/her appointment, in the event of a financial emergency. Such layoffs or terminations may be made only in accord with the provisions of Chapter UWS 5, and imply the retention of rights indicated therein. A non-renewal, regardless of reasons, is not a layoff or dismissal under this Chapter.
- 5.02 Faculty consultative committee.** The University Committee is designated as the standing faculty committee authorized to consult with the Chancellor, as specified in UWS 5.04, in the event a declaration of financial emergency is to be considered.
- 5.03 Seniority.** The form of seniority to be followed by departments in recommending which individuals are to be laid off in accordance with UWS 5.07 and UWS 5.08 shall be by rank, and within rank, according to total years of service in Extension, unless a clear and convincing case is made that program needs dictate other considerations.
- 5.04 Hearing.** A faculty member whose position is recommended for elimination is entitled to a hearing according to the conditions specified in UWS 5.12 and 5.13. The Faculty Hearings Committee, established in UWEX 2.02, shall serve as the standing faculty committee designated to hold hearings as specified in UWS 5.11. Hearing procedures are described in UWEX 6.03 and 6.04.
- 5.05 Rights of faculty members on layoff.**
- (1) In accordance with UWS 5.20(2), faculty members on layoff status as specified in UWS 5.16 are entitled to use institutional facilities available to other faculty members according to guidelines established by each department or administrative unit. Such use of facilities shall include, but shall not be limited to, staff parking and library privileges, and office space and services for purposes of conducting Extension business.
 - (2) In accordance with UWS 5.20(3), faculty members on layoff status are entitled to participate fully in institution-wide faculty governance activities. Each department and administrative unit shall designate those "departmental" activities in which faculty members on layoff status may participate as specified in UWS 5.20(3).

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UWEX FACULTY POLICIES AND PROCEDURES

Chapter UWEX 6

COMPLAINTS, GRIEVANCES AND HEARINGS

6.01 **Complaints.** Complaints are allegations by the administration, students, faculty members, academic staff members, classified staff members, or members of the public concerning conduct by a faculty member which violates University of Wisconsin System rules and policies, or which adversely affects the faculty member's performance of his/her obligation to the University of Wisconsin System, but which are not serious enough to warrant dismissal under Chapter UWEX 4.

- (1) Complaints shall be in writing to the Chancellor or to another administrator or the Secretary of the Faculty who shall forward it to the Chancellor, describing specifically the alleged misconduct.
- (2) The Chancellor may recommend an informal discussion and settlement of the complaint before reviewing and taking action. The informal discussion and settlement route shall follow the upward levels of supervision and employment; department or administrative unit, dean. If the complaint is not settled by this route, it shall be returned to the Chancellor.
- (3) If the Chancellor deems the complaint substantial, he/she may take disciplinary action, or he/she may refer the complaint to the Faculty Hearings Committee, established in Chapter UWEX 2.02, for a hearing.
- (4) The Chancellor shall notify the faculty member who is the subject of the complaint in writing of the specific allegations, the identity of the person or party who made the complaint, and his/her disposition of the complaint.
- (5) The hearing body shall hold a hearing according to procedures described in Chapter UWEX 6.03 and 6.04 on a complaint at the request of the Chancellor, or at the request of the faculty member concerned if the Chancellor invokes a disciplinary action without requesting a hearing. This request must be made in writing, addressed to the chair of the hearing body or Secretary of the Faculty within 20 days after receipt of notice of the Chancellor's disciplinary action.
- (6) The burden of proof of the existence of misconduct shall be on the person or party making the complaint.
- (7) After the hearing the hearing body shall recommend to the Chancellor; dismissal of the complaint, or invocation of specific disciplinary actions, or modification or affirmation of the disciplinary action imposed by the Chancellor.
- (8) The decision of the Chancellor on the recommendation of the hearing body, or on the complaint in the absence of a hearing body recommendation, shall be final, except that the board, at its option, may grant a review on the record.
- (9) The faculty member shall not again be investigated or penalized for the same alleged misconduct after a final decision on a previous complaint.

6.02 **Grievances.**

- (1) A grievance is a personnel problem, perceived by a faculty member to involve unfair treatment or violation of the faculty member's rights and privileges accorded by law, UW-Extension policy, or established UW-Extension practice.

- (2) The Faculty Hearings Committee, established in Chapter UWEX 2.02, shall hear faculty grievances in accordance with these policies and procedures. Dismissals, layoffs, and non-renewals which are otherwise appealed in accordance with these Chapters may not be grieved under this Chapter.
- (3) Prior to filing a request for a hearing before the hearing body, the complaining faculty member shall attempt to discuss the grievance with his/her supervisor, department chair, dean, or other appropriate administrative official. The faculty member 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 hearing body in exceptional cases.
- (4) The request for a hearing shall be made in writing to the chair of the hearing body or Secretary of the Faculty 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. It shall also state what informal settlement attempts were made, or state the grievant's reasons for not making such attempts.
- (5) A hearing committee shall have 30 days to consider the request, 10 days to inform the faculty 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 hearing committee.
- (6) The grievant bears the burden of proof at a grievance hearing.
- (7) The hearing body may refuse to hear a grievance if:
 - (a) Appropriate informal settlement efforts were not made by the faculty member; or
 - (b) The request does not state a grievance or fails to state a cause of action upon which the Chancellor can grant relief; or
 - (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.
- (8) The Chancellor shall make a decision on the grievance within 30 calendar days after receiving the report of the hearing body.
- (9) The decision of the Chancellor on the recommendation of the committee, or on the grievance in the absence of a committee recommendation, shall be final except that the Board, upon petition of a grievant or the committee or other faculty body, may grant a review on the record.
- (10) In deciding whether or not to grant a discretionary review the Board of Regents will consider the following:
 - (a) does the case involve substantial constitutional claims?
 - (b) is there a serious concern that the Chancellor has abused his/her discretion or exceeded his/her authority?
 - (c) could the decision made at the institutional level have systemwide implications?

(d) is the final institutional decision based upon facts not supported by the record, resulting in material prejudice to the individual seeking review?

6.03 Hearings Committee.

- (1) The UW-Extension Faculty Hearings Committee specified in Chapter UWEX 2.02 shall hear all appeals, complaints, and grievances under Chapters UWEX 3, 4, 5, 6, and 8. Also please see UWS 7 for additional rules and regulations: <http://www.legis.state.wi.us/rsb/code/uws/uws007.pdf>
- (2) The Hearings Committee not only hears evidence, but is also responsible for conducting the hearing in accordance with Chapter UWEX 6.04:
 - (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.

6.04 Hearings Committee Procedures. Whenever the UW-Extension Faculty Hearings Committee holds a hearing under Chapters UWEX 3, 4, 5, 6, or 8, the following conditions and rules shall apply. Also please see UWS 7 for additional rules and regulations: <http://www.legis.state.wi.us/rsb/code/uws/uws007.pdf>

- (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 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 30 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) Hearings shall be conducted in open session except as a closed session is permitted under section 19.85, Wis. Stats. In the case of a hearing involving a tenure decision, the faculty member involved has the right to demand an open hearing.
- (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. Admissibility of evidence is governed by 227.45 Wis. Stats. 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.

Revised July 2009

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.

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