

# Faculty Chapter Four

## Faculty Renewal and Tenure

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### **FAC 4.0. Incorporation of College Personnel Materials.**

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

## 1 **Part A. Faculty Retention.**

### 2 **FAC 4.A.1. Faculty Retention.**

3 Probationary faculty are offered positions with the expectation that they will become tenured faculty at the  
4 University of Wisconsin Oshkosh. To achieve that end, tenured faculty at the department level should be-  
5 gin advising probationary faculty during their first year of employment about the process for earning a te-  
6 nured appointment. Support for probationary faculty includes such things as a mentoring system, a col-  
7 legial atmosphere and a clear explanation of what is expected of the probationary faculty member. It is  
8 expected that tenured faculty will, after each regular performance review, provide appropriate advice and  
9 counsel to all probationary faculty. Just as tenured faculty have an obligation to review the work of proba-  
10 tionary faculty in a fair and honest manner, probationary faculty also have an obligation to present mate-  
11 rials for renewal and tenure in an orderly file that documents their teaching, scholarship and service.

### 12 **FAC 4.A.2. Faculty Development.**

13 The Faculty Development Program provides financial support for well-defined professional development  
14 projects through the following program components: Teaching, Research, Faculty College, University  
15 Needs, Off-Campus, Academic Staff Professional Development, University Institutes, Professional Devel-  
16 opment Semester, Individually Planned Program, and Small Grant.

17 All continuing faculty and academic staff holding full or part time academic year or annual appointments  
18 are eligible to participate in the Program.

19 A detailed description of the Program and each component is contained in the Faculty Development Pro-  
20 gram Handbook, which can be located at [http://www.uwosh.edu/organizations/faculty\\_development/](http://www.uwosh.edu/organizations/faculty_development/) on the  
21 Faculty Development Program Web page

### 22 **FAC 4.A.3. Sabbaticals.**

23 Note: The following institutional guidelines are drawn from the UW System sabbatical program guide-  
24 lines (ACPS-3.3) as revised Summer 1994 and describe program administration practices as im-  
25 plemented at the University of Wisconsin Oshkosh.

#### 26 (1) Purpose.

27 The purpose of the faculty sabbatical program is to enable recipients to be engaged in intensive  
28 study in order to become more effective teachers and scholars and to enhance their services to  
29 the University. This privilege should be granted to faculty members on the merit of their past aca-  
30 demic contributions.

#### 31 (2) Eligibility.

32 A faculty member is eligible for a sabbatical award under the following terms:

33 (a) A faculty member must have completed six or more years of full-time instructional service, or  
34 its equivalent, in the UW System and not have taken a sabbatical within the UW System dur-  
35 ing the previous six years of full-time service, or its equivalent.

36 (b) Leaves of absence, regardless of source of funding (including personal resources), will be  
37 excluded in determining a faculty member's years of full-time service.

38 (c) Preference shall be given to those making significant contributions to teaching and who have  
39 not had a leave of absence, regardless of funding source, in the previous four years.

40 (d) A sabbatical will not be awarded to a faculty member denied reappointment to a permanent  
41 position for the year following the proposed sabbatical leave.

#### 42 (3) Types.

43 Two types of sabbatical leaves are available to faculty members at the University of Wisconsin  
44 Oshkosh:

45 (a) A faculty member may take a sabbatical leave for an academic year and receive from the in-  
46 stitution 65% of his/her full compensation for that period.

1 (b) A faculty member may take a sabbatical leave for one semester of the academic year and re-  
2 ceive from the institution his/her full compensation for that period.

3 While the outcomes of a sabbatical will vary from faculty to faculty, and from college to college,  
4 there is a general expectation that the activities and outcomes contained in a one-year sabbatical  
5 will be greater than those contained in a one-semester sabbatical. The Faculty Development  
6 Board will assess the proposal to determine that the nature and extent of the proposed activities  
7 and outcomes are appropriate for the length (one semester or two semesters) of the requested  
8 sabbatical.

9 (4) Conditions.

10 The following conditions govern the faculty sabbatical program:

11 (a) A sabbatical leave will be granted for the purposes of enhancing teaching, course and curri-  
12 culum development, or research related to the faculty member's field of expertise.

13 (b) A faculty member may receive supplementary grants or other awards while on sabbatical  
14 leave, but such compensation, when combined with the amount of institutional compensation,  
15 shall not exceed the full compensation normally received from the UW System for the sabbat-  
16 ical period.

17 (c) Such additional grants or awards may be received by a faculty member only if the conditions  
18 for accepting the additional resources do not interfere with the stated purposes of a faculty  
19 member's sabbatical program.

20 (d) A faculty member may not use the sabbatical leave to accept other paid employment during  
21 the period of the leave, unless as stipulated as a condition of the leave.

22 (e) A faculty member must specify in his/her application for the sabbatical program all grants or  
23 other awards applied for or to be received during the leave.

24 (f) A faculty member must return to the institution from which leave was granted for at least one  
25 academic year of service after the termination of the sabbatical, or repay any compensation  
26 (salary, plus the University's share of fringe benefits) received from the UW System during  
27 the sabbatical.

28 (g) A faculty member must submit a written report detailing his/her accomplishments during the  
29 leave within three months after the project completion date.

30 (h) Prior academic achievements, however, do not take precedence over the need to address in  
31 detail the criteria listed in Section (6) below.

32 (5) Procedures.

33 (a) A Sabbatical application is due in the Dean's office on the last Monday of September.

34 (b) The Sabbatical narrative should not exceed 10-12 double-spaced pages in length.

35 (c) System guidelines require a detailed listing or description of how the University will accom-  
36 modate the faculty member's absence. A letter from the Department Chair must describe how  
37 the faculty member's absence will affect course offerings and must be included as an attach-  
38 ment to each copy of the proposal. However, a letter from the Department Chair that speaks  
39 to the quality of the proposed activities is unnecessary and should not be submitted.

40 (d) A complete vita must be included as an attachment to each copy of the proposal.

41 (e) Each copy of the proposal must have a Faculty Development Program cover sheet.

42 (f) In addition, a brief vita (not to exceed one, double-spaced printed page) must be submitted  
43 on a 3-1/2" disk as a Word Perfect/MS Word or ASCII file.

44 (g) Sabbatical proposals (8 copies) must be submitted to the Faculty Development Board  
45 through the department chair (or equivalent) and the respective Dean/Unit Head.

46 (6) Auxiliary Support.

1 Limited auxiliary support for travel-related expenses only, e.g., transportation, lodging is available  
2 through the sabbatical program. A request for travel-related auxiliary support should be made as  
3 part of the sabbatical proposal. Preference for auxiliary support will be given to those faculty who  
4 leave campus for more than four consecutive weeks. Faculty meeting this criteria may apply for  
5 up to \$200 per month for lodging and one round trip airfare (not to exceed \$1000). Faculty who  
6 will not be away from campus for four consecutive weeks may apply for up to \$1000 in travel sup-  
7 port per semester if the travel is essential to achieving the sabbatical goals. Auxiliary support is  
8 not available for supplies or expenses or any expenses other than transportation and/or lodging.

9 (7) Selection.

10 The following guidelines govern the process for sabbatical leave:

11 (a) Proposals will be reviewed by the Faculty Development Board and recommended for support  
12 (in rank order of priority) to the Provost and Vice Chancellor. The Faculty Development Board  
13 uses the same criteria in evaluating one-semester and full-year proposals. The Faculty De-  
14 velopment Board uses the following questions to serve as the basis for evaluating sabbatical  
15 proposals:

- 16 1. Have the sabbatical activities been described in detail? How will the sabbatical time be  
17 spent? What will the faculty member be doing? If the activities will be performed in colla-  
18 boration with someone else, is it clear what this person's qualifications are? (The Board  
19 is aware proposals for sabbaticals are written far in advance of the sabbatical itself. Non-  
20 etheless, as much detail as possible should be provided.)
- 21 2. What is the overall quality of the sabbatical activities? If off-campus activities are pro-  
22 posed, are they planned for high-quality institutions/organizations? How rigorous is any  
23 self-directed study which is planned by the proposer?
- 24 3. To what degree does the faculty member's teaching/academic contributions while at the  
25 University merit a sabbatical leave? Have any awards for teaching or research excellence  
26 been received? Has the faculty member done any professional writing, made presenta-  
27 tions, or conducted research?
- 28 4. Is the environment of the sabbatical clearly defined? Why was a specific location or  
29 learning environment chosen? What other locations were considered but not chosen?
- 30 5. Are the sabbatical activities clearly related to the faculty member's responsibilities in  
31 teaching or research? What courses has the faculty member taught or will he/she be  
32 teaching? How does the sabbatical relate to these courses? How will the quality of in-  
33 struction and/or research be enhanced?
- 34 6. Have the outcomes of the sabbatical been clearly defined? What will be learned? How  
35 will the faculty member's professional development be enhanced? Will new course pro-  
36 posals be developed? How should the sabbatical be evaluated? On what basis should  
37 the Faculty Development Board assess the relative success of the sabbatical?

38 (b) The Provost and Vice Chancellor selects sabbatical recipients on 1) the basis of the Faculty  
39 Development Board's recommendations; 2) recommendations from the respective  
40 Deans/Unit Heads, if requested; 3) the dollars available to support sabbaticals in a given  
41 year.

42 (c) Institutional selections for the faculty sabbatical program will be communicated in writing by  
43 the Chancellor to the Senior Vice President for Academic Affairs by November 15 of each  
44 year. This communication will contain:

- 45 1. a copy of the application materials for each faculty member awarded a sabbatical leave,  
46 including a description of the proposed sabbatical program and an updated professional  
47 vita;
- 48 2. a certification by the Chancellor or a designee that the eligibility requirements, compen-  
49 sation arrangements and related conditions of the appointment, and the guidelines for  
50 sabbatical award selection have been observed in the determination and granting of the  
51 awards.

- 1 (d) Formal announcement of those faculty members receiving sabbatical awards will be made  
2 annually at the December meeting of the Board of Regents.
- 3 (8) Final Report.
- 4 (a) A faculty member receiving a sabbatical leave must submit a written report detailing his/her  
5 accomplishments during the leave within three months after the project completion date.
- 6 (b) The report will be evaluated by the Faculty Development Board against the project objectives  
7 included in the approved sabbatical proposal. Since the leave was originally granted on the  
8 basis of those objectives, it is expected that project activities will be totally directed toward  
9 their accomplishment. In rare cases where a change in project objectives or activities is re-  
10 quired, notice of such proposed changes must be reviewed by the Faculty Development  
11 Board and approved by the Provost and Vice Chancellor prior to the effective date of such  
12 changes. Failure to adhere to this guideline will result in an unsatisfactory evaluation of the  
13 completed sabbatical project.
- 14 (c) The report must include a section stating how the sabbatical experience contributed to the fa-  
15 culty member's professional development.
- 16 (d) The Faculty Development Board will use its standard evaluation procedure and criteria in  
17 evaluating the final report.

## 1 **Part B. Faculty Renewal and Nonrenewal.**

### 2 **FAC 4.B.0. Incorporation of College Personnel Materials.**

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

### 6 **FAC 4.B.1. UWS 3.06 {Renewal of Appointments and Granting Tenure} and 3.07(1)(a) {Renewal of 7 Probationary Appointments, Rules and Procedures} of the *Wisconsin Administrative 8 Code, Rules of the Board of Regents.***

#### 9 **UWS 3.06 Renewal of appointments and granting of tenure.**

##### 10 (1) Renewal of appointments and granting of tenure.

###### 11 (a) General.

12 Appointments may be granted only upon the affirmative recommendation of the appropriate  
13 academic department, or its functional equivalent, and the Chancellor of an institution. When  
14 specified by the board, the institutional recommendation shall be transmitted by the president  
15 of the system with a recommendation to the board for action. Tenure appointments may be  
16 granted to any ranked faculty member who holds or will hold a half-time appointment or more.  
17 The proportion of time provided for in the appointment may not be diminished or increased  
18 without the mutual consent of the faculty member and the institution, unless the faculty mem-  
19 ber is dismissed for just cause, pursuant to s. 36.13 (5), Stats., or is terminated or laid off  
20 pursuant to s. 36.21, Stats.

###### 21 (b) Criteria.

22 Decisions relating to renewal of appointments or recommending of tenure shall be made in  
23 accordance with institutional rules and procedures which shall require an evaluation of teach-  
24 ing, research, and professional and public service and contribution to the institution. The rela-  
25 tive importance of these functions in the evaluation process shall be decided by departmen-  
26 tal, school, college, and institutional faculties in accordance with the mission and needs of the  
27 particular institution and its component parts. Written criteria for these decisions shall be de-  
28 veloped by the appropriate institutional faculty bodies. Written criteria shall provide that if any  
29 faculty member has been in probationary status for more than 7 years because of one or  
30 more of the reasons set forth in s. UWS 3.04 (2) or (3), the faculty member shall be evaluated  
31 as if he or she had been in probationary status for 7 years.

###### 32 (c) Procedures.

33 The faculty and Chancellor of each institution, after consultation with appropriate students,  
34 shall establish rules governing the procedures for renewal or probationary appointments and  
35 for recommending tenure. These rules shall provide for written notice of the departmental re-  
36 view to the faculty member at least 20 days prior to the date of the departmental review, and  
37 an opportunity to present information on the faculty member's behalf. The probationary facul-  
38 ty member shall be notified in writing within 20 days after each decision at each reviewing  
39 level. In the event that a decision is made resulting in nonrenewal, the procedures specified in  
40 s. UWS 3.07 shall be followed.

41 History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1) (b), Register, February, 1994, No. 458,  
42 eff. 3-1-94; correction in (1) (a) made under s. 13.93 (2m) (b) 5, Stats., Register, February, 1994, No. 458.

#### 43 **UWS 3.07 Nonrenewal of probationary appointments.**

##### 44 (1) Nonrenewal of probationary appointments

###### 45 (a) Rules and procedures.

46 The faculty and Chancellor of each institution, after consultation with appropriate students,  
47 shall establish rules and procedures for dealing with instances in which probationary faculty  
48 appointments are not renewed. These rules and procedures shall provide that, upon the time-  
49 ly written request of the faculty member concerned, the department or administrative officer

1 making the decision shall, within a reasonable time, give him or her written reasons for non-  
2 renewal. Such reasons shall become a part of the personnel file of the individual. Further, the  
3 rules and procedures shall provide for reconsideration of the initial nonrenewal decision upon  
4 timely written request.

#### 5 **FAC 4.B.2. Renewal and Tenure Forms.**

6 Forms to be used for renewal and tenure shall be prepared and distributed by the Provost and Vice Chan-  
7 cellor's Office. Prior to adoption of changes, the Provost shall consult with the Faculty Senate Executive  
8 Committee (which retains the discretion to present any proposed changes to the Senate for review and  
9 recommendation).

#### 10 **FAC 4.B.3. Notice Periods.**

11 (1) A faculty member who is employed on a probationary appointment pursuant to section 36.13,  
12 Wis. Stats., shall be given written notice of reappointment or nonreappointment for another aca-  
13 demic year in advance of the expiration of his/her current appointment as follows:

14 (a) When the appointment expires at the end of an academic year, not later than March 1 of the  
15 first academic year and not later than December 15 of the second consecutive academic year  
16 of service;

17 (b) If the initial appointment expires during an academic year, at least three months prior to its  
18 expiration; if a second consecutive appointment terminates during the academic year, at least  
19 six months prior to its expiration;

20 (c) After two or more years of continuous service at the University of Wisconsin Oshkosh, such  
21 notice shall be given at least twelve months before the expiration of the appointment.

22 (2) Proper Notice. Notice shall be given by sending duplicate copies of letters to the faculty member's  
23 University office as well as his or her last known home address (as on file with the Human Re-  
24 sources Office). If the original letter of appointment stated that the contract was terminal and spe-  
25 cified an ending date, no additional letter of non-reappointment is required.

26 (3) Failure to Provide Notice. If proper notice is not given in accordance with this section, the ag-  
27 grieved faculty member shall be entitled to a one-year terminal appointment. Such appointments,  
28 however, shall not result in achievement of tenure.

#### 29 **FAC 4.B.4. Renewal for Multiple Years.**

30 Probationary faculty (whether hired under single-year or two-year initial appointments) may be considered  
31 for renewal for subsequent two- or three-year terms, subject to the following conditions:

32 (1) Multiple-year renewals require the recommendation of the initial level of review and are subject to  
33 review by successive levels (i.e., college Dean, and Provost and Vice Chancellor). The multiple-  
34 year tenure track appointment sequence will ordinarily follow a 2-3-2 year appointment cycle at  
35 the initiative of the department. After the initial two-year tenure track appointment, renewals ordi-  
36 narily occur in the second and fourth years of service. The tenure decision takes place in the sixth  
37 year.

38 (2) All recommendations for multi-year renewals will be accompanied by written rationale from all le-  
39 vels of review that address the following factors:

40 (a) the credentials of the probationary employee;

41 (b) the candidate's demonstrated effectiveness in teaching, scholarly activities and service; and

42 (c) a statement of the candidate's expected performance during the renewal period.

43 (3) Tenure decisions require a separate affirmative decision based upon a comprehensive review of  
44 the candidate's record of teaching, scholarly activities, and service.

45 (4) Required fourth year review: In order to focus attention on the record of accomplishment and to  
46 provide the probationary faculty with direction and sufficient time to demonstrate continued devel-  
47 opment, all probationary faculty members must be given renewal consideration two years prior to  
48 the expected tenure review.

1 **FAC 4.B.5. Criteria.**

- 2 (1) Decisions relating to renewal of appointments or recommending of tenure shall require an evaluation of the candidate's contribution to the university in the areas of teaching, scholarly activities, and service. The relative importance of each function of the evaluation process shall be decided by department/equivalent and college faculties.
- 6 (2) Renewal and tenure criteria must exist for all initial levels and colleges.
- 7 (3) Renewal and tenure criteria are subject to periodic review .
- 8 (a) The purpose of such review is to assure that consensus exists among all participants in the renewal/tenure decision process as to the nature and rigor of the criteria as they are to be applied in future decisions. Reviews are intended to orient participants to a clear understanding of established criterion but need not lead to change.
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- 12 (b) Renewal/tenure criteria are normally reviewed every five years or whenever participants in the renewal/tenure process deem it necessary.
- 13
- 14 1. The Chancellor, Provost and Vice Chancellor, Deans, college governance bodies, or initial levels may initiate a review of initial level criteria at any time they deem circumstances warrant.
- 15
- 16
- 17 2. The Chancellor, Provost and Vice Chancellor, Deans, or college governance body may initiate a review of college criteria at any time they deem circumstances warrant.
- 18
- 19 (4) Consistent with the practices of shared governance, changes in criteria require the agreement of all levels participating in the tenure and renewal process.
- 20
- 21 (a) Initial level criteria require the agreement of the initial level, college faculty, Dean, Provost and Vice Chancellor and Chancellor.
- 22
- 23 (b) College criteria require the agreement of the college faculty, Dean, Provost and Vice Chancellor and Chancellor.
- 24
- 25 (c) The procedure for agreement by college faculty shall be determined by each college's by-laws.
- 26
- 27 (5) The degree and performance requirements for obtaining tenure will be no less than those set forth in FAC 5 for promotion to associate professor.
- 28
- 29 (6) The criteria in effect for any particular renewal/tenure decision are those criteria that were operational at the time that the probationary faculty member commenced his/her appointment as a tenure track probationary faculty member. Renewal/tenure criteria adopted subsequent to appointment will be applied when the probationary faculty member makes a written request to the initial level of review. This request must precede or accompany the submission of the renewal/tenure papers that are filed by the probationary faculty member.
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- 35 (7) It is the responsibility of the Department Chairs to make sure that all faculty in their departments/equivalent are aware of these criteria.
- 36
- 37 (a) Each Department Chair will review the initial level, college, and university criteria currently in effect with probationary faculty at the onset of employment, and thereafter no less frequently than once per year.
- 38
- 39
- 40 (b) If the initial level, college, or university criteria are changed, the department chairs will immediately review the changes with all faculty in the department/equivalent.
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42 **FAC 4.B.6. Evidence.**

- 43 (1) The evidence shall consist of the following items: The material submitted by the probationary faculty member, any other materials added by the initial level of review, the assessments and recommendations from the various levels of review, material from the initial appointment, and materials from any subsequent renewal consideration.
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- 45
- 46
- 47 (a) Discussions of what constitutes teaching, scholarly activities, and service are set forth in this handbook.
- 48

- 1                   1. The "Core of Academe" reprinted in FAC 1 of this handbook contains a discussion of the  
2                   meanings of teaching, scholarly activity and service. The activities itemized in each of  
3                   these areas are presented as a non-exhaustive listing of the types of activities that would  
4                   be appropriate to include as evidence of accomplishment in these areas.
- 5                   2. "Faculty Performance Review" (FAC 6 of this handbook) sets forth UW System and UW  
6                   Oshkosh policy on student opinion surveys.
- 7                   (b) In addition to submitting evidence of accomplishments, each candidate for renewal/tenure will  
8                   prepare three personal statements summarizing her/his accomplishments in the areas of  
9                   teaching, scholarly activities, and service.
- 10                  (c) Relevant evidence includes the material submitted by the probationary faculty member, any  
11                  other materials added by the initial level of review, the assessments and recommendations  
12                  from the various levels of review, material from the initial appointment, and materials from any  
13                  subsequent renewal consideration.
- 14                  (d) Any level of review may request to see any or all of the original documents submitted to the  
15                  initial level of review.
- 16                  (e) The initial level of review shall retain all materials until the current renewal process is com-  
17                  plete, including any reconsideration or appeals procedures.
- 18                  (2) Data on teaching ability, including student opinion surveys and faculty peer evaluations must be  
19                  presented and included in folders for review at all levels.
- 20                  (a) Colleges and departments have the responsibility (through the applicable bylaws) to establish  
21                  policy pertaining to the acquisition and use of student opinions and faculty peer evaluations.
- 22                  (b) "Peer evaluation," as used in this section, may include such perspectives as evaluations by  
23                  tenured or non-tenured members of the individual's academic department, evaluations by  
24                  University of Wisconsin Oshkosh faculty from outside of the individual's academic depart-  
25                  ment, and/or evaluations by faculty from other institutions.
- 26                  (c) Non-teaching faculty must present evaluations of performance of professional responsibilities  
27                  directly related to the university appointment.
- 28                  (d) Faculty whose responsibilities are primarily non-teaching but who also teach will be evaluated  
29                  for classroom performance as well.
- 30                  (3) Evidence presented to support scholarly activities shall be presented to the initial level of review  
31                  for its critical review and thorough evaluation.
- 32                  (a) Candidates for renewal/tenure should include in their folders for initial level review copies of  
33                  materials and evidence related to scholarly activities. Before forwarding the folders, the initial  
34                  reviewing level will prepare a written statement which clearly assesses the quality and quanti-  
35                  ty of such work and include it in the candidate's folder.
- 36                  (b) Folders forwarded from the initial level of review should not contain complete copies of doc-  
37                  uments and materials related to scholarly activities, such as books, journals, tapes, slides,  
38                  etc. The completed form should list these accomplishments together with assessment state-  
39                  ments made by committees and offices at each reviewing stage in the process.
- 40                  (4) Information on service activities shall be presented in the folders for review at all levels.
- 41                  (5) If a clarification is needed, or if more material becomes available during the review at the initial  
42                  level of review, the probationary faculty member may submit additional evidence to the renewal  
43                  folder, up to the time the decision is made by the initial level of review.
- 44                  (6) The initial level may add additional evidence relevant to the candidate's performance, subject to  
45                  the following:
- 46                  (a) The evidence incorporated must be deemed relevant by majority vote of the initial level.
- 47                  (b) The candidate is informed of the inclusion of the additional information and is immediately  
48                  given a copy of the additional evidence. Prior to the decision being made by the initial level of  
49                  review, the candidate may ask that the added information be removed from the folder. If the

1 committee does not agree with the candidate's request, or if action is taken before such a re-  
2 quest is presented, the candidate shall be afforded an opportunity to append a statement to  
3 the added material that shall become a part of the file and thereby accompany the material  
4 through the subsequent steps in the review process.

5 **FAC 4.B.7. Procedure.**

- 6 (1) Each probationary faculty member will be informed in writing by the department chairperson (or  
7 equivalent) at least twenty calendar days prior to the date the initial recommendation on renewal/  
8 nonrenewal will take place. The individual being reviewed will be informed by the department  
9 chairperson (or equivalent) that he/she may include such written information in the review folder  
10 as he/she feels is appropriate and germane to the review. The probationary faculty member shall  
11 prepare the renewal forms and supply materials for the review; all materials must be submitted at  
12 least five calendar days prior to the scheduled review.
- 13 (2) Procedures for the review of faculty who are assigned to more than one department or unit shall  
14 be initiated by the department or unit in which the faculty member's assignment is greatest. Rec-  
15 ommendations will be forwarded through the college or division in which the assignment is great-  
16 est and must bear endorsements and/or signed comments by appropriate supervisors in other  
17 units who have administrative responsibilities for the faculty member.
- 18 (3) In the event the assignment is divided evenly between two or more departments or units or the  
19 assignment fluctuates, the faculty member shall decide which unit shall originate the recommen-  
20 dation. The faculty member shall communicate that decision, in writing, to all units and supervi-  
21 sors involved in the process.
- 22 (4) Each reviewing level shall inform the faculty member, in writing, as soon as possible but no later  
23 than seven calendar days of making its recommendation regarding renewal/nonrenewal and re-  
24 mind the faculty member it is a recommendation, except in cases where the initial level of review  
25 decides to nonrenew the appointment.
- 26 (a) Each level shall provide the faculty member with written reasons for its recommendation or  
27 decision.
- 28 (b) When the initial level of review recommends nonrenewal, the nonrenewal vote has the force  
29 of a final decision to nonrenewal, subject to the opportunity for reconsideration and appeal.
- 30 (c) No comments, annotations or markings should be placed on the credentials and materials as  
31 submitted by the probationary faculty member.
- 32 (5) The renewal/nonrenewal review process for colleges with departments requires action by the de-  
33 partment and, if the vote is for renewal, subsequent actions by the college committee, Dean,  
34 Provost and Vice Chancellor, and Chancellor.
- 35 (6) In colleges without departments, the faculty will be responsible for deciding if a review process  
36 prior to the college committee is desirable; the faculty shall have the authority for implementation.  
37 Such authority must be incorporated into the college by-laws. The college by-laws must clearly  
38 indicate whether the review level prior to the college committee is only advisory or whether it is  
39 the functional equivalent of the department committee and hence the initial level of review. The  
40 renewal/nonrenewal process shall be analogous to that followed for colleges with departments,  
41 with the inclusion of a review level prior to the college committee (if so decided) or with the col-  
42 lege committee serving as the initial review level and hence serving as the functional equivalent of  
43 the department.
- 44 (7) Faculty in non-college units will be evaluated by the initial level of review and, if the vote is for re-  
45 newal, the director or equivalent (if tenured), the appropriate assistant Vice Chancellor or Vice  
46 Chancellor, the Provost and Vice Chancellor, and the Chancellor.

47 **FAC 4.B.8. Responsibilities of Individuals and Committees.**

- 48 (1) Responsibilities of Individuals. All persons participating in the process of reviewing credentials  
49 and making decisions or recommendations pertaining to renewal/tenure are expected to use pro-  
50 fessional judgment. Deans, the Provost and Vice Chancellor, and the Chancellor participate in the  
51 personnel process by virtue of the positions they hold. When acting in these capacities, these in-

1 individuals are expected to articulate clearly the rationale for all decisions or recommendations and  
2 provide an analytical written critical evaluation of the probationary faculty member's performance.  
3 Each individual who participates in the personnel process shall also meet the following enume-  
4 rated requirements:

- 5 (a) To act consistently with the University's applicable personnel policies and procedures.
- 6 (b) To fairly apply department, college and University criteria for renewal/tenure.
- 7 (c) To be cognizant of principles and practices of nondiscrimination, including affirmative action  
8 and commitment to equal employment opportunity.
- 9 (d) To conduct a thorough and complete review of the probationary faculty member's qualifica-  
10 tions for renewal/tenure.

11 1. This review is to include a careful examination of all information submitted by the proba-  
12 tionary faculty member for review, and attentive consideration of the recommendations  
13 and supporting rationale of any previous levels of review.

- 14 (e) To participate in the deliberative process of the committee's review and consideration of the  
15 probationary faculty member's qualifications for renewal/tenure, in light of department, college  
16 and University criteria.

17 1. Participation refers to working diligently and collegially with other committee members. It  
18 includes active involvement in the committee's dialogue, including the expression of  
19 one's personal views or interpretations, prior to voting, when they differ from those pre-  
20 viously expressed by other members of the committee.

21 2. Participation also includes insistence that the committee's deliberation be thorough, fair,  
22 balanced, non-discriminatory, and rationally-related to the information presented for re-  
23 view. This is demonstrated by being aware of the committee's responsibilities and, if  
24 problems are perceived, speaking up before the committee's vote. Participation includes:  
25 (a) the exercise of individual and collective responsibility to ensure that the committee's  
26 action is based on the information considered during the committee's meeting, and (b)  
27 the insistence that the statement of rationale for the committee's action be based on the  
28 committee's deliberations.

29 3. It is expected that participation, as outlined in this section, will lead individuals to the point  
30 where they are able to exercise independent professional judgment on the question of  
31 the renewal or nonrenewal of an appointment. Since an abstention is the equivalent of  
32 not voting on this question, it is expected that abstentions will be relatively rare.

33 (2) Responsibilities of Committees.

- 34 (a) For the initial level of review, to inform the probationary faculty member of the timeline for the  
35 review of his or her qualifications for renewal/tenure and to ask the probationary faculty  
36 member to submit materials to be reviewed by the committee.

- 37 (b) To provide proper notice of committee meetings (to satisfy the requirements of the Wisconsin  
38 Open Meeting Law) and to ensure its actions are consistent with applicable personnel rules.

39 1. Committees should anticipate scheduling additional meetings, as necessary, to complete  
40 a thorough and thoughtful review of each candidate.

- 41 (c) To ensure that all committee recommendations or decisions pertaining to renewal or tenure of  
42 the probationary faculty shall be made on the basis of a motion that is carried by a majority  
43 vote of those present and not abstaining.

44 1. The vote of each member on the renewal or tenure recommendation must be ascertained  
45 and recorded by name in the committee's minutes.

46 2. No absentee or proxy voting is allowed.

47 3. Ideally, all committee members will be physically present for the committee's delibera-  
48 tions. In exceptional cases, by majority vote of the committee members present, absent  
49 committee members may be considered present and eligible to vote by means of tele-

1 conferencing as long as they meet all other responsibilities, including the complete re-  
2 view of the candidate's documents, participation in the deliberations, etc.

3 (d) To take no votes on any motions for renewal until the committee has completed its thorough  
4 review and discussion of the complete record.

5 (e) To articulate clearly the rationale for all decisions or recommendations that are reached by  
6 formal committee action.

7 1. The committee must provide an analytical written critical evaluation of the probationary  
8 faculty member's performance.

9 2. It is not sufficient for a committee merely to refer to the votes that were taken and the  
10 categories of assessment.

11 3. The committee's obligation is fulfilled when it does the following: (a) conducts a critical  
12 evaluation of the probationary faculty member's record in each identified area, (b) pre-  
13 pares a written statement setting forth the committee's assessment of the probationary  
14 faculty member's progress toward tenure that identifies and discusses, if appropriate, any  
15 specific areas that need attention or improvement, and (c) approves a written statement  
16 that demonstrates both that the committee's deliberations were thorough and that the  
17 committee exercised informed professional judgment when it made the assessment of  
18 the qualifications (in each area) in light of the established criteria.

19 4. The committee's written statement in support of the recommendation or decision must be  
20 formally reviewed and approved by committee vote at a meeting. If there is a tie vote on  
21 the statement, the committee shall prepare and approve a report that reflects these di-  
22 vergent views.

23 5. Members of the committee not agreeing with the majority's recommendation or decision  
24 may file with the committee chair a brief signed written statement that expresses views  
25 that differ from those expressed by the committee. The chair shall include this information  
26 as an addendum to the report approved by majority vote of the committee. If the chair de-  
27 termines that the material submitted includes information that was not previously pre-  
28 sented to or discussed with the committee during the course of its deliberations, the chair  
29 shall also include an annotation to that effect.

30 (f) To hold and preserve in confidence the comments of each member in closed sessions.

31 1. The committee chair (or designee) has the sole responsibility to communicate information  
32 pertaining to the committee's deliberations with the probationary faculty member or other  
33 levels of review.

34 2. Confidentiality does not provide insulation from responsibility or accountability. The ac-  
35 tions of each member, and the committee as a whole, can be reviewed through appeal.

#### 36 **FAC 4.B.9. Constituency of the Initial Level of Review.**

37 (1) If the department is the initial level of review, the committee shall include all tenured members of  
38 the department, including the department chair, if tenured. An individual participating in the de-  
39 partmental review is disqualified from subsequently participating as a member of the college re-  
40 newal and tenure committee when the committee reviews the credentials of the candidate from  
41 the same department.

42 (2) If there are no tenured faculty in the department, the college renewal and tenure committee shall  
43 be the functional equivalent of the initial level of review.

44 (3) Subject to the requirement that all initial levels of review be comprised of no fewer than three per-  
45 sons, each college may establish rules for the constituency of the initial level of review. Unless the  
46 college's policies (approved by the college faculty, the Faculty Senate and the Chancellor) estab-  
47 lish another framework, the following conditions shall pertain to the initial level of review:

48 (a) If there is only one tenured faculty member in the department deliberating and voting, he or  
49 she shall be joined by the college renewal and tenure committee for the purpose of acting as  
50 the initial level of review, subject to the following considerations: (1) the member of the de-

1 department is entitled to one vote; and (2) the members of the college committee shall, in total,  
2 have two votes, with the vote of each individual member weighted to equal a proportionate  
3 share based on the number of college committee members participating (e.g., if there are  
4 seven members of the college committee, each participating individual shall be entitled to a  
5 2/7th vote).

6 (b) If there are two tenured faculty members in the department deliberating and voting, they shall  
7 be joined by the college renewal and tenure committee for the purpose of acting as the initial  
8 level of review, subject to the following considerations: (1) each member of the department is  
9 entitled to one vote; and (2) the members of the college committee shall, in total, have one  
10 vote, with the vote of each individual member weighted to equal a proportionate share based  
11 on the number of college committee members participating (e.g., if there are seven members  
12 of the college committee, each participating individual shall be entitled to a 1/7th vote).

13 (4) If the college renewal and tenure committee participates in the initial level of review, it does not  
14 subsequently act as the second level of review. The chair of the college renewal and tenure  
15 committee shall serve as the chair of this ad hoc committee.

#### 16 **FAC 4.B.10. Additional Considerations.**

17 (1) All committee meetings shall be held in accordance with Open Meetings Law, section 19.81 of the  
18 *Wisconsin Statutes*.

19 (2) The initial level of review and the Chancellor make decisions on renewal and tenure considera-  
20 tions. All other levels of review make recommendations.

21 (3) All renewal/tenure materials shall be reviewed at successively higher levels as follows:

22 (a) Initial Level of Review.

23 1. Tenured members of the initial level of review shall carefully review evidence. The votes  
24 and specific reasons shall be recorded on the form provided by the Provost and Vice  
25 Chancellor's Office. Copies of the form, including the recommendation and rationale,  
26 shall be provided to the candidate for review as soon as possible, but in any case no later  
27 than three working days after the materials are completed.

28 2. Evidence presented to support professional and scholarly growth and service will be eva-  
29 luated primarily at the departmental or initial level of review.

30 3. The materials under consideration shall then be forwarded (a) to the college committee if  
31 the vote is for renewal, or (b) directly to the Provost and Vice Chancellor if the vote is for  
32 nonrenewal. If the vote is for nonrenewal, the review process will end and the Provost  
33 and Vice Chancellor shall inform the Chancellor of the nonrenewal decision.

34 (b) College Committee.

35 The college committee shall consist of elected tenured members of the college (exclusive of  
36 those holding limited appointment as Assistant Deans and above) and an affirmative action  
37 representative (non-voting) designated by the University Director of Equity and Affirmative  
38 Action. The committee shall vote to recommend renewal or nonrenewal, record the vote and  
39 specific reasons on the form provided and forward the materials to the Dean. Members of  
40 such committees shall not participate in the vote or discussion of a faculty candidate with oth-  
41 er members if they have already had the opportunity to do so at the initial level. If the college  
42 committee is the initial level of review, copies of the form, including the recommendation and  
43 rationale, shall be provided to the candidate for review as soon as possible, but in any case  
44 no later than three working days after the materials are completed. The materials shall then  
45 be forwarded to the Dean.

46 (c) College Dean.

47 The Dean shall record his/her recommendation for renewal or nonrenewal together with the  
48 specific reasons and forward the materials to the Provost and Vice Chancellor.

49 (d) Provost and Vice Chancellor.

1 The Provost and Vice Chancellor shall recommend on renewal for all probationary faculty  
2 who have the positive support of the initial level of review. The Provost and Vice Chancellor  
3 shall record the recommendation together with the specific reasons. If the recommendation is  
4 for nonrenewal, a reconsideration and appeal process will ensue, if requested by the proba-  
5 tionary faculty member. In the case of an appeal of the recommendation of the Provost and  
6 Vice Chancellor, the Chancellor shall be called upon to receive and consider the report of the  
7 Faculty Senate Hearing Subcommittee before making a decision on that report.

8 (e) Chancellor.

9 The Chancellor will decide on renewal/nonrenewal for all probationary faculty who have the  
10 positive support of the initial level of review and the Provost and Vice Chancellor. The Chan-  
11 cellor will also decide on renewal/tenure for all who appeal a negative recommendation of the  
12 Provost and Vice Chancellor. The faculty member shall have the right to reconsideration and  
13 appeal, as provided in these rules.

14 (4) The Chancellor shall inform all probationary faculty, in writing, of renewal or nonrenewal by the  
15 appropriate date. Upon written request by the faculty member, written reasons for nonrenewal will  
16 be provided by the Chancellor as provided in the procedures for reconsideration.

17 (5) Limited Appointments. Individuals serving in limited appointments who also hold concurrent facul-  
18 ty appointments and who teach half-time or more shall be acted on for renewal/nonrenewal by all  
19 supervisors, the Provost and Vice Chancellor, and Chancellor for the non-teaching assignment.  
20 The teaching portion of the assignment, if half-time or more, shall be subject to the review  
21 process found above. Tenure decisions will be made using the regular procedures.

22 (6) When the initial level of review has determined that renewal or tenure should be granted, the  
23 Chancellor's decision to deny renewal or tenure is subject to the campus-based reconsideration  
24 and appeals process.

1 **Part C. Reconsideration of Nonrenewals or Denials of Tenure.**

2 **FAC 4.C.1. UWS 3.07(1)(b) {Nonrenewal of Probationary Appointments: Reconsideration} of the**  
3 **Wisconsin Administrative Code, Rules of the Board of Regents.**

4 **UWS 3.07 Nonrenewal of probationary appointments.**

5 (1) Nonrenewal of probationary appointments.

6 (b) Reconsideration.

7 The purpose of reconsideration of a nonrenewal decision shall be to provide an opportunity to  
8 a fair and full reconsideration of the nonrenewal decision, and to ensure that all relevant ma-  
9 terial is considered.

10 1. Such reconsideration shall be undertaken by the individual or body making the nonre-  
11 newal decision and shall include, but not be limited to, adequate notice of the time of re-  
12 consideration of the decision, an opportunity to respond to the written reasons and to  
13 present any written or oral evidence or arguments relevant to the decision, and written  
14 notification of the decision resulting from the reconsideration.

15 2. Reconsideration is not a hearing or an appeal, and shall be nonadversary in nature.

16 3. In the event that a reconsideration affirms the nonrenewal decision, the procedures spe-  
17 cified in s. UWS 3.08 shall be followed.

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

19 **FAC 4.C.2. Reconsideration Procedures.**

20 (1) Request for reasons. Within ten calendar days of receiving notice of nonrenewal from the initial  
21 level of review, the Provost and Vice Chancellor or the Chancellor, a faculty member may request  
22 written reasons for the nonrenewal from the level that made the nonrenewal decision (initial level  
23 of review, Provost or Chancellor). The reasons shall refer specifically to the unit, college, and uni-  
24 versity criteria which were not met. Such reasons shall be provided within ten calendar days of  
25 the receipt of the request and shall become part of the faculty member's personnel file.

26 (2) Reconsideration levels.

27 (a) Initial level of review. If the nonrenewal decision has been made by the initial level of review,  
28 the faculty member shall have twenty calendar days from receipt of the nonrenewal notice or  
29 ten calendar days from receipt of the written reasons for the decision (if requested) to request  
30 reconsideration. The request shall include reasons the faculty member feels reconsideration  
31 is warranted, including responses to the reasons given by the initial level of review for nonre-  
32 newal if reasons were requested. A copy of the request should be filed with the Office of the  
33 Provost and Vice Chancellor. After receiving a request for reconsideration, the chair of the ini-  
34 tial level of review will consult with the faculty member to schedule reconsideration proceed-  
35 ings as soon as it is practical to do so.

36 (b) Provost and Vice Chancellor. If the nonrenewal decision has been made by the Provost and  
37 Vice Chancellor, the faculty member shall have twenty calendar days from receipt of the non-  
38 renewal notice or ten calendar days from receipt of the written reasons for the decision (if re-  
39 quested) to request reconsideration. The request shall include reasons the faculty member  
40 feels reconsideration is warranted, including responses to the reasons given by the Provost  
41 for nonrenewal if reasons were requested. After receiving a request for reconsideration, the  
42 Provost will consult with the faculty member to schedule reconsideration proceedings as soon  
43 as it is practical to do so.

44 (c) Chancellor. If the nonrenewal decision has been made by the Chancellor, the faculty member  
45 shall have twenty calendar days from receipt of the nonrenewal notice or ten calendar days  
46 from receipt of the written reasons for the decision (if requested) to request reconsideration.  
47 The request shall include reasons the faculty member feels reconsideration is warranted, in-  
48 cluding responses to the reasons given by the Chancellor for nonrenewal if reasons were re-  
49 quested. After receiving a request for reconsideration, the Chancellor will consult with the fa-  
50 culty member to schedule reconsideration proceedings as soon as it is practical to do so.

1 **FAC 4.C.3. Reconsideration Proceedings.**

- 2 (1) Reconsideration by the initial level of review or the administrative officer shall be completed and  
3 the faculty member informed in writing of the decision within twenty calendar days after the initial  
4 reconsideration meeting. This period can be extended upon mutual consent of the faculty member  
5 and the initial level of review or administrative officer if extenuating circumstances exist.
- 6 (2) The faculty member requesting reconsideration shall have the right to be counseled and/or  
7 represented by any person(s) of choice. [In cases where there are multiple counse-  
8 lors/representatives, the convening party (whether the initial level of review, the Provost and Vice  
9 Chancellor, or the Chancellor) may restrict discussion of each major issue to a single counselor.  
10 Determination whether more than one counselor/representative should address an issue should  
11 be a procedural and unappealable determination of the committee or administrative officer.]
- 12 (3) Reconsideration meetings shall be properly noticed and conducted as a closed session delibera-  
13 tion (as provided under state statute) unless the faculty member being reconsidered requests that  
14 the meeting be held in open session. Members of the public attending an open meeting shall not  
15 have the right to participate in the proceedings. An affirmative action representative shall attend  
16 and monitor the reconsideration meeting.
- 17 (4) The faculty member requesting reconsideration shall be given the opportunity to present his/her  
18 statements in writing prior to the initial meeting. The faculty member requesting reconsideration  
19 shall also be invited to appear before the initial level of review or administrative officer to present  
20 further oral evidence germane to the decision.
- 21 (5) The initial level of review or administrative officer deciding on reconsideration as well as the facul-  
22 ty member involved shall have access to all documents used to make the nonrenewal decision.
- 23 (6) Tape recordings shall be made of all reconsideration meetings, with copies available at no cost to  
24 the faculty member. The Provost and Vice Chancellor's Office shall keep this recording along with  
25 other documents pertaining to the proceedings.
- 26 (7) The Chairperson of the initial level of review or the administrative officer deciding on reconsidera-  
27 tion shall prepare a report that identifies the time, date, and location of the meeting, along with an  
28 identification of those present at the meeting. This report shall identify the evidence that was re-  
29 viewed and considered. The report shall also include a written decision on the request for recon-  
30 sideration of the decision as well as the rationale in support of that decision. Copies of this report  
31 shall be filed with all concerned parties, including, the faculty member, the initial level of review,  
32 the Dean, the Provost and Vice Chancellor, the Executive Committee of the Faculty Senate, and  
33 the Chancellor.
- 34 (8) If reconsideration affirms the original decision, that reconsideration process ends; the faculty  
35 member requesting reconsideration has the right to appeal under the provisions of the FAC 4,  
36 Part D, titled "Appeals of Nonrenewals or Denials of Tenure".
- 37 (9) If reconsideration causes the initial level of review or the Provost and Vice Chancellor to change  
38 their decision or recommendation, the prior decision or recommendation is rescinded, and the  
39 recommendation in favor of renewal or tenure shall be advanced through the decision-making  
40 process. In these instances, each review level shall take action on the matter as soon as possible  
41 after receiving the file so as to restore the normal decision-making timeline. All of the provisions  
42 for action and consequences of renewal and nonrenewal decisions shall be as if a nonrenewal  
43 decision had not taken place.
- 44 (10) The Provost and Vice Chancellor shall be the custodian of the minutes and reports of all initial le-  
45 vels of review and administrative officers involved in the reconsideration process. All documents  
46 shall be kept in a file, separate from the personnel files. The faculty member shall have access to  
47 review the contents of this file and may request copies of any documents or materials.

1 **Part D. Appeals of Nonrenewals or Denials of Tenure.**

2 **FAC 4.D.1. UWS 3.08 {Appeal of a Nonrenewal Decision} of the *Wisconsin Administrative Code*,**  
3 **Rules of the Board of Regents.**

4 **UWS 3.08 Appeal of a nonrenewal decision.**

- 5 (1) The faculty and Chancellor of each institution, after consultation with appropriate students, shall  
6 establish rules and procedures for the appeal of a nonrenewal decision. Such rules and proce-  
7 dures shall provide for the review of a nonrenewal decision by an appropriate standing faculty  
8 committee upon written appeal by the faculty member concerned within 20 days of notice that the  
9 reconsideration has affirmed the nonrenewal decision (25 days if notice is by first class mail and  
10 publication). Such review shall be held not later than 20 days after the request, except that this  
11 time limit may be enlarged by mutual consent of the parties, or by order of the review committee.  
12 The faculty member shall be given at least 10 days notice of such review. The burden of proof in  
13 such an appeal shall be on the faculty member, and the scope of the review shall be limited to the  
14 question of whether the decision was based in any significant degree upon one or more of the fol-  
15 lowing factors, with material prejudice to the individual:
- 16 (a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the prin-  
17 ciples of academic freedom, or
  - 18 (b) Factors proscribed by applicable state or federal law regarding fair employment practices, or
  - 19 (c) Improper consideration of qualifications for reappointment or renewal. For purposes of this  
20 section, "improper consideration" shall be deemed to have been given to the qualifications of  
21 a faculty member in question if material prejudice resulted because of any of the following:
    - 22 1. The procedures required by rules of the faculty or board were not followed, or
    - 23 2. Available data bearing materially on the quality of performance were not considered, or
    - 24 3. Unfounded, arbitrary or irrelevant assumptions of fact were made about work or conduct.
- 25 (2) The appeals committee shall report on the validity of the appeal to the body or official making the  
26 nonrenewal decision and to the appropriate dean and the Chancellor.
- 27 (3) Such a report may include remedies which may, without limitation because of enumeration, take  
28 the form of a reconsideration by the decision maker, a reconsideration by the decision maker un-  
29 der instructions from the committee, or a recommendation to the next higher appointing level.  
30 Cases shall be remanded for reconsideration by the decision maker in all instances unless the  
31 appeals committee specifically finds that such a remand would serve no useful purpose. The ap-  
32 peals committee shall retain jurisdiction during the pendency of any reconsideration. The decision  
33 of the Chancellor will be final on such matters.

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

35 **FAC 4.D.2. Rules and Procedures.**

- 36 (1) If a reconsideration process results in affirmation of the nonrenewal decision, the faculty member  
37 may appeal that decision in writing to the chairperson of the Faculty Hearing Committee, through  
38 the president of the Faculty Senate, within twenty calendar days (twenty-five days if notice is by  
39 first class mail and publication) after the date of the document informing the faculty member of the  
40 decision. The chairperson of the Faculty Senate Hearing Committee will form a hearing subcom-  
41 mittee. The chairperson also has the responsibility to brief the Subcommittee on the rules and  
42 procedures applicable to the review, prior to the start of the Subcommittee's deliberations.
- 43 (2) The hearing subcommittee shall begin its review of the appeal within twenty calendar days after  
44 receiving the notice for appeal, unless extended by mutual consent of the parties or by order of  
45 the hearing subcommittee. The subcommittee chairperson shall notify the faculty member making  
46 the appeal at least ten calendar days in advance of the beginning of the review. The subcommit-  
47 tee shall complete its review not later than thirty calendar days after its first meeting unless ex-  
48 tended by mutual consent of the parties or by order of the review subcommittee.

- 1 (3) Appeals shall be submitted in writing and include documentation supporting the contention that  
2 the decision was based on factors listed in section UWS 3.08(1)(a), (b), or (c). After reviewing the  
3 written material filed with the appeal, if the subcommittee determines that there is a basis to hold  
4 a hearing on that matter, the subcommittee shall approve a motion to hold a hearing consistent  
5 with the established Faculty Senate Hearing procedures. Alternatively, if the subcommittee does  
6 not vote to conduct a hearing, it shall approve a motion denying the further review of the appeal.  
7 Copies of the subcommittee's actions shall be sent to all concerned parties, including, the faculty  
8 member, the initial level of review, the Dean, the Provost and Vice Chancellor, the Executive  
9 Committee of the Faculty Senate, and the Chancellor.
- 10 (4) If a hearing is held, the decision maker shall appear before the subcommittee to offer testimony  
11 about the nature of the consideration and the decision that was made.
- 12 (5) During its consideration of the appeal, the hearing subcommittee shall remand the case for re-  
13 consideration, with instructions, to the review level deciding nonrenewal unless the hearing sub-  
14 committee specifically finds that such a remand would serve no useful purpose. The hearing sub-  
15 committee shall retain jurisdiction pending any such reconsideration. If the subcommittee finds a  
16 remand would serve no useful purpose, the reasons for this finding must be included in the sub-  
17 committee's final report.
- 18 (6) Within ten days after the completion of the hearing the subcommittee shall complete its findings  
19 and recommendation. The report of the subcommittee may reject the appeal, or include remedies  
20 which may, without limitation because of enumeration, take the form of a reconsideration by the  
21 decision maker, a reconsideration by the decision maker under restrictions from the committee, or  
22 a recommendation to the next higher appointing level. Once made, the subcommittee's report  
23 shall be simultaneously sent to all concerned parties, including, the faculty member, the initial lev-  
24 el of review, the Dean, the Provost and Vice Chancellor, the Executive Committee of the Faculty  
25 Senate, and the Chancellor.
- 26 (7) The Chancellor shall act on the recommendation of the hearing subcommittee within twenty ca-  
27 lendar days of receiving the subcommittee's report.
- 28 (8) Notestein Provisions. This section applies to those appeals of denials of tenure that originated in  
29 an academic department (or its functional equivalent). After following the procedures listed in this  
30 chapter (i.e., after the matter has been remanded for reconsideration -- with or without restrictions  
31 -- or after making a finding that such a remand would serve no useful purpose), if the hearing  
32 subcommittee finds that the nonrenewal continues to be based on impermissible factors (as listed  
33 under UWS 3.08(1), the following procedures shall apply:
- 34 (a) The report of the faculty hearing subcommittee to the Chancellor must include a specific find-  
35 ing that one or more impermissible factors were considered by the academic department (or  
36 functional equivalent) in reviewing the credentials and in forming the recommendation that  
37 denied tenure.
- 38 1. The report shall also list, identify and discuss the specific impermissible factor(s), as  
39 found by the subcommittee.
- 40 2. On the basis of these findings, the subcommittees report shall also recommend to the  
41 Chancellor the formation (as set forth below) of an ad hoc committee to make a recom-  
42 mendation on tenure as a substitute for the recommendation originally offered by the de-  
43 partment (or equivalent).
- 44 3. Recognizing the importance of resolving any pending appeal, the Chancellor and the in-  
45 volved faculty are properly expected to devote the time required to bring this further re-  
46 view to an expeditious resolution.
- 47 (b) The Chancellor shall approve all recommendations from faculty hearing subcommittees to  
48 form an ad hoc committee. In these instances, the Chancellor shall also inform the probatio-  
49 nary faculty member of the specific actions that are to follow as provided under these rules.
- 50 (c) Upon receiving copies of the Chancellor's action on the report of the subcommittee, the Fa-  
51 culty Senate Executive Committee will meet with the Provost and Vice Chancellor to appoint

1 an ad hoc committee and chair, consisting of five members, to independently review the cre-  
2 dentials of the concerned faculty member.

3 1. Members of the ad hoc committee may be appointed from within or outside the University  
4 (or a combination of both) with the stipulation (required under section 36.13(2)(b)3.,  
5 stats.) that no person shall be appointed to the committee who is a member of the aca-  
6 demic department or its functional equivalent that made the initial negative recommenda-  
7 tion.

8 2. The committee shall consist of persons knowledgeable or experienced in the faculty  
9 member's academic field or in a substantially similar academic field (also per section  
10 36.13(2)(b)3., stats.).

11 3. The committee and chair shall receive a formal letter of appointment from the Provost  
12 and Vice Chancellor within 20 working days after the Provost and Vice Chancellor rece-  
13 ives the subcommittee report, unless this time is extended for cause by the order of the  
14 Provost and Vice Chancellor.

15 (d) The ad hoc committee shall review the original tenure form, or, at the choice of the probatio-  
16 nary faculty member, a revised form with all additions or comments on the original form re-  
17 moved. This provision does not extend, change, or modify the original probationary period in  
18 that performance data beyond that the time of the decision of the initial level of review shall  
19 not be considered or allowed. The ad hoc committee shall use the criteria for tenure as pub-  
20 lished by the University and other levels of review.

21 1. The ad hoc committee shall not base its tenure recommendation upon impermissible fac-  
22 tors, as defined by UWS 3.08(1).

23 2. Within twenty working days after appointment, unless the time is extended for cause by  
24 order of the Provost and Vice Chancellor, the ad hoc committee shall send its recom-  
25 mendation concerning tenure for the concerned faculty member to the following individu-  
26 als and offices: (a) the chair of the faculty hearing subcommittee, (b) the chair of the  
27 committee that made the initial nonrenewal decision, (c) the appropriate Dean or Vice  
28 Chancellor, (d) the President of the Faculty Senate, (e) the Provost and Vice Chancellor,  
29 and (f) the Chancellor.

30 (e) 1. If the ad hoc committee recommends the denial of tenure, the Chancellor will inform the  
31 faculty member of that decision to deny tenure. In this instance, the faculty member will  
32 be afforded an opportunity to request the reasons for the decision, and to pursue recon-  
33 sideration of the decision through discussions with the ad hoc committee in a manner  
34 consistent with the general framework set forth in these rules. If the faculty member is  
35 dissatisfied with the results of the reconsideration by the ad hoc committee, they shall be  
36 afforded an opportunity to petition for further review of the decision by a second faculty  
37 hearing subcommittee formed in a manner consistent with these rules. In the event that  
38 such a request is filed, it shall be governed by the general principles set forth above, as  
39 they may be modified by agreement of the Chancellor and the Faculty Senate Executive  
40 Committee to meet and balance any unique or particular needs required due to the timing  
41 of this petition for review.

42 2. If the ad hoc committee recommends that tenure be granted, that recommendation shall  
43 have the force and status of the initial recommendation from the department or equiva-  
44 lent unit, and it should be forwarded to the other levels of review, as provided in the facul-  
45 ty renewal process. The only modification to the applicable rules is that the time line for  
46 each level of action shall be fifteen calendar days, unless the time is extended for cause  
47 by order of the Provost and Vice Chancellor.

48 If the Chancellor decides to recommend a grant of tenure, the Chancellor shall include in  
49 his or her written recommendation to the President of the University of Wisconsin System  
50 a summary of the original findings of impermissible factors and a specific notation that  
51 the recommendation for tenure was made by the ad hoc committee acting as a substitute  
52 for the department (or equivalent).

## 1 **Part E. Faculty Tenure.**

### 2 **FAC 4.E.0. Incorporation of College Personnel Materials.**

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

### 6 **FAC 4.E.1. General Considerations.**

7 Tenure decisions for faculty are made at the end of the sixth year of service or five and one-half years of  
8 service for those who either began at the start of a spring semester or who had an odd number of seme-  
9 ster leaves of absence.

### 10 **FAC 4.E.2. Tenure Through Renewal of a Probationary Appointment.**

11 (1) A tenure decision shall be made for all probationary faculty who are not on terminal appointment  
12 according to the schedule listed below:

13 (a) For faculty holding a full time probationary appointment, the decision shall be made by the  
14 end of the Spring Semester of the sixth year of service.

15 (b) For faculty holding a probationary appointment of at least three-quarters time but less than  
16 full-time, the decision shall be made by the end of the Spring Semester of the ninth year  
17 of service.

18 (c) For faculty holding a probationary appointment of at least half-time but less than  
19 three-quarters time, the decision shall be made by the end of the Spring Semester of the thir-  
20 tenth year of service.

21 (2) The same review process as listed for renewal of probationary faculty shall be followed for re-  
22 commending tenure, with the additional requirement that each reviewing level include a statement  
23 addressing the following factors:

24 (a) Teaching: based on the review of the candidate's performance as documented in the creden-  
25 tials under review, that the candidate has established a record of teaching effectiveness that  
26 enables the reviewer to believe the candidate will make a significant contribution to the future  
27 growth and development of the University.

28 (b) Scholarly Activities: based on the review of the candidate's performance as documented in  
29 the credentials under review, that the candidate has established a record of appropriate scho-  
30 larly activities that enables the reviewer to believe the candidate will make a significant con-  
31 tribution to the future growth and development of the University.

32 (c) Service: based on the review of the candidate's performance as documented in the creden-  
33 tials under review, that the candidate has established a record of appropriate service that  
34 enables the reviewer to believe the candidate will make a significant contribution to the future  
35 growth and development of the University.

### 36 **FAC 4.E.3. Early Tenure.**

37 (1) Faculty members who have been credited by UW Oshkosh with a total of five or more years of full  
38 time experience in the rank of instructor, assistant professor, associate professor, or professor at  
39 UW Oshkosh and/or at a comparable academic institution prior to their appointment at UW Osh-  
40 kosh may request consideration for early tenure as provided below.

41 (a) Faculty must be in the rank of associate professor or professor to request early tenure con-  
42 sideration and must evidence exceptional achievement in teaching, scholarly activities, and  
43 service.

44 (b) Faculty wishing to apply for an early tenure decision must inform their department chairper-  
45 son or equivalent, in writing, at the time they are notified that they will be evaluated for re-  
46 newal/non-renewal, or earlier. Faculty whose requests for early tenure are denied may not be  
47 considered again for early tenure. A denial of early tenure shall not prejudice action on tenure  
48 at the completion of the usual probationary period. The Provost and Vice Chancellor's Office  
49 should be consulted to determine if the years of experience criterion is met.

1 **FAC 4.E.4. Tenure upon Appointment.**

2 Faculty with outstanding credentials may be granted tenure at the time of the initial appointment. Such a  
3 tenure appointment will require affirmative recommendations by the initial level of review and the Chancel-  
4 lor. The form used for initial appointment and tenure as well as all evidence required for making a tenure  
5 decision must accompany such a recommendation. The recommendation of the department should be  
6 reviewed by the college tenure review committee if there is one, Dean, Provost and Vice Chancellor,  
7 Chancellor, and approved by the Board of Regents.