

1 **Part B. Faculty Complaints.**

2 **FAC 9.B.1. UWS 6.01 {Complaints} of the *Wisconsin Administrative Code*, Rules of the Board of**  
3 **Regents.**

4 **UWS 6.01 Complaints.**

5 The faculty of each institution, with the approval of the Chancellor, shall establish rules and procedures to  
6 deal with allegations by the administration, students, academic staff members, other faculty members,  
7 classified staff members, or members of the public concerning conduct by a faculty member which violates  
8 university rules or policies, or which adversely affects the faculty member's performance of his/her obliga-  
9 tion to the university but which allegations are not serious enough to warrant dismissal proceedings under  
10 ch. UWS 4. Such rules and procedures shall include, but not necessarily be limited to, the following:

- 11 (1) Review of and administrative action on the complaint by the Chancellor. Administrative action  
12 may include dismissing the complaint, invoking an appropriate disciplinary action, or referring the  
13 complaint to the standing faculty committee created under sub. (2).
- 14 (2) Provision for a hearing before a standing faculty committee selected by the faculty of each institu-  
15 tion in such manner as they shall determine. Such hearing shall be held at the request of the  
16 Chancellor or, if the Chancellor invokes a disciplinary action, at the request of the faculty member  
17 concerned.
- 18 (3) Guarantee of adequate due process to include, but not limited to, written notification of the com-  
19 plaint, fair and complete hearing procedures, written statement of findings, transmittal of findings  
20 to the faculty member involved and appropriate administrative officials within a reasonable period  
21 of time, and prohibition of further jeopardy for the same alleged misconduct after a final decision.
- 22 (4) Delineation of the powers of the faculty committee to make recommendations to the Chancellor  
23 concerning disciplinary action, to recommend dismissal of the complaint, or to recommend referral  
24 of the complaint to the appropriate department or administrative officer.
- 25 (5) The decision by the Chancellor on the recommendations of the committee, or on the complaint in  
26 the absence of committee recommendation, shall be final except that the board at its option might  
27 grant a review on the record.

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

29 **FAC 9.B.2. Definition and Purpose.**

30 A formal complaint expresses an objection to perceived misconduct and seeks disciplinary action against  
31 the offender. The purpose of this procedure is to provide a means by which administrators, students, aca-  
32 demic staff members, other faculty members, classified staff members or members of the general public  
33 may bring a complaint against the conduct of a faculty member.

34 **FAC 9.B.3. Complaints Against Faculty Members.**

35 Complaints may be brought against faculty members for conduct which violates university rules or policies  
36 or which adversely affects the faculty member's performance of his/her obligation to the university but  
37 which allegations are not serious enough to warrant dismissal proceedings under UWS 4. The Chancellor  
38 shall determine after receiving the complaint whether it is to be considered under this part or the section of  
39 these rules titled "Faculty Dismissal."

40 (1) Form of a Complaint.

41 Complaints shall be written and signed by the complainant. They shall identify the acts which al-  
42 legedly violate university rules or policies or breach the faculty member's obligations, and they  
43 shall specify the rules or policies which have allegedly been violated or the obligations allegedly  
44 breached.

45 (2) Complaint Procedures.

46 (a) Upon receiving a complaint the Chancellor shall determine whether it warrants further con-  
47 sideration. If the Chancellor decides to reject the complaint at this stage, he or she shall so  
48 notify the complainant and shall explain the reasons why the complaint has been rejected. If  
49 the Chancellor decides to accept the complaint, he or she shall send a copy of the complaint

- 1 to the faculty member it names and shall request a written response to the complaint within  
2 ten working days.
- 3 (b) Upon receipt of the faculty member's response or after ten working days have passed without  
4 a response, the Chancellor may dismiss the complaint or initiate a formal review of it. In the  
5 formal review, if any, the Chancellor shall examine all pertinent documents and interview all  
6 persons likely to have knowledge about the conduct in question and in general shall afford  
7 both the complainant and the respondent full and fair opportunity to show why the complaint  
8 should be prosecuted further or dropped. The Chancellor may appoint a designate to carry  
9 out the formal review and recommend appropriate action upon the complaint.
- 10 (c) Within twenty working days of initiating a formal review, the Chancellor shall take one of the  
11 following actions on the complaint and shall inform both the complainant and the respondent  
12 of the action:
- 13 1. Dismissal of the complaint;
  - 14 2. Invocation of a sanction against the respondent; or
  - 15 3. Referral to the Faculty Hearing Committee.
- 16 (d) If the complaint is dismissed, the faculty member shall not be subjected to further jeopardy for  
17 the same alleged misconduct.
- 18 (e) If the Chancellor invokes a sanction, he/she shall inform the faculty respondent of the rea-  
19 sons for his/her decision.
- 20 (f) If there is administrative disciplinary action, this may include sanctions such as:
- 21 1. Oral admonishment
  - 22 2. Written reprimand
  - 23 3. Requirement for restitution
  - 24 4. Suspension of specific privileges
  - 25 5. Reduction in salary; or
  - 26 6. Reduction in rank
- 27 (g) Before invoking any sanction, the Chancellor will consult with the Executive Committee of the  
28 Faculty Senate about the appropriateness of the proposed sanction. If the Executive Commit-  
29 tee and the Chancellor disagree about the appropriateness of the sanction, the Chancellor  
30 will inform the committee in writing of his/her reasons for thinking the proposed sanctions ap-  
31 propriate.
- 32 (h) Sanctions shall be subject to review by the Faculty Hearing Committee, upon request by the  
33 faculty member. If the Chancellor rejects the recommendations of the hearing subcommittee,  
34 he or she shall provide the subcommittee and the Executive Committee of the Faculty Senate  
35 with a written statement of his/her reasons for rejecting the findings of the hearing subcom-  
36 mittee.
- 37 (i) Within ten working days of receiving notice from the Chancellor of administrative invocation of  
38 disciplinary action, the faculty member may file a request for review by the Faculty Hearing  
39 Committee. Should such a review be requested, the implementation of the administrative  
40 sanction shall be stayed pending the final decision by the Chancellor after receipt of the rec-  
41 ommendation of the hearing subcommittee.
- 42 (j) If the Chancellor refers a complaint to the Faculty Hearing Committee, or if the faculty mem-  
43 ber requests such referral after administrative invocation of disciplinary action, the subcom-  
44 mittee shall follow the procedures outlined in the sub-chapter titled "Faculty Senate Hearing  
45 Committee." Normally, the hearing shall be completed within thirty working days. If the hear-  
46 ing committee is required by extenuating circumstances to extend the hearing beyond thirty  
47 days, it shall file with the chairperson of the Faculty Hearing Committee and the president of  
48 the Faculty Senate a statement of the reasons why it must extend the timeliness for the hear-  
49 ing and a tentative timetable for completing its hearing on the complaint.

- 1 (k) The findings and recommendations of the hearing subcommittee shall be transmitted to the  
2 faculty member, the complainant, and the Executive Committee of the Faculty Senate for  
3 submission to the Chancellor. The hearing subcommittee shall recommend to the Chancellor  
4 either dismissal of the complaint, specified disciplinary action such as indicated in section (f),  
5 above, or referral to a department or administrative officer for appropriate action.
- 6 (l) The Chancellor shall render a formal, written decision to the faculty member, the complainant,  
7 appropriate university officers and, for information only, to the Executive Committee of the  
8 Faculty Senate within ten working days of receipt of the recommendation from the Executive  
9 Committee. If the Chancellor fails to accept the recommendations of the hearing subcommit-  
10 tee, he or she shall provide the subcommittee, the chairperson of the Faculty Hearing Com-  
11 mittee, the Executive Committee, and the principals in the complaint with a written rationale  
12 for rejecting the subcommittee's recommendations.
- 13 (m) At the request of the faculty member, the Board of Regents, at its option, may choose to grant  
14 a review of the decision on the record.