

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

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

4 **UWS 1.01 Academic Staff.**

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

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

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

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

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

12 **UWS 1.03 Department.**

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

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

17 **UWS 1.04 Faculty.**

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

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

23 **UWS 1.05 Faculty status.**

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

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

29 **UWS 1.06 Institution.**

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

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

32 **UWS 1.07 University.**

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

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

35 **UWS 1.08 Notice periods.**

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

37 (a) Day shall mean calendar day,

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

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

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

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

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

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

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

12 **UWS 3.09 Notice periods.**

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

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

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

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

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

31 **UWS 3.11 Limitation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (c) The presiding officer must announce:

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

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

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

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

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

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

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

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

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

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

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

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

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

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