

Faculty Chapter One

Introduction

Part A. Faculty Role and Responsibility.

FAC 1.A.1. Introduction.

The purpose this document is to establish procedural guarantees of due process which preserve individual rights within the collegial environment of the university. Although these procedures are established to protect both the individual and the University, they should also be viewed as means of preserving the integrity of valued traditions of academic freedom and professional responsibility rather than as ends in themselves. Participants in the personnel procedures established herein should understand them as essential components of a vigorous and self-governing academic community with a basic interest in assuring fair treatment and adherence to accepted academic values.

FAC 1.A.2. Academic Freedom.

(1) Principles.

To be free, a university must encourage a full examination of all viewpoints, but to remain free, the institution must avoid actions which advocate a particular viewpoint.

In opening its doors to the interchange of ideas, discussion, debate, and the development of alternate approaches, the university itself assumes an obligation to retain a neutral platform. To do otherwise and lend its weight to a particular position would be to stifle the very freedom which it purports to encourage.

The faculty member has the freedom of any citizen. In turn, he/she has the same responsibilities. As an individual, the faculty member has freedom of expression in research, publications, classroom discussion, speaking or writing. As a teacher, he/she has a responsibility to students and to the institution. These responsibilities include giving full attention and effort to the course being taught, avoiding introduction into the classroom of material which does not relate to the subject, being accurate, showing respect for all opinions and persons, making clear that he/she speaks as an individual and not for the department or institution, and undertaking such duties as are prescribed by the institution which gives employment.

(2) Campus Speakers.

As an institution of higher learning devoted to the spirit of free inquiry, this university neither seeks to inculcate the doctrines held by a majority nor shuns those advocated by a minority; rather, it encourages the fair and orderly presentation of varying points of view.

To promote this goal the university requires that:

- (a) All campus speakers must be sponsored by a faculty member or a student organization recognized by the Oshkosh Student Association.
- (b) All established and published procedures concerning the reservation or use of campus facilities must be observed.
- (c) Whenever feasible, the chairperson of the meeting should come from the sponsoring agency, and an opportunity should be provided for the presentation of other points of view. A minimum requirement should be the provision of a question-and-answer period.

FAC 1.A.3. Core of Academe.

(1) Statement of Introduction.

The University community recognizes the value of providing useful information to help guide important personnel processes. Toward this end, "The Core of Academe," a statement originally issued by the American Association of State Colleges and Universities, is presented here for convenient reference to the University's faculty and academic administrators. The incorporation of

1 this statement is not intended to make any substantive changes in the procedural rules and re-
2 quirements that are set forth in these materials.

3 (2) Teaching, Scholarly Activity, and Service.

4 Since the earliest days of the academy, faculty members at institutions of higher education have
5 been engaged in those activities intimately associated with teaching, scholarly activity, and ser-
6 vice. Not always known by these labels, these three functions have constituted the idea of a uni-
7 versity. Although most institutions today use teaching, scholarly activity, and service as the foun-
8 dation upon which their programs are built, few definitions exist--by concept or example--of these
9 core elements of the professorate.

10 (3) Teaching: Program Planning, Instruction, Evaluation, and Advisement.

11 Although a college or university may acknowledge its commitment as a teaching institution, this
12 does not mean that it does not also have the obligation to engage in scholarly activity and public
13 service. It does, however, set the teaching/learning process as an institutional priority. Teaching
14 has four components: academic program planning and development, instruction, evaluation, and
15 student academic advisement. The orientation of these elements facilitates the acquisition of
16 knowledge and skills and enhances behavioral change.

17 Teaching is the critical ingredient that provides the mechanism by which two major purposes of
18 the institution are achieved. Education should be concerned with experiences which strengthen
19 human relationships, forge common bonds, and enhance the quality of life. Its emphasis should
20 concern areas of our interrelatedness as members of the human community. Education should
21 also develop within students the capacity for further learning in a particular discipline, concentrat-
22 ing on the knowledge and skills unique to the discipline and of value to graduates in the world of
23 vocation. These two purposes then--one emphasizing the interrelatedness of knowledge and the
24 other focusing on the uniqueness of knowledge--provide a framework within which the four com-
25 ponents of teaching can function.

26 Professors may teach, but students learn. Further, students are quite capable of learning on their
27 own. Given adequate resources from which to learn, the human organism is quite capable of self-
28 instruction. The ability to learn independently, after all, is a valued quality of the professorate.
29 Many educators think that the most significant single outcome of a university education is that
30 students become lifelong learners when they leave the tutelage of the institution. The task of the
31 professor, then, is to arrange the contingencies of teaching for learning to be most efficient and
32 effective. A brief description of each of the four components of teaching follows.

33 (a) Academic program planning and development consists of analyzing the educational goals de-
34 fined by a particular field of study. These goals are then reduced to objectives which define
35 the scope and sequence of the subject content and learning experiences to be made avail-
36 able to the student. The specification of the scope and sequence of content must recognize
37 the standard parameters of the instructional system in which the academic program is to
38 function (124 semester hours' credit, number and credentials of the faculty, facilities avail-
39 able, etc.). The competencies of students entering the program should be specified and op-
40 portunities to achieve additional necessary competencies identified. The task of academic
41 program planning and development is to specify the desired results of the educational proc-
42 ess and the most effective and efficient methods to achieve those results.

43 (b) Instruction refers to the process of using resources to achieve an identified educational objec-
44 tive. It is a process with internal order, sequence, and purpose. It is not a random encounter.
45 Knowing what is to be achieved by the student, as well as the students initial competencies,
46 the professor identifies the knowledge and skills to be taught, the learning experiences to be
47 provided, instructional media to be used, the instructional strategies to be employed, and the
48 time and facility resources required. All these are "arranged" in the proper order and time se-
49 quence to facilitate the learning process of the student. It is possible to categorize instruc-
50 tional methods available to faculty in three broad areas: large and small group instruction,
51 used primarily for the dissemination of knowledge, laboratory, practicum and internship ses-
52 sions, used for skills development: and the tutorial, to provide students the opportunity for in-
53 dependent study and faculty for individual guidance (small seminars, reading courses, theses
54 and dissertations, etc.)

1 (c) Evaluation spans academic program planning and development, instruction, and advising. It
2 provides an objective verification that the academic plan (component one) was carried out
3 (component two), and that a legitimate learning experience occurred. Evaluation is used ini-
4 tially to determine the needs of students, as well as their initial level of competency. During
5 instruction, evaluation is utilized to provide guidance to students for their learning experi-
6 ences, as well as data to the professor to evaluate the instructional process. Evaluation is
7 again employed at the termination of instruction to assess the attainment of the adequacy of
8 instruction. Evaluation may also be used to provide performance data concerning instruc-
9 tional strategies, various forms of instructional media, relevance of the content of the course,
10 and the adequacy of the facilities used in instruction. Evaluation meets two basic needs of
11 teaching: (1) it provides information about the student and (2) it provides information concern-
12 ing instruction.

13 (d) Academic advising goes beyond reviewing requirements for graduation, assisting students in
14 making out a schedule, or signing a class card. It is a vehicle by which the student may de-
15 velop as an independent thinker and learner. The goal of academic advisement is to assist
16 the student in the exploration of the students life/career goals and the specification of an edu-
17 cational plan to reach those goals. It also includes monitoring the students progress toward
18 implementing that plan, providing advice and an interpretation of appropriate and inappropriate
19 learning behaviors during the instructional sequence, and evaluating of the learning ex-
20 perience at the termination of the instructional process. Academic advisement is an active
21 process of sharing between the faculty member and the student concerning any relevant
22 variable associated with the students academic program. The goal of academic advisement is
23 to assist the student in obtaining as much benefit from the educational experience as possi-
24 ble.

25 There are a multitude of activities concerned with teaching. Some of those representative are
26 noted below.

27 Those provided are meant to serve as examples only and should not be perceived as the total
28 universe of teaching activities. The professor is engaging in academic program planning and de-
29 velopment, instruction, evaluation, and academic advising when he or she:

- 30 1. demonstrates teaching competence in a chosen content area and guides and inspires
31 students;
- 32 2. integrates current scholarly activities within a given discipline into the overall scope of in-
33 structional content;
- 34 3. holds memberships on graduate student committees and directs theses and special in-
35 vestigations;
- 36 4. teaches honors courses and provides for individualized instruction where required;
- 37 5. contributes to course and curriculum development and prepares and uses instructional
38 media;
- 39 6. experiments with instructional methods and techniques;
- 40 7. attends conferences, conventions and meetings relevant to teaching the chosen disci-
41 pline;
- 42 8. demonstrates an impact on students, both objectively and subjectively;
- 43 9. participates in the academic governance of the academic unit to which assigned;
- 44 10. contributes to the development of both library and other learning resources relevant to
45 content area of teaching;
- 46 11. seeks opportunities to interact with colleagues to improve instruction;
- 47 12. is available to the academic community to consult with students concerning learning diffi-
48 culties and with colleagues concerning academic program issues;
- 49 13. periodically reviews and revises course materials including textbooks, syllabi, evaluation
50 instruments and instructional media;

- 1 14. maintains academic integrity and the academic standards of the institution;
- 2 15. provides students with objectives relevant to the course taught, appropriate references,
3 information about the topics to be covered, and criteria for performance;
- 4 16. provides for student evaluation of the course and the instructor and uses the results of
5 such evaluation to revise course and methods of instruction;
- 6 17. makes available opportunities for students to learn of the primary sources of information
7 associated with a particular discipline or area of study;
- 8 18. sponsors field trips, outside resource instructors, and student research projects;
- 9 19. assists students in making rational and relevant academic decisions as an academic ad-
10 viser;
- 11 20. observes academic regulations as legislated by the faculty senate and instructional "good
12 practices" as recognized by the profession.

13 (4) Scholarly Activity: Research, Scholarship, and Creative Endeavor.

14 Although a university may be committed to the idea of being a "teaching institution," that concept
15 cannot be fulfilled apart from a similar commitment to scholarly activity. Scholarly activity has
16 three components--research, scholarship, and creative endeavor--whose principal foci are ori-
17 ented toward the academic program of the university and are carried out by individual faculty.

18 These activities are vital to the university and to its academic program and have an impact on the
19 student as a learner. They are a very real part of the instructional process. In progress through
20 undergraduate studies, the student is constantly moving toward more and more independent
21 learning and learns that research and creative endeavor are necessary elements in the learning
22 process. Students must have models of ongoing scholarly activity in which they can see the pos-
23 sibilities for their own creative talents. Faculty engaged in scholarly activity provide those models.
24 In this sense, scholarly activity is an integral part of teaching.

25 Research, creative endeavor, and scholarship are also intimately involved in the professional de-
26 velopment of individual faculty members. Through the process of sharing the outcomes of profes-
27 sional efforts with colleagues both on and off the campus, validation of progress in developing as
28 a scholar in a discipline is received. Reviewing and critiquing the work of others provides opportu-
29 nities for faculty to test ideas and concepts developed in their own work. Often, sharing scholarly
30 activity with colleagues on the campus functions as a stimulus to fellow faculty. Since professional
31 development is a lifelong task, sustained effort in this area of involvement is needed.

32 A detailed description of the three components of scholarly activity follows:

33 (a) Research for the purposes of this discussion will be categorized as discipline, applied, and
34 pedagogical. The first orients toward new knowledge, the second toward the utilization of that
35 new knowledge, and the third toward methods of teaching and learning. Discipline research is
36 that activity which is carried out with the deliberate intent of extending the frontiers of knowl-
37 edge in a particular academic discipline. Little attention is given to the applicability or practical
38 use of possible discoveries. Applied research is activity that is carried out with the deliberate
39 intent of solving a specific problem in an immediate time frame. The focus of the activity is the
40 applicability of the research to a well-defined, real-life need. Pedagogical research is activity
41 which explores the merits of one educational approach to instruction over another approach,
42 under what conditions students learn best, how educational material may be organized to en-
43 hance the learning process, investigations of the degree to which curricula meet the require-
44 ments they have been designed to meet, etc. The sharing of the results of research, as out-
45 lined later in this paper, is an integral part of the research process. The responsibility to
46 communicate the results of research to assist colleagues, as well as to validate findings, is
47 the task of the faculty member. The responsibility to support and facilitate research efforts on
48 the part of the faculty is the task of the academic administrator.

49 (b) Scholarship is an area of scholarly activity that refers to updating and extending an area of
50 study within the professional life of the faculty member. University professors must be con-
51 stantly alert to new and innovative directions in their disciplines if their leadership in the class-

1 room is to be truly effective. It is this kind of activity that frequently spells the difference be-
2 tween professors who are inspiring and creative in the role as teacher and those who only
3 continue to use notes on aging yellow pages. Faculty engaged in scholarship are those who
4 take advantage of the opportunities to remain viable and active in their particular areas of
5 specialty. The development and sharing of ideas; the conception and implementation of new
6 and creative instructional materials; participation in conferences, conventions, workshops,
7 professional meetings; and the publication of articles and monographs in areas other than re-
8 search are samples of such activities.

9 (c) Creative endeavor refers to the result of the production of creative work by faculty. Creative
10 endeavor is most easily identified when associated with the performing arts (theater, music,
11 dance) and the fine arts (two- and three-dimensional art, writing) It is also most appropriate to
12 apply it in the area of applied arts (architecture, graphics and printing, design, decorating)
13 Creative endeavor involves not only the creation of a tangible product, but the subjection of
14 that creative piece to judgment by public and peers through the vehicle of performance,
15 show, publication, display, or exhibit. There is some overlap area of scholarship. For exam-
16 ple, an article dealing with the impact of carbon steel by its inventor could be classified as
17 creative endeavor.

18 Some activities indicative of scholarly activity follow. Those provided are meant to serve as ex-
19 amples only. They should not be perceived as the total universe of scholarly activities.

- 20 1. produces, exhibits, or performs creative works;
- 21 2. delivers invited lectures, papers, speeches, or presentations at colleges or universities,
22 professional meetings, conventions, and conferences;
- 23 3. submits products of scholarship to colleagues for evaluation and critique;
- 24 4. collaborates with colleagues on the local and other campuses in activities oriented to-
25 ward making a contribution toward the advancement of knowledge, methodology, or de-
26 velopment of a discipline;
- 27 5. applies for and receives grants and awards;
- 28 6. obtains recognition regionally, nationally, or internationally for recent, as well as past,
29 contributions to a particular field of study by a variety of means (request for reprints, invi-
30 tations to read papers, citations of research, invitations to exhibit, etc.);
- 31 7. participates in institutes, short courses, seminars, and workshops that are related to the
32 faculty members discipline;
- 33 8. publishes the results of research, scholarship, and creative endeavor through vehicles
34 such as monographs, textbooks, papers, abstracts, book reviews, poems, plays, musical
35 compositions, etc.;
- 36 9. holds membership in professional societies relevant to a specific discipline;
- 37 10. obtains copyrights or patents on works produced;
- 38 11. engages in specific self-study or a professional growth plan to enhance professional
39 competency;
- 40 12. edits papers for journal publication, grant proposals for awards, chapters for books, or
41 other scholarly activity of like nature.

42 (5) Service: Institutional, Professional, and Community.

43 An institution should strive, through its faculty and staff, to provide excellent teaching, quality
44 scholarship, and meaningful service. Service activities have the potential to make positive contri-
45 butions to both scholarly activity and teaching and have been a traditional part of all academic
46 communities. This service manifests itself in three areas: institutional service, professional ser-
47 vice, and service to the community.

48 It is recognized that faculty members possess talents and interests in a variety of fields and are
49 capable of rendering service in areas quite unrelated to their discipline, as well as those that are

1 very closely related. Although they should not be discouraged from providing service in any field
2 in which they have an interest, it should be understood that faculty activities are, as a general
3 rule, considered to be valid university service only when they are performed using competencies
4 relevant to the faculty members role and/or area of specialization at the university. Service pro-
5 vided through an avocational interest or associated with some special talent or skill not related to
6 ones professional competence or assignment will not be considered valid university service un-
7 less the performance of the service is in some manner related to ones university appointment. For
8 example, if a faculty member whose discipline is psychology sings in the community chorale, such
9 service would not be considered a university-contributed community service. On the other hand, if
10 that faculty member led group marriage counseling sessions for the YMCA, such service would
11 be a legitimate contribution of the university to the community. Should a member of the psychol-
12 ogy faculty be invited to provide a service (one not related to that discipline) because of the fact
13 that the individual is affiliated with the university, such service would also be considered a univer-
14 sity-contributed service. Faculty members are encouraged to pursue any opportunity to participate
15 in the improvement of the quality of life in the community as citizens of that community and as ex-
16 amples of good citizenship. Service activities have the potential of making significant contributions
17 to teaching, scholarly activity, and the quality of life in the academic and lay community. The set-
18 ting of academic policies and regulations, guiding of curriculum development, and contributing to
19 the acquisition and use of library media and instructional technology are intimately related to the
20 teaching function of the faculty member and the university. Consulting, speaking to groups exter-
21 nal to the academy, planning professional development opportunities, and serving in professional
22 societies contribute more than tangentially to ones scholarly activity. Representing the university
23 at various community functions, serving on community committees, providing training to lay
24 groups, and giving on ones expertise in accomplishing community tasks influence positively the
25 quality of life in the community as well as the university.

26 A detailed description of the three components of service follows.

- 27 (a) Institutional service consists of serving on departmental, school, and university standing and
28 ad hoc committees. In addition, teaching in continuing education credit and non-credit pro-
29 grams both on and off campus are also considered in the service category as are activities
30 associated with completing special studies and projects for the university (e.g., studying the
31 economic impact on the region, surveying the adequacy of academic advising in a particular
32 academic unit, etc.)
- 33 (b) Professional service consists of serving in some official capacity (officer, committee member,
34 discussant, reviewer, session chairperson, editor, etc.) the needs of a professional society or
35 organization related to some degree to the discipline area of expertise of the faculty member.
36 Professional service should also be acknowledged for establishing consulting relationships
37 with government, business, or industry, whether that service receives compensation or not.
38 The key here is that the faculty member is recognized as having an expertise that has been
39 sought. If the service performed is considered an integral part of the faculty members as-
40 signment (such as "on loan," exchange or various released time arrangements), then it
41 should also be evaluated in the most relevant category (e.g., administering a workshop for
42 the Environmental Protection Agency would be teaching, performing research for pecan
43 growers in Northeast Oklahoma would be scholarly activity, developing a computer program
44 for a small business would be service) Relevance to the faculty members area of expertise
45 still remains the overriding factor.
- 46 (c) Community service literally includes that remainder of the myriad of activities that faculty per-
47 form for the local and regional community in which they live that are related to university ex-
48 pertise or affiliation.

49 Serving on various city, county, state, and regional (or federal) committees in a wide variety of
50 capacities are categorized in this particular area. Nongovernmental and not-for-profit agencies
51 and organizations are also included here. It must be remembered that the categorization of ser-
52 vice activities in many cases will be arbitrary and the degree of accuracy with which one catego-
53 rizes service is not precise. The critical task is, first to, do the service, and second, categorize that
54 service. The only reason that these classifications are presented is to provide some structure that

1 will enable faculty and academic administrators to define relevant service activities, not to place
2 them compulsively into a variety of categories.

3 Examples of institutional service, professional service, and service to the community may take the
4 form of any of the sample activities given below:

- 5 1. provides academic and career counseling and advisement to students on a regular basis;
- 6 2. participates in noncredit continuing education programs both on and off the campus;
- 7 3. plans and leads noncredit workshops, institutes, discussion groups;
- 8 4. functions as an officer of local, regional, national, or international professional organiza-
9 tions;
- 10 5. serves on departmental, school, and university committees;
- 11 6. assumes a variety of administrative responsibilities relating to both the academic and
12 support services of the university community;
- 13 7. conducts various institutional studies;
- 14 8. contributes services to the community that are relevant to the faculty member's role at the
15 university;
- 16 9. consults as requested with government, business, and industry to provide a variety of
17 applications of the faculty members expertise;
- 18 10. participates in sponsoring activities of various student clubs, societies, organizations.

19 (6) Institutional Purpose and the Core of Academe.

20 Cardinal Newman in "The Idea of a University" noted that a "university. . . aims at raising the intel-
21 lectual tone of society, at cultivating the public mind, at purifying the national taste, at supplying
22 pure principles to popular enthusiasm and fixed aims to popular aspirations, at giving enlargement
23 and sobriety to the ideas of the age, at facilitating the exercise of political power, and refining the
24 intercourse of private life."

25 The contemporary university must engage in all the activities discussed and others as well.
26 Through program planning, instruction, evaluation, and advisement--buttressed by research,
27 scholarship, and creative endeavor--institutional, professional, and community service, a higher
28 education institution merits the label of "university."

29 The university, through teaching, scholarly activity, and service, strives to transcend the limita-
30 tions of ignorance, to probe the analogy that is life and the perceptions of truth that reside in the
31 reality of existence.

32 (7) Credit and Reference.

33 James E. Gilbert, president, East Stroudsburg University of Pennsylvania, and the staff at Pitts-
34 burg State University (KS) originated this statement. Reference: AASCU, American Association of
35 State Colleges and Universities, One Dupont Circle, Suite 700, Washington, D.C. 20036-1192;
36 (202) 293-7070. Allan W. Ostar, President (May 30, 1987).

37 **FAC 1.A.4. Professional Ethics.**

38 (1) Faculty members shall enjoy and exercise all rights secured to them by the Constitution of the
39 United States and the Constitution of the State of Wisconsin, and by the principles of academic
40 freedom and precepts of collegiality as they are generally understood in higher education, as well
41 as rights specifically granted to them by the Board of Regents action, University of Wisconsin
42 System rules, and the Faculty Constitution of the University of Wisconsin Oshkosh, rules and
43 policies of the university and its colleges, schools, departments and analogous units, and bylaws
44 of the various units. The free exercise of these rights shall under no circumstances be deemed
45 adequate cause for disciplinary action. Faculty members shall be subject to disciplinary action
46 only for adequate cause.

47 (2) The rights of faculty members carry with them responsibilities for adhering to canons of profes-
48 sional conduct as they are understood in higher education. The general principles understood to

1 govern the conduct of faculty members are set forth in the following statement adopted by the
2 AAUP ("Academe," July-August 1987) The faculty of the University of Wisconsin-Oshkosh en-
3 dorse this statement.

4 (3) AAUP Statement on Professional Ethics.

- 5 (a) Professors, guided by a deep conviction of the worth and dignity of the advancement of
6 knowledge, recognize the special responsibilities placed upon them. Their primary responsi-
7 bility to their subject is to seek and to state the truth as they see it. To this end professors de-
8 vote their energies to developing and improving their scholarly competence. They accept the
9 obligation to exercise critical self-discipline and judgment in using, extending, and transmitting
10 knowledge. They practice intellectual honesty. Although professors may follow subsidiary in-
11 terests, these interests must never seriously hamper or compromise their freedom of inquiry.
- 12 (b) As teachers, professors encourage the free pursuit of learning in their students. They hold be-
13 fore them the best scholarly and ethical standards of their discipline. Professors demonstrate
14 respect for students as individuals and adhere to their proper roles as intellectual guides and
15 counselors. Professors make every reasonable effort to foster honest academic conduct and
16 to assure that their evaluations of students reflect each students true merit. They respect the
17 confidential nature of the relationship between professor and student. They avoid any exploi-
18 tation, harassment, or discriminatory treatment of students. They acknowledge significant
19 academic or scholarly assistance from them. They protect their academic freedom.
- 20 (c) As colleagues, professors have obligations that derive from common membership in the
21 community of scholars. Professors do not discriminate against or harass colleagues. They re-
22 spect and defend the free inquiry of associates. In the exchange of criticism and ideas pro-
23 fessors show due respect for the opinions of others. Professors acknowledge academic debt
24 and strive to be objective in their professional judgment of colleagues. Professors accept their
25 share of faculty responsibilities for the governance of their institution.
- 26 (d) As members of an academic institution, professors seek above all to be effective teachers
27 and scholars. Although professors observe the stated regulations of the institution, provided
28 the regulations do not contravene academic freedom, they maintain their right to criticize and
29 seek revision. Professors give due regard to their paramount responsibilities within their insti-
30 tution in determining the amount and character of work done outside it. When considering the
31 interruption or termination of their service, professors recognize the effect of their decision
32 upon the program of the institution and give due notice of their intentions.
- 33 (e) As members of their community, professors have the rights and obligations of other citizens.
34 Professors measure the urgency of these obligations in the light of their responsibilities to
35 their subject, to their students, to their profession, and to their institution. When they speak or
36 act as private persons they avoid creating the impression of speaking or acting for their col-
37 lege of university. As citizens engaged in a profession that depends upon freedom for its
38 health and integrity, professors have a particular obligation to promote conditions of free in-
39 quiry and to further public understanding of academic freedom.

40 **FAC 1.A.5. Liability and Indemnification.**

41 Wisconsin law provides liability protection for actions taken within the scope of employment. (Reference:
42 Section 895.46, *Wisconsin Statutes*.) This means that University employees who are sued for actions
43 within the scope of their employment are entitled to legal representation, or payment of attorneys fees. In
44 these instances, the state assumes responsibility for the payment of any resulting judgment against the
45 employee, in excess of any applicable insurance. In order to be entitled to these protections, the employee
46 must provide prompt notice of suit, and cooperate in the defense of that action.

1 **Part B. Definitions and Procedures.**

2 **FAC 1.B.1. UWS 1 {Definitions} of the *Wisconsin Administrative Code*, Rules of the Board of Re-**
3 **gents.**

4 **UWS 1.01 Academic Staff.**

5 "Academic staff" means professional and administrative personnel, other than faculty and classified staff,
6 with duties and types of appointments that are primarily associated with higher education institutions or
7 their administration.

8 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

9 **UWS 1.02 Board of Regents or board.**

10 "Board of Regents" or "board" means the Board of Regents of the University of Wisconsin System.

11 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

12 **UWS 1.03 Department.**

13 "Department" means a group of faculty members recognized by the faculty and Chancellor of the institu-
14 tion, and the board of regents, as dealing with a common field of knowledge or as having a common or
15 closely related disciplinary or interdisciplinary interest.

16 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

17 **UWS 1.04 Faculty.**

18 "Faculty" means persons who hold the rank of professor, associate professor, assistant professor, or in-
19 structor in an academic department or its functional equivalent in an institution. The appointment of a
20 member of the academic staff may be converted to a faculty appointment in accordance with s. UWS 3.01
21 (1) (c).

22 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

23 **UWS 1.05 Faculty status.**

24 By action of the appropriate faculty body and Chancellor of an institution, members of the academic staff
25 may be designated as having "faculty status." "Faculty status" means a right to participate in faculty gov-
26 ernance of an institution in accordance with the rules of the institution. Faculty status does not confer rank
27 or tenure, or convert an academic staff appointment into a faculty appointment.

28 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

29 **UWS 1.06 Institution.**

30 "Institution" means any university, or an organizational equivalent designated by the board.

31 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

32 **UWS 1.07 University.**

33 "University" means any baccalaureate or graduate degree granting institution.

34 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

35 **UWS 1.08 Notice periods.**

36 (1) When an act is required by these rules to be done within a specified number of days:

37 (a) Day shall mean calendar day,

38 (b) The first day shall be the day after the event, such as receipt of a notice or conclusion of a
39 hearing,

40 (c) Each day after the first day shall be counted, except that a Sunday or legal holiday shall not
41 be counted if it would be the final day of the period.

42 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

43 **FAC 1.B.2. Administrative Offices and Personnel Committees.**

1 As used in this document, administrative offices and personnel committees reviewing personnel actions
2 shall include the following (or their comparable levels in service areas) as appropriate:

- 3 (1) Department committee
- 4 (2) Department chairperson or functional equivalent
- 5 (3) College committee
- 6 (4) Dean
- 7 (5) University committee (if appropriate)
- 8 (6) Provost and Vice Chancellor
- 9 (7) Chancellor

10 **FAC 1.B.3. UWS 3.09 {Notice Periods}, 3.10 {Absence of Proper Notification}, and 3.11 {Limitation}**
11 **of the *Wisconsin Administrative Code*, Rules of the Board of Regents.**

12 **UWS 3.09 Notice periods.**

- 13 (1) A faculty member who is employed on probationary appointment pursuant to s. 36.13, Stats.,
14 shall be given written notice of reappointment or non-reappointment for another academic year in
15 advance of the expiration of the current appointment as follows:
 - 16 (a) When the appointment expires at the end of an academic year, not later than March 1 of the
17 first academic year and not later than December 15 of the second consecutive academic year
18 of service;
 - 19 (b) If the initial appointment expires during an academic year, at least 3 months prior to its expi-
20 ration; if a second consecutive appointment terminates during the academic year, at least 6
21 months prior to its expiration;
 - 22 (c) After 2 or more years of continuous service at an institution of the University of Wisconsin
23 System, such notice shall be given at least 12 months before the expiration of the appoint-
24 ment.

25 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

26 **UWS 3.10 Absence of proper notification.**

27 If proper notice is not given in accordance with s. UWS 3.09, the aggrieved faculty member shall be enti-
28 tled to a one-year terminal appointment. Such appointments, however, shall not result in the achievement
29 of tenure.

30 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

31 **UWS 3.11 Limitation.**

32 Tenure and probationary appointments are in a particular institution; a tenure appointment is limited to the
33 institution in which the appointment is held, unless another institution has, through normal procedures and
34 explicit agreement, undertaken to share in the appointment. The explicit agreement shall specify both the
35 tenure responsibility and the budget responsibility.

36 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

37 **FAC 1.B.4. Time Deadlines.**

38 Time deadlines set forth in this document are created to ensure that sufficient time is available for the
39 gathering of persons and documents necessary for the fair and equitable treatment of grievances, recon-
40 sideration, appeals, and dismissals, but all persons responsible for meeting these deadlines should be
41 aware of the university calendar and, therefore, should make every effort to discharge their responsibilities
42 in the shortest time possible within their allotted deadlines. Should the deadline for any action fall on a
43 Saturday, Sunday or legal holiday that day shall not be counted as the final day of the period.

44 **FAC 1.B.5. Wisconsin Open Meeting Law.**

- 45 (1) Introduction to Requirements; General Information.

1 As a public agency, the University of Wisconsin Oshkosh is subject to the state's open meetings
2 law (19.81 et seq., Wis. Stats.) This law requires advance notice of meetings of the governance
3 organizations and certain University committees; the law also restricts and limits the circum-
4 stances under which these "governmental bodies" may meet in closed session. The law is based
5 on the policy that the public right to attend and observe meetings must be respected, consistent
6 with the conduct of governmental business.

7 Under the Wisconsin Open Meetings Law, committees may conduct a closed meeting (but are not
8 required to meet in closed session) for the purpose of reviewing and voting on the credentials of
9 candidates for renewal. However, in order for a committee to lawfully meet in closed session, all
10 of the following conditions must be satisfied: (1) the committee must provide legally-sufficient pub-
11 lic notice of the meeting; (2) the meeting notice must identify the specific subject matter of the an-
12 ticipated closed session; (3) the meeting notice must also specifically identify the statutory basis
13 that authorizes meeting in closed session; (4) the meeting must start in open session and then
14 properly reconvenes in closed session; and (5) the motion to meet in closed session (and the vote
15 on that motion) must be recorded in the official minutes of the meeting. A closed meeting, there-
16 fore, can be held only by specific action of the committee.

17 Candidates for tenure do have the option of requesting that the committee conduct the evidentiary
18 portion of its hearing in an open meeting. This means that for tenure-year decisions, a closed
19 session may not be held over the objection of the faculty member whose credentials are under
20 review at that meeting. To ensure compliance with the strict and nondiscretionary requirements of
21 this law, the committee chair should make note of the following procedures:

22 Committee chairs should send notices of all committee meetings to the University News Bureau
23 for possible inclusion within THE BULLETIN. Note: The University now provides a form that can
24 be used to provide public notice of meetings. This form also provides information to facilitate
25 compliance with the open meetings law.

26 Meeting notices may also be posted on the departmental bulletin board. Notices must be pub-
27 lished or posted at least 24 hours in advance of the scheduled meeting. When notices of meet-
28 ings are sent to the News Bureau or posted announcing a renewal/nonrenewal/tenure meeting,
29 they should also include the statement that it is contemplated that the body will meet in closed
30 session (this statement must also identify the subject matter and the statutory basis of this closed
31 session). In the event a candidate for tenure has requested an open meeting, this should also be
32 indicated in the notice of meeting.

33 At the meeting, the committee chair should say, "I will now entertain a motion to reconvene in
34 closed session to review credentials and to consider the formation of a recommendation on (re-
35 newal/nonrenewal) (tenure)." When a chair entertains this motion to reconvene in closed session,
36 the chair should specifically cite the appropriate sections of the *Wisconsin Statutes* that authorize
37 this closed meeting [i.e., most likely sections 19.85 (1) (c) and (f)]. The meeting minutes must re-
38 cord the motion as offered and seconded to convene in a closed session. Further, this motion
39 "...shall be carried by majority vote in a manner that the vote of each member is ascertained and
40 recorded in the minutes" (section 19.85). In the event the motion fails, the meeting must be con-
41 ducted in open session. If the motion passes, the meeting will then be closed, with only members
42 of the committee or individuals invited by the committee being eligible to attend.

43 Secret ballots may not be cast. Balloting can proceed in the following manner: a show of hands;
44 signed ballots that will be saved and attached to the minutes; or each person's vote can be re-
45 corded in the minutes; or a roll call vote, if requested by a least one member, with each person's
46 vote recorded in the minutes.

47 In general, you may not close a meeting and immediately reconvene again in open session. In
48 these instances, section 19.85 (2) applies: "No governmental body may commence a meeting,
49 subsequently convene in closed session and thereafter reconvene again in open session within
50 12 hours after completion of the closed session, unless public notice of such subsequent open
51 session was given at the same time and in the same manner as the public notice of the meeting
52 convened prior to the closed session."

53 In the event renewal/nonrenewal involves a tenure decision the chairperson of the committee
54 must inform the candidate in writing of the time and location the meeting will take place. The no-

1 tice shall include the statement that the individual has the right to request that the evidentiary por-
2 tion of the meeting be held in open session.

3 If the individual requests an open meeting, the meeting may not be held in closed session. If the
4 committee will be meeting to consider candidates for renewal (non-tenure-year) and candidates
5 for tenure who have requested an open meeting the agenda must include appropriate notice as to
6 the open and closed sessions of the meeting (and it is recommended that the open session por-
7 tion of the meeting be held before convening in closed session).

8 In cases where a decision is made by an individual such as a chairperson, dean, etc., the Open
9 Meetings Law does not apply since an individual does not constitute a "governmental body."

10 The law requires a minimum 24-hour advance notice of meetings; "unless for good cause such
11 notice is impossible or impractical, in which case [notice as short as two hours may be given]".
12 Meeting notices should be provided to the News Bureau (for listing in the Bulletin), and may be
13 posted on appropriate bulletin boards. Academic departments (and subunits of departments) are
14 exempt from the notification requirements, but the meeting notice must be "reasonably likely to
15 apprise interested persons, and news media who have filed written requests for such notice."

16 Meetings may only be closed to the public if the notice of meeting includes reference to a con-
17 templated closed session. The grounds for closing a meeting are limited, as set forth in 19.85 (1),
18 Wis. Stats. The statutes also establish a mandatory protocol for closing the meeting.

19 (2) Checklist -- Protocol for Meeting in Closed Session.

20 (a) The meeting notice must include notice of contemplated closed session (and identify the sub-
21 ject matter of that closed session)

22 (b) A motion must be made in open session to convene in closed session.

23 (c) The presiding officer must announce:

24 1. the nature of the business to be considered in closed session and

25 2. the specific exemption(s) claimed to authorize meeting in closed session.

26 (d) The announcement of the presiding officer (above) must become a part of the record of the
27 meeting.

28 (e) The motion must carry by majority vote and the vote of each member must be ascertained
29 and recorded in the minutes.

30 (f) The only business which may be taken up in closed session is that which related to matters
31 contained in the presiding officers announcement.

32 (g) The statutes do not address the question of whether voting can be done in closed session.
33 The attorney general has opined that voting is permissible in those instances where the vote
34 is an integral part of the reason for meeting in closed session; a decision by the court of ap-
35 peals raised questions concerning this opinion. Therefore, if the members of a governmental
36 body anticipate a compelling reason to vote in closed session, they should seek legal advice
37 on this issue before that meeting is held.

38 **FAC 1.B.6. Faculty Personnel Records.**

39 The Provost and Vice Chancellor's Office shall establish and maintain individual faculty personnel files.
40 Separate files shall be created for each individual and these files may be further subdivided into more than
41 one file folder as necessary and appropriate for the orderly and efficient retention of these records.

42 (1) The Provost and Vice Chancellor shall designate one file as the official permanent personnel file.
43 The permanent personnel file shall, at a minimum, contain the following items:

44 (a) Credentials and supporting materials (including the letters of reference) submitted at the time
45 of initial appointment.

46 (b) Correspondence relating to renewal and tenure (including the letters of appointment and cor-
47 respondence relating to dates of employment and compensation)

- 1 (c) Items pertaining to changes in status, medical leaves, leaves of absence or sabbatical
2 leaves.
- 3 (d) Items pertaining to University awards or recognitions.
- 4 (e) Personnel transaction forms.
- 5 (f) Items pertaining to formal disciplinary action.
- 6 (2) The Provost and Vice Chancellor may establish other individually identifiable files that include in-
7 formation such as the following:
- 8 (a) Renewal and tenure forms (and any supporting credentials)
- 9 (b) Promotion forms.
- 10 (c) Other forms and miscellaneous materials relating to the evaluation of performance (including
11 information submitted in support of merit salary increases or other adjustments in compensa-
12 tion)
- 13 (3) As the custodian of all personnel records, the Provost and Vice Chancellor shall establish a re-
14 cords retention policy that is consistent with all applicable laws and regulations. Additionally, the
15 provisions of this rule should be read in conjunction with section 103.13 of the *Wisconsin Statu*
16 *tes*.
- 17 (a) Consistent with sections 103.13 (2) and (3) of the *Wisconsin Statutes*, the Provost and Vice
18 Chancellor shall, upon request, provide timely access to all personnel records and materials.
- 19 (b) Items exempt from disclosure are set forth in section 103.13 (6) of the *Wisconsin Statutes*.
- 20 (c) As provided in section 103.13 (7) of the *Wisconsin Statutes*, the employee may copy or re-
21 ceive a copy of any records. The Provost and Vice Chancellor may charge a reasonable fee
22 not to exceed the actual cost of reproduction.
- 23 (d) Consistent with sections 103.13 (4) of the *Wisconsin Statutes*, an employee may request that
24 specific items be removed or corrected. If any agreement is not reached with the Provost and
25 Vice Chancellor, the employee member may submit a written statement to be attached to the
26 disputed portion of the personnel record.

27 **FAC 1.B.7. Incorporation of College Personnel Materials.**

28 Please note that substantive requirements relating to faculty appointment, renewal, tenure, promotion, and
29 merit may be found in materials developed at the college or department level. College-specific information
30 has been included as an appendix to this material.

1 **Part C. Nature and Status of Rules.**

2 **FAC 1.C.1. UWS 2 {Faculty Rules, Coverage and Delegation} of the *Wisconsin Administrative***
3 ***Code, Rules of the Board of Regents.***

4 **UWS 2.01 Rules.**

5 Rules in c's. UWS 2 and 3 apply to all faculty appointments made on or after the effective date of these
6 rules. Any person who holds a tenure appointment under former c's. 36 and 37, Stats. 1971 and related
7 rules shall continue to hold tenure as defined under those chapters and related rules. Any person who
8 holds a probationary appointment under former c's. 36 and 37, Stats. 1971 and related rules shall con-
9 tinue to enjoy the contractual rights and guarantees as defined under those chapters and related rules,
10 and may elect to be considered for tenure according to the procedures existing under that appointment or
11 under rules and procedures in effect at the time of consideration. The rules in c's. UWS 4 to 8 apply to all
12 appointments to faculty positions regardless of whether the appointment preceded the adoption of these
13 rules.

14 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. Register, January, 1986, No. 361, eff.
15 2-1-86.

16 **UWS 2.02 Delegation.**

17 Rules and procedures developed pursuant to c's. UWS 3, 4, 5, 6, and 8 by the faculty of each institution
18 shall be forwarded by the Chancellor to the president and by the president to the board for its approval
19 prior to their taking effect. Such policies and procedures, unless disapproved or altered by the regents,
20 shall be in force and effect as rules of the regents.

21 History: Register, January, 1975, No. 229, eff. 2-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

22

23 **FAC 1.C.2 Enforcement.**

24 When these rules have been approved by the Board of Regents, they have the status of rules of the Re-
25 gents and may be enforced in the same manner as state statutes.

26 **FAC 1.C.3. Implementation.**

27 The Faculty Senate shall have primary responsibility to review the implementation of these rules. The
28 Chancellor shall be responsible for the administration of these rules, and may assign specific responsibili-
29 ties to other administrative personnel. The Chancellor and the Faculty Senate Executive Committee shall
30 have the joint responsibility to identify, review, and propose changes to these rules.