

Faculty Chapter Nine

Reviewing Faculty Concerns

Part A. Faculty Senate Hearing Committee.

FAC 9.A.1. Faculty Hearing Committee.

The Faculty Senate shall establish a standing Faculty Hearing Committee comprised of all tenured faculty members.

FAC 9.A.2. Formation of Faculty Hearing Subcommittees.

The chairperson of the Faculty Hearing Committee will select by random procedure subcommittees of five members for the purposes of considering individual cases. The chairperson of the Faculty Hearing Committee will select by random procedure one affirmative action representative to serve on each hearing subcommittee. Affirmative action representatives are non-voting members of the hearing subcommittee. Such subcommittees will be selected as soon as possible by the committee chair during periods when the University is in session.

- (1) Members of the Faculty Senate Hearing Committee shall be identified as the tenured members of the University faculty who do not hold limited appointment. This designation shall be made by the Executive Committee of the Faculty Senate at the beginning of the Fall term in each academic year.
- (2) At the beginning of the Fall term, the Council for Equity and Affirmative Action shall forward a list of 6 tenured faculty to serve as affirmative action representatives to hearing subcommittees. They shall be nominated from among the tenured members of the University faculty who do not hold limited appointment and who have specific training in affirmative action matters. Nominations shall be made by the Council for Equity and Affirmative Action and forwarded to the Faculty Senate Executive Committee. The Faculty Senate Executive Committee shall submit these nominations to the Faculty Senate for confirmation and announce the affirmative action representatives of the Faculty Hearing Committee to the university community.
- (3) The Faculty Senate Executive Committee shall propose to the Senate for ratification a chairperson and a vice chairperson from among the tenured faculty. They will serve for a three-year, staggered term with the first person appointed as vice chair serving for only two years. The chairperson of the Faculty Hearing Committee shall not serve as member of any new hearing subcommittee, but shall complete service on an existing committee.
- (4) Upon the formation of a subcommittee to consider an individual case, the chairperson of the Faculty Hearing Committee shall appoint the subcommittee chairperson from among its members. An affirmative action representative may not serve as subcommittee chairperson.
- (5) If, through attrition, the number of available affirmative action representatives should fall below three members, the Council for Equity and Affirmative Action shall nominate immediately sufficient additional members to bring the number of available representatives to full strength. The new representatives shall be selected as outlined above.
- (6) After selection, affirmative action representatives shall serve for terms of one year duration. Notwithstanding, affirmative action representatives shall be expected to complete service on existing subcommittees, irrespective of their term of appointment.
- (7) No member of the Faculty Hearing Committee or affirmative action representative shall serve simultaneously on more than one subcommittee hearing individual cases. No individual shall serve in the dual role as subcommittee member and affirmative action representative on a hearing subcommittee.

FAC 9.A.3. Procedures for Subcommittees.

If a hearing is determined to be necessary, all subcommittees shall operate in a manner consistent with the general procedural requirements listed in this session. Additional procedural requirements for hearing

1 cases of various kinds shall be imposed as indicated in the several chapters of this document. Minimal
2 requirements to guarantee adequate due process and to assure procedural uniformity are as follows:

- 3 (1) At the request of the Faculty Hearing Subcommittee and with the concurrence of the Chancellor,
4 the University shall provide legal counsel to the subcommittee. All parties shall be notified if the
5 subcommittee is to be provided legal counsel.
- 6 (2) The faculty member concerned shall be assured of a fair hearing, which shall include the right to
7 present testimony in his/her behalf, the right to offer witnesses, the right to cross examine adverse
8 witnesses, and the right to be counseled and/or represented by any persons of choice. [In cases
9 where there are multiple counselors/representatives, the committee may restrict discussion of
10 such major issue to a single counselor. Determination of whether more than one counse-
11 lor/representative should address an issue should be a procedural unappealable determination of
12 the committee.]
- 13 (3) The role of the affirmative action representative is to be the proponent of affirmative action and
14 equal opportunity principles during subcommittee hearings and deliberations. It is not the role of
15 the affirmative action representative to be an advocate for any party directly involved in the hear-
16 ing.
- 17 (4) If the hearing concerns personnel decisions, the department or functional equivalent of the faculty
18 member concerned shall be consulted and shall have the opportunity to present evidence or tes-
19 timony through the department chairperson or other representative.
- 20 (5) The following applies except in cases of layoff governed by UWS 5.12(2) or dismissal governed
21 by UWS 4.06(1)d. Either party in that hearing may request the disqualification of any member of
22 the hearing subcommittee or affirmative action representative for cause. The request, together
23 with a statement of the cause for disqualification shall be submitted in writing to the chairperson of
24 the Faculty Hearing Committee. If the request is to remove a subcommittee member the decision
25 will be made by the chairperson of the Faculty Hearing Committee in consultation with the chair-
26 person of the Council for Equity and Affirmative Action. If the request is to remove an affirmative
27 action representative the decision will be made by the chairperson of the Council for Equity and
28 Affirmative Action in consultation with the chairperson of the Faculty Hearing Committee. If the
29 request is honored, the chairperson of the Faculty Hearing Committee shall designate a replace-
30 ment unless in his/her opinion the dismissal occurs after a significant portion of the hearing has
31 taken place. In that event, the remaining members of the subcommittee shall continue to hear the
32 case.
- 33 (6) No faculty member who participated in initiating, formulating, investigating or filing allegations or
34 charges or who is a member of the concerned faculty member's department or equivalent or who
35 is a material witness shall be qualified to sit on a hearing committee or to serve as affirmative ac-
36 tion representative.
- 37 (7) Hearings shall be subject to State of Wisconsin Open Meetings Laws.
- 38 (8) A tape recording or other verbatim record shall be made of all formal hearings. Upon written re-
39 quest to the Chancellor, copies of such records of all open hearings shall be made available at no
40 cost to the faculty member. The university shall bear the cost of preparing any record.
- 41 (9) All hearings of the subcommittee shall be on the record.
- 42 (10)The subcommittee shall have free access to any documentary evidence it believes to be perti-
43 nent, including public records, personnel files of the faculty member, and official documents spe-
44 cifically requested by the subcommittee and shall have the right to summon such witnesses as
45 necessary to assure a fair hearing.
- 46 (11)The Faculty Senate President, Chairperson of the Hearing Committee, and Chancellor shall assist
47 subcommittees in obtaining such witnesses and such documents as are required for the proper
48 conduct of hearings.
- 49 (12)The hearing subcommittee shall not be bound by common law or statutory rules of evidence and
50 shall follow rules and procedures contained in the most current edition of Sturgis' *Standard Code*
51 *of Parliamentary Procedure*. The subcommittee may admit evidence having reasonable probative

1 value but shall exclude immaterial, irrelevant or unduly repetitious testimony, and shall give effect
2 to recognized legal privileges.

3 (13)The faculty member appealing a decision will have access at least 10 days before the deadline for
4 filing the appeal to all specifically identified documents on the basis of which the adverse decision
5 being appealed was made.