

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.