

Academic Staff Personnel Rules

Chapter Seventeen - Dismissal for Cause

ACS 17.0. Dismissal of Academic Staff for Cause.

Please note: Complaints against members of the academic staff are filed in accordance with Chapter 16 of these rules. The Chancellor shall decide whether a complaint as filed is serious enough to warrant review and consideration under this Chapter.

ACS 17.1. Dismissal Procedure.

- (1) Upon receiving allegations of misconduct, the Chancellor may direct an appropriate University administrator (see UWS 11.02) to conduct an informal investigation of the allegations and shall provide information concerning rights to which members of the academic staff are entitled under this chapter. In this case the academic staff member shall be informed by the Chancellor of the allegations and every effort shall be made to resolve the problem informally within a period not to exceed three weeks.
- (2) During this period of informal investigation and discussion, the salary of the academic staff member shall not be reduced or discontinued, and duties of the academic staff member shall not be modified unless continuation could involve substantial harm to the University of Wisconsin Oshkosh.
- (3) As a result of the informal investigation, the Chancellor may decide that the charges should be dropped, or that the charges should be considered under the general complaint procedures found in Chapter 16 of these rules.
- (4) Any formal statement of specific charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 262.06(1)(c), Stats., where applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. (UWS 11.02)
- (5) When service as specified in UWS 11.02 above is known to be impossible (e.g. the academic staff member is out of the country), service as outlined above will be accompanied by an email message to the academic staff member's UW Oshkosh email address.
- (6) If informal investigation and discussion do not resolve the matter and the allegation is deemed sufficient to warrant dismissal, the administrator conducting the informal review shall prepare a statement of specific charges and forward them to the Chancellor, who shall notify the affected staff member immediately according to the procedures under UWS 11.02 (2). The academic staff member shall be given an opportunity for a hearing before the appropriate Dean or Director or his/her designee. In those cases in which the immediate supervisor of the academic staff member concerned is a Dean or Director, the Chancellor shall designate an appropriate administrative officer to act for the Dean or Director in order to avoid a perception of prejudice.
- (7) The academic staff member shall have 20 calendar days from the receipt of the specific charges to request a hearing before the administrative officer. The hearing, if requested, shall be completed within 20 calendar days after receipt of the request for a hearing, unless extended by mutual agreement or order of the administrator. If a hearing is not requested, dismissal is effected by the specifications in the original notification of charges from the Chancellor.
- (8) The hearing before the administrative officer shall give the academic staff member a formal opportunity to present evidence and argument concerning the allegations. The supervisors and others involved also may be asked to present evidence.
- (9) After consultation with the Chancellor, the administrative officer shall inform the academic staff member of the decision in writing. If the decision is to dismiss, the date of dismissal shall be effective immediately upon receipt of written notification of the decision of the Dean or Director or designee, unless a different date is specified by the Dean or Director.

- 1 (10) An academic staff member may request in writing a hearing on dismissal charges within 20 ca-
2 lendar days if notice was delivered personally or by certified mail, or within 25 calendar days if no-
3 tice was made by first class mail and publication (see also UWS 11.10). During the pendency of
4 the appeal, the effective date of dismissal as stated in the immediately preceding sub-section re-
5 mains in effect unless or until changed by the Chancellor.
- 6 (a) The request for a hearing shall be made in writing to the Chancellor, who shall inform the
7 President of the Senate of Academic Staff.
- 8 (b) The President of the Senate shall form an academic staff hearing committee as described in
9 GOV 4.3.C. The hearing shall commence not later than 20 calendar days after the academic
10 staff member has made a request for the review. This time limit may be extended by mutual
11 consent of the parties or by order of the academic staff hearing committee.
- 12 (c) The academic staff member shall be given notice in writing at least 14 calendar days before
13 the hearing.
- 14 (d) In addition to UWS 11.05 and procedures found in UWS 11.06, the following shall apply to all
15 dismissal proceedings.
- 16 1. The academic staff hearing committee may, with the consent of the Chancellor and the
17 academic staff member subject to dismissal proceedings, hold joint pre-hearing meetings
18 with the parties in order to:
- 19 a. simplify the issues;
- 20 b. consider stipulations of fact;
- 21 c. provide for the exchange of documentary or other information; and
- 22 d. achieve such other appropriate pre-hearing objectives as will make the hearing fair,
23 effective and expeditious.
- 24 2. Admissibility of evidence is governed by section 227.45(1), Wis. Stats.
- 25 (e) The hearing shall be held according to the procedures set forth in sections UWS 11.05 and
26 11.06. The hearing committee may establish additional procedures to implement the provi-
27 sions of sections UWS 11.05 and 11.06.
- 28 (f) The academic staff hearing committee shall send to the Chancellor and to the academic staff
29 member concerned, via the President of the Senate, a verbatim sound recording of the testi-
30 mony and a copy of its report, findings and recommendations as soon as practicable (but
31 within 20 calendar days) after conclusion of the hearing.
- 32 (g) The Chancellor shall afford the academic staff member a chance to meet and discuss the
33 materials prepared or considered in the context of the hearing within 21 calendar days after
34 their receipt. The Chancellor shall prepare a written decision within 40 calendar days after re-
35 ceiving the report from the Senate President. In that decision, the Chancellor may:
- 36 1. order dismissal (specifying the effective date) of the academic staff member;
- 37 2. impose a lesser disciplinary action; or
- 38 3. find in favor of the academic staff member.
- 39 (h) This decision shall be deemed final unless the Board of Regents, upon request of the aca-
40 demic staff member, grants review based on the record (see section UWS 11.07 and 11.10).
- 41 (i) If the academic staff member does not request a hearing, dismissal action shall proceed
42 along normal administrative lines, but the provision of sections UWS 11.02, 11.08 and 11.09
43 shall apply.
- 44 (j) A decision to dismiss following a hearing may be appealed to the board within 30 days of the
45 date of the Chancellor's decision. In these instances, section UWS 11.10 applies.
- 46 (11) If a proceeding on charges against an academic staff member holding a probationary or fixed-
47 term appointment is not concluded before his/her appointment would expire, he/she may elect to

- 1 have the proceedings carried to a final decision. Unless he/she so elects in writing, the proceed-
2 ings shall end at the expiration of the appointment.
- 3 (a) If the Chancellor ultimately decides in favor of the appellant, salary lost during the interim pe-
4 riod between the effective date of dismissal and the date of the Chancellor's decision, or at
5 the end of the contract period - whichever is earlier - shall be restored.
- 6 (b) In no event shall a decision favorable to the appellant extend the term of the original ap-
7 pointment.
- 8 (c) If the Chancellor decides in favor of the appellant and the appellant has been scheduled for a
9 review leading to renewal/nonrenewal during dismissal proceedings, the Chancellor may at
10 his/her discretion decide on renewing the academic staff member following such evaluation
11 as the Chancellor deems appropriate.

