

1 **Part B. Faculty Dismissal.**

2 **FAC 8.B.1. UWS 4 {Procedures for Dismissal} of the *Wisconsin Administrative Code*, Rules of the**  
3 **Board of Regents.**

4 **UWS 4.01 Dismissal for cause.**

- 5 (1) Any faculty member having tenure may be dismissed only by the board and only for just cause  
6 and only after due notice and hearing. Any faculty member having a probationary appointment  
7 may be dismissed prior to the end of his/her term of appointment only by the board and only for  
8 just cause and only after due notice and hearing. A decision not to renew a probationary appoint-  
9 ment or not to grant tenure does not constitute a dismissal.
- 10 (2) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States  
11 citizen, and the rights and privileges of academic freedom as they are generally understood in the  
12 academic community. This policy shall be observed in determining whether or not just cause for  
13 dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the ad-  
14 ministration.

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

16 **UWS 4.02 Responsibility for charges.**

- 17 (1) Whenever the Chancellor of an institution within the University of Wisconsin System receives a  
18 complaint against a faculty member which he/she deems substantial and which, if true, might lead  
19 to dismissal under s. UWS 4.01, the Chancellor shall within a reasonable time initiate an investi-  
20 gation and shall, prior to reaching a decision on filing charges, offer to discuss the matter infor-  
21 mally with the faculty member. A faculty member may be dismissed only after receipt of a written  
22 statement of specific charges from the Chancellor as the chief administrative officer of the institu-  
23 tion and, if a hearing is requested by the faculty member, in accordance with the provisions of this  
24 chapter. If the faculty member does not request a hearing, action shall proceed along normal ad-  
25 ministrative lines but the provisions of ss. UWS 4.02, 4.09, and 4.10 shall still apply.
- 26 (2) Any formal statement of specific charges for dismissal sent to a faculty member shall be accom-  
27 panied by a statement of the appeal procedures available to the faculty member.
- 28 (3) The statement of charges shall be served personally or by certified mail, return receipt requested.  
29 If such service cannot be made within 20 days, service shall be accomplished by first class mail  
30 and by publication as if the statement of charges were a summons and the provisions of s. 262.06  
31 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the  
32 first insertion of the notice of statement of charges in the newspaper.

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

34 **UWS 4.03 Standing faculty committee.**

35 The faculty of each institution shall provide a standing committee charged with hearing dismissal cases  
36 and making recommendations under this chapter. This standing faculty committee shall operate as the  
37 hearing agent for the board pursuant to s. 227.12, Stats., and conduct the hearing, make a verbatim  
38 record of the hearing, prepare a summary of the evidence and transmit such record and summary along  
39 with its recommended findings of law and decision to the board according to s. UWS 4.07.

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

41 **UWS 4.04 Hearing.**

42 If the faculty member requests a hearing within 20 days of notice of the statement of charges (25 days if  
43 notice is by first class mail and publication), such a hearing shall be held not later than 20 days after the  
44 request except that this time limit may be enlarged by mutual written consent of the parties, or by order of  
45 the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the  
46 standing faculty committee created under s. UWS 4.03.

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

48 **UWS 4.05 Adequate due process.**

1 (1) A fair hearing for a faculty member whose dismissal is sought under s. UWS 4.01 shall include  
2 the following:

- 3 (a) Service of written notice of hearing on the specific charges at least 10 days prior to the hear-  
4 ing;
- 5 (b) A right to the names of witnesses and of access to documentary evidence upon the basis of  
6 which dismissal is sought;
- 7 (c) A right to be heard in his/her defense;
- 8 (d) A right to counsel and/or other representatives, and to offer witnesses;
- 9 (e) A right to confront and cross-examine adverse witnesses;
- 10 (f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
- 11 (g) Written findings of fact and decision based on the hearing record;
- 12 (h) Admissibility of evidence governed by s. 227.10, Stats.

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

14 **UWS 4.06 Procedural guarantees.**

15 (1) Any hearing held shall comply with the requirements set forth in s. UWS 4.05. The following re-  
16 quirements shall also be observed:

- 17 (a) The burden of proof of the existence of just cause is on the administration or its representa-  
18 tives;
- 19 (b) No faculty member who participated in the investigation of allegations leading to the filing of a  
20 statement of charges, or in the filing of a statement of charges, or who is a material witness  
21 shall be qualified to sit on the committee in that case;
- 22 (c) The hearing shall be closed unless the faculty member under charges requests an open  
23 hearing, in which case it shall be open (see s. 66.77, Stats., Open Meeting Law);
- 24 (d) The faculty hearing committee may, on motion of either party, disqualify any one of its mem-  
25 bers for cause by a majority vote. If one or more of the faculty hearing committee members  
26 disqualify themselves or are disqualified, the remaining members may select a number of  
27 other members of the faculty equal to the number who have been disqualified to serve, ex-  
28 cept that alternative methods of replacement may be specified in the rules and procedures  
29 adopted by the faculty establishing the standing committee under s. UWS 4.03;
- 30 (e) The faculty hearing committee shall not be bound by common law or statutory rules of evi-  
31 dence and may admit evidence having reasonable probative value but shall exclude immat-  
32 terial, irrelevant (sic), or unduly repetitious testimony, and shall give effect to recognized legal  
33 privileges;
- 34 (f) If the faculty hearing committee requests, the Chancellor shall provide legal counsel after  
35 consulting with the committee concerning its wishes in this regard. The function of legal  
36 counsel shall be to advise the committee, consult with them on legal matters, and such other  
37 responsibilities as shall be determined by the committee within the provisions of the rules and  
38 procedures adopted by the faculty of the institution in establishing the standing faculty com-  
39 mittee under s. UWS 4.03;
- 40 (g) If a proceeding on charges against a faculty member not holding tenure is not concluded be-  
41 fore the faculty member's appointment would expire, he/she may elect that such proceeding  
42 be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be dis-  
43 continued at the expiration of the appointment;
- 44 (h) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the  
45 proceeding by the institution is deemed a withdrawal of charges and a finding that the  
46 charges were without merit;

- 1 (i) Nothing in par. (h) shall prevent the settlement of cases by mutual agreement between the  
2 administration and the faculty member, with board approval, at any time prior to a final deci-  
3 sion by the board;
- 4 (j) Adjournment shall be granted to enable either party to investigate evidence as to which a va-  
5 lid claim of surprise is made.

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

7 **UWS 4.07 Recommendations: to the chancellor: to the regents.**

- 8 (1) The faculty hearing committee shall send to the Chancellor and to the faculty member concerned,  
9 as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a  
10 copy of its report, findings, and recommendations. The committee may determine that while ade-  
11 quate cause for discipline exists, some sanction less severe than dismissal is more appropriate.  
12 Within 20 days after receipt of this material the Chancellor shall review it and afford the faculty  
13 member an opportunity to discuss it. The Chancellor shall prepare a written recommendation  
14 within 20 days following the meeting with the faculty member, unless his/her proposed recom-  
15 mendation differs substantially from that of the committee. If the Chancellor's proposed recom-  
16 mendations differ substantially from those of the faculty hearing committee, the Chancellor shall  
17 promptly consult the faculty hearing committee and provide the committee with a reasonable op-  
18 portunity for a written response prior to forwarding his/her recommendation. If the recommenda-  
19 tion is for dismissal, the recommendation shall be submitted through the president of the system  
20 to the board. A copy of the faculty hearing committee's report and recommendations shall be for-  
21 forwarded through the president of the system to the board along with the Chancellor's recommen-  
22 dation. A copy of the Chancellor's recommendation shall also be sent to the faculty member con-  
23 cerned and to the faculty committee.
- 24 (2) Disciplinary action other than dismissal may be taken by the Chancellor, after affording the faculty  
25 member an opportunity to be heard on the record, except that, upon written request by the faculty  
26 member, such action shall be submitted as a recommendation through the president to the board  
27 together with a copy of the faculty hearing committee's report and recommendation.

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

29 **UWS 4.08 Board review.**

- 30 (1) If the Chancellor recommends dismissal, the board shall review the record before the faculty  
31 hearing committee and provide an opportunity for filing exceptions to the recommendations of the  
32 hearing committee or Chancellor, and for oral arguments, unless the board decides to drop the  
33 charges against the faculty member without a hearing or the faculty member elects to waive a  
34 hearing. This hearing shall be closed unless the faculty member requests an open hearing (see s.  
35 66.77, Stats., Open Meeting Law).
- 36 (2) If, after the hearing, the board decides to take action different from the recommendation of the fa-  
37 culty hearing committee and/or the Chancellor, then before taking final action the board shall con-  
38 sult with the faculty hearing committee and/or the Chancellor, as appropriate.
- 39 (3) If a faculty member whose dismissal is sought does not request a hearing pursuant to s. UWS  
40 4.04 the board shall take appropriate action upon receipt of the statement of charges and the rec-  
41 ommendation of the Chancellor.

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

43 **UWS 4.09 Suspension from duties.**

44 Pending the final decision as to his/her dismissal, the faculty member shall not normally be relieved of du-  
45 ties; but if, after consultation with appropriate faculty committees the Chancellor finds that substantial  
46 harm to the institution may result if the faculty member is continued in his/her position, the faculty member  
47 may be relieved immediately of his/her duties, but his/her salary shall continue until the board makes its  
48 decision as to dismissal.

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

50 **UWS 4.10 Date of dismissal.**

1 A decision by the board ordering dismissal shall specify the effective date of the dismissal.

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

3 **FAC 8.B.2. Standing Faculty Committee.**

4 A subcommittee of the Faculty Senate Hearing Committee will be charged with hearing dismissal cases  
5 and making recommendations according to the provisions of UWS 4.03. This subcommittee shall operate  
6 as the hearing agent for the Board pursuant to Chapter 227, Wis. Stats., and conduct the hearing, make a  
7 verbatim record of the hearing, prepare a summary of the evidence and transmit such record and sum-  
8 mary along with its recommended findings of law and decision to the Board according to UWS 4.07.