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# INTRODUCTION

## VISION, VALUES, MISSION & GOALS OF THE UNIVERSITY OF WISCONSIN OSHKOSH

October 2010

### GOVERNING IDEAS FOR THE UNIVERSITY OF WISCONSIN OSHKOSH

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#### UNIVERSITY OF WISCONSIN SYSTEM MISSION STATEMENT

The mission of the University of Wisconsin System is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses, and to serve and stimulate society by developing in students heightened intellectual, cultural, and humane sensitivities, scientific, professional and technological expertise, and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training, and public service designed to educate people and improve the human condition. Basic to every purpose of the UW System is the search for truth.

#### THE CORE MISSION OF THE UNIVERSITY CLUSTER INSTITUTIONS

As institutions in the University Cluster of the University of Wisconsin System, the University of Wisconsin-Eau Claire, the University of Wisconsin-Green Bay, the University of Wisconsin-La Crosse, the University of Wisconsin-Oshkosh, the University of Wisconsin-Parkside, the University of Wisconsin-Platteville, the University of Wisconsin-River Falls, the University of Wisconsin-Stevens Point, the University of Wisconsin-Stout, the University of Wisconsin-Superior and the University of Whitewater share the following core mission. Within the approved differentiation stated in their select missions, each university in the cluster shall:

- a. Offer associate and baccalaureate degree level and selected graduate programs within the context of its approved mission statement.
- b. Offer an environment that emphasizes teaching excellence and meets the educational and personal needs of students through effective teaching, academic advising, counseling and through university-sponsored cultural, recreational and extra-curricular programs.
- c. Offer a core of liberal studies that supports university degrees in the arts, letters and sciences, as well as specialized professional/technical degrees at the associate and baccalaureate level.
- d. Offer a program of pre-professional curricular offerings consistent with the university's mission.
- e. Expect scholarly activity including research, scholarship and creative endeavor, that supports its programs at the associate and baccalaureate degree level, its selected graduate programs and its approved mission statement.
- f. Promote the integration of the extension function, assist the University of Wisconsin-Extension in meeting its responsibility for statewide coordination, and encourage faculty and staff participation in outreach activity.
- g. Participate in inter-institutional relationships in order to maximize educational opportunity for the people of the state effectively and efficiently through the sharing of resources.
- h. Serve the needs of women, minority, disadvantaged, disabled and non-traditional students and seek racial and ethnic diversification of the student body and the professional faculty and staff.

- i. Support activities designed to promote the economic development of the state.

### **SELECT MISSION OF THE UNIVERSITY OF WISCONSIN OSHKOSH**

In addition to the system and core missions, UW Oshkosh has the following select mission:

The University of Wisconsin Oshkosh provides a wide array of quality educational opportunities to the people of northeastern Wisconsin and beyond through the discovery, synthesis, preservation and dissemination of knowledge. The interaction of our dedicated faculty, staff and students fosters an inclusive learning environment that prepares our graduates to meet the challenges of an increasingly global society.

### **THE UW OSHKOSH STUDENT LEARNING OUTCOMES**

UW Oshkosh prepares graduates who are talented, liberally educated, technically skilled global citizens and are fully engaged as leaders and participants in civic, economic, political and social life. The University fulfills its learning mission through a commitment to providing a 21<sup>st</sup> century liberal education that is grounded in a set of student learning outcomes unanimously adopted by the Faculty Senate on May 13, 2008. The University embraces the following definition of liberal education:

Liberal education is a philosophy of education that empowers individuals with broad knowledge and transferable skills, and a strong sense of values, ethics, and civic engagement. These broad goals have been enduring even as the courses and requirements that comprise a liberal education have changed over the years. Characterized by challenging encounters with important and relevant issues today and throughout history, a liberal education prepares graduates both for socially valued work and for civic leadership in their society. It usually includes a general education curriculum that provides broad exposure to multiple disciplines and ways of knowing, along with more in-depth study in at least one field or area of concentration.

[Source: Advocacy "What is a liberal education?" at [http://www.aacu.org/advocacy/What\\_is\\_liberal\\_education.cfm](http://www.aacu.org/advocacy/What_is_liberal_education.cfm)]

- ❖ Knowledge of Human Cultures and the Physical and Natural World
  - Through study in fine and performing arts, humanities, mathematics and science, and social science  
Focused by engagement with big questions, both contemporary and enduring
- ❖ Skills, both Intellectual and Practical, including
  - Identification and objective evaluation of theories and assumptions
  - Critical and creative thinking
  - Written and oral communication
  - Quantitative literacy
  - Technology and information literacy
  - Teamwork, leadership, and problem solving  
Practiced extensively, across the curriculum, in the context of progressively more challenging problems, projects, and standards for performance
- ❖ Responsibility, as Individuals and Communities, including
  - Knowledge of sustainability and its applications
  - Civic knowledge and engagement—local and global
  - Intercultural knowledge and competence
  - Ethical reasoning and action

- Foundations and skills for lifelong learning  
Developed through real-world challenges and active involvement with diverse communities
- ❖ Learning: Integrated, Synthesized, and Advanced, including
  - Synthesis and advanced accomplishment across general and specialized studies  
Demonstrated through the application of knowledge, skills, and responsibilities to new settings and complex problems.

{Note: Learning Outcomes are adapted from AAC&U report, College Learning for a New Global Century  
[http://www.aacu.org/advocacy/leap/documents/GlobalCentury\\_final.pdf](http://www.aacu.org/advocacy/leap/documents/GlobalCentury_final.pdf)}

## VISION STATEMENT

The University of Wisconsin Oshkosh will be a national model as a responsive, progressive, and **scholarly public service community** known for its accomplished record of **engaging people and ideas for common good**. It will be admired for:

- **Enrichment and Leadership** that emphasizes intellectual, civic, ethical, and personal development for students, faculty, and staff.
- **The Centrality of the Student-Faculty Relationship** that is distinguished by active learning, mutual respect, and collaborative scholarship.
- **Teaching Excellence** that is characterized by diversity, discovery, engagement, innovation, dialogue, and dissemination.
- **Scholarly Achievement** that furthers new knowledge through diverse methods of inquiry and is applicable to multiple audiences.
- **Partnerships** that mutually serve, stimulate, and shape the University and the broader public.

## CORE VALUES

*The University of Wisconsin Oshkosh community values:*

- **Knowledge and Continuous Learning.** We believe that the pursuit of knowledge, understanding, meaning, and personal development should be encouraged across all stages of life.
- **Diversity and Inclusivity.** We believe that a university community connects the perspectives and backgrounds of diverse social and academic groups of people. To meet this aim, a university community must be inclusive in its composition and support a civil atmosphere and a tolerant environment for learning.
- **Quality and Achievement.** We believe that the university should provide a wide range of high-quality educational and scholarly opportunities that stimulate activity and recognize achievement by students, faculty, and staff.
- **Freedom and Responsibility.** We believe that members of a university community must be free to pursue academic, artistic, and research agendas that are essential to the University Mission, while contributing to an open and collegial environment that promotes reasoned inquiry, intellectual honesty, scholarly competence, and the pursuit of new knowledge.
- **Engagement and Support.** We believe the vitality of ideas is supported by mutually reinforcing relationships that involve students, faculty, staff, administrators, and the broader community. The student-faculty relationship is the most central relationship in the university. This spirit of engagement must also extend beyond the borders of our campus as we seek to stimulate, serve, and shape our society.
- **Social Awareness and Responsiveness.** We believe that educators and students should explore and engage the challenges that confront regional, national, and global communities, using their intellectual and creative capabilities to understand, investigate, and solve

problems. Social awareness will allow us to respond to domestic and international needs for equitable and sustainable societies.

## STRATEGIC DIRECTIONS

- ***Develop a Diverse, Engaged Community of Lifelong Learners and Collaborative Scholars.***

The University of Wisconsin Oshkosh will be regionally based and globally connected. We are a community of critical, creative, and constructive thinkers who approach academic and social issues in an informed and principled way. Our learning community is distinguished by a pervasive commitment to diversity and inclusivity, international perspectives, support for those with disabilities or special needs, and engaged community service.

- ***Enhance Teaching Excellence, Active Learning and Dynamic Curricular Programs.***

The University of Wisconsin Oshkosh will enhance the scholarly and physical environment we provide for teaching excellence, active learning, and dynamic curricular programs. The university will encourage, support, and intensify efforts to engage students inside and outside of the classroom.

- ***Foster Research, Intellectual Activity, and Creative Expression.***

The University of Wisconsin Oshkosh will sustain, support, and enhance a vigorous scholarly environment for research, intellectual activity, and creative expression. We will encourage faculty, students, and staff to generate and maintain connections to professional communities and the people, institutions, and communities we serve. Faculty, staff, and students will seek opportunities to work together to discover, share, and apply knowledge.

- ***Expand Regional Outreach and Domestic and International Partnerships.***

The University of Wisconsin Oshkosh will expand and support collaborative relationships that contribute to the development of knowledge and its application in new situations while maintaining its core values. We encourage principled and responsive relationships that draw on the ideas, ambitions, and talents of the university and its external partners.

- ***Promote Representative Leadership, Responsive Shared Governance, and Flexible Resource Stewardship.***

The University of Wisconsin Oshkosh will promote accessible, representative, and altruistic leadership, responsive shared governance, and flexible resource stewardship. We will be broad, open, and inclusive in governance processes and will align our human, physical, and financial resources to meet our established priorities.

# University of Wisconsin Oshkosh

## FACULTY AND ACADEMIC STAFF HANDBOOK

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# Governance

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15

#### 16 **36.01 Statement of Purpose and Mission.**

- 17 (1) The legislature finds it in the public interest to provide a system of higher education which enables students of all ages,  
18 backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses  
19 undergraduate teaching as its main priority; which offers selected professional graduate and research programs with  
20 emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to  
21 the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with  
22 other educational institutions and systems; and which promotes internal coordination and the wisest possible use of  
23 resources.
- 24 (2) The mission of the system is to develop human resources, to discover and disseminate knowledge, to extend knowledge  
25 and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students  
26 heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and a  
27 sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public  
28 service designed to educate people and improve the human condition. Basic to every purpose of the system is the  
29 search for truth.

30 **History: 1973 c. 335.**

#### 31 **36.03 System.**

32 There is created in this state a system of institutions of learning to be known as the University of Wisconsin System. The principal  
33 office and one university of the system shall be located at or near the seat of state government.

34 **History: 1973 c. 335.**

#### 35 **36.05 Definitions.**

36 In this chapter:

- 37 (1) "Academic staff" means professional and administrative personnel with duties, and subject to types of appointments,  
38 that are primarily associated with higher education institutions or their administration, but does not include faculty and  
39 staff provided under s. 16.57.
- 40 (2) "Board of regents" or "board" means the board of regents of the University of Wisconsin System.
- 41 (3) "Campus" means the publicly owned or leased buildings and grounds which comprise all or part of a university, a center  
42 or the extension.
- 43 (4) "Center" means any one of the 2-year collegiate campuses of the system.
- 44 (5) "Chancellor" means the chief executive of an institution.
- 45 (6) "Classified staff" means all employees of the system other than faculty, academic staff, persons whose employment is  
46 a necessary part of their training, student assistants and student hourly help.
- 47 (6m) "College campus" means any one of the 2-year collegiate campuses of the system.
- 48 (7) "Extension" means the community outreach, public service and extension services of the system.
- 49 (8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an  
50 academic department or its functional equivalent in an institution, persons described under s.36.13(4)(c) and such  
51 academic staff as may be designated by the chancellor and faculty of the institution.



## Selected Excerpts from the Wisconsin Statutes

- 1 (9) "Institution" means any university or an organizational equivalent designated by the board and the University of  
2 Wisconsin colleges.
- 3 (9m) "Instructional academic staff" means academic staff members with teaching responsibilities.
- 4 (9s) "Mainframe" means a large scale, central computer maintained by the board for multipurpose functions.
- 5 (10) "President" means the chief executive of the system.
- 6 (11) "Student" means any person who is registered for study in any institution for the current academic period. For the  
7 purpose of administering particular programs or functions involving students, the board shall promulgate rules defining  
8 continuation or termination of student status during periods between academic periods.
- 9 (12) "System" means the University of Wisconsin System.
- 10 (13) "University" means any baccalaureate or graduate degree granting institution.
- 11 (14) "University of Wisconsin Colleges" means the college campuses as a whole.

12 **History: 1973 c. 335; 1985 a. 332 s. 251 (3); 1989 a. 31, 67; 1991 a. 39; 1995 a. 27; 1997 a. 237.**

### 13 **36.07 Corporate title, officers, meetings, records.**

- 14 (1) Corporate status and title. The board and their successors in office shall constitute a body corporate by the name of  
15 "Board of Regents of the University of Wisconsin System".
- 16 (2) Secretary. The board shall appoint a secretary of the board who shall keep a faithful record of all its transactions.
- 17 (3) Treasurer. The state treasurer shall be the treasurer of the board, but the board may appoint other persons to receive  
18 other moneys that may be due or remitted from any source.
- 19 (4) Meetings, times, notice. The times for holding the regular annual meeting and such other meetings as are required, and  
20 the manner of providing notice for such meetings, shall be determined by the board's bylaws.
- 21 (5) Access to the board. The board shall provide in its operating policies for access to the board by the public, faculty,  
22 students and chancellors.
- 23 (6) Meetings and records public. The board meetings shall be open and all records of such meetings and of all proceedings  
24 of the board shall be open to inspection in accordance *sub chs. II and V of ch. 19*.

25 **History: 1973 c. 335; 1975 c. 426 s. 3; 1981 c. 335 s. 26; 1991 a. 39.**

### 26 **36.09 Responsibilities.**

- 27 (1) The board of regents.
- 28 (a) The primary responsibility for governance of the system shall be vested in the board which shall enact policies and  
29 promulgate rules for governing the system, plan for the future needs of the state for university education, ensure  
30 the diversity of quality undergraduate programs while preserving the strength of the state's graduate training and  
31 research centers and promote the widest degree of institutional autonomy within the controlling limits of  
32 system-wide policies and priorities established by the board.
- 33 (b) The board, after public hearing at each institution, shall establish for each institution a mission statement  
34 delineating specific program responsibilities and types of degrees to be granted.
- 35 (c) The board shall determine the educational programs to be offered in the system and may discontinue educational  
36 programs as it deems necessary.
- 37 (d) The board shall establish policies to guide program activities to ensure that they will be compatible with the  
38 missions of the institutions of the system. To this end, the board shall make all reasonable effort to provide night  
39 courses.
- 40 (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college  
41 campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the  
42 state cartographer; and the requisite number of officers, other than the vice presidents, associate vice presidents  
43 and assistant vice presidents of the system; faculty; academic staff and other employees and fix the salaries,  
44 subject to the limitations under *par. (j) and ss. 20.923 (4g) and 230.12 (3) (e)*, the duties and the term of office for  
45 each. The board shall fix the salaries, subject to the limitations under *par. (j) and ss. 20.923 (4g) and 230.12 (3)*  
46 *(e)*, and the duties for each chancellor, vice president, associate vice president and assistant vice president of the  
47 system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be  
48 allowed or exercised in the appointment of the employees of the system.
- 49 (f) The board shall delegate to each chancellor the necessary authority for the administration and operation of the  
50 institution within the policies and guidelines established by the board. The board may also delegate or rescind  
51 other authority to chancellors, committees of the board, administrative officers, members of the faculty and  
52 students or such other groups as it deems appropriate.
- 53 (gm) The board shall not create, except as specifically authorized by the legislature in each instance, any new college,  
54 school or its functional equivalent if such college, school or functional equivalent has academic programs at the  
55 graduate or professional, post-baccalaureate level.

## Selected Excerpts from the Wisconsin Statutes

- 1 (gm) 1. For the purposes of this paragraph, college or school means an academic unit below the institutional level but  
2 above the departmental level, including but not limited to a graduate school, law school, medical school, social  
3 work school, architecture school, business school and a public administration school.
- 4 (gm) 2. For the purposes of this paragraph, a new college or school shall be deemed to have been created if an  
5 administrative position of dean or its functional equivalent is established and if a new instructional program,  
6 separate and distinct from the programs currently available at that institution, is established.
- 7 (gm) 3. This paragraph does not apply to the redesignation or reorganization of existing colleges or schools if  
8 accomplished through the reclassification of existing positions or the restructuring of existing organizational  
9 entities.
- 10 (h) The board shall allocate funds and adopt budgets for the respective institutions giving consideration to the  
11 principles of comparable budgetary support for similar programs and equitable compensation for faculty and  
12 academic staff with comparable training, experience and responsibilities and recognizing competitive ability to  
13 recruit and retain qualified faculty and academic staff. If the board ceases or suspends operation of any institution  
14 or college campus, the appropriations to the board for operation of the institution or college campus may be utilized  
15 by the board for any other purpose authorized by the appropriations within the period for which the appropriations  
16 are made.
- 17 (hm) The board shall develop policies for the purpose of specifically identifying the general purpose revenue and  
18 nongeneral purpose revenue funding sources used for noninstructional student activities and for the purpose of  
19 governing the allocation of funds to those noninstructional student activities supported by both general purpose  
20 and nongeneral purpose revenue.
- 21 (i) Upon recommendation of the president and the administrator of the division of merit recruitment and selection in  
22 the office of state employment relations, the board and the director of the office shall jointly adopt general policies  
23 governing the designation of positions to be exempt from the classified service as academic staff as defined in s.  
24 36.15 (1) (a) and (b). No position in the classified service may be designated as an academic staff position under  
25 the general policies unless the director of the office of state employment relations approves the designation.
- 26 (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining  
27 unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each  
28 year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first  
29 year of the biennium, payments of the salaries established for the preceding year shall be continued until the  
30 biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment  
31 of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new  
32 salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not  
33 limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries  
34 of employees specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary  
35 increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase  
36 to correct salary inequities under *par. (h)*, to fund job reclassifications or promotions, or to recognize competitive  
37 factors. The board may not increase the salary of any position identified in s. 20.923 (4g) under this paragraph  
38 unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes  
39 the salary increase to correct a salary inequity or to recognize competitive factors. The board may not increase  
40 the salary of any position identified in s. 20.923 (4g) (ae) and (am) unless the increase is approved by the office  
41 of state employment relations. The granting of salary increases to recognize competitive factors does not obligate  
42 inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal  
43 bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the  
44 secretary of administration and director of the office of state employment relations concerning the amounts of any  
45 salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the  
46 12-month period ending on the preceding June 30.
- 47 (k) 1. The board shall, with respect to academic staff, correct pay inequities based on gender or race.  
48 2. The board shall do all of the following:
- 49 a. Establish and maintain job categories in which to place academic staff positions. The job categories  
50 shall be described in sufficient detail to enable the board to comply with *sub d. 1.*
- 51 b. Establish and maintain pay ranges, each of which has a minimum and a maximum rate of pay and,  
52 assign the job categories established under *sub d. 2. a.* to those pay ranges. This *sub d. 2. b.* does not  
53 apply to appointments under s. 36.13 (4).
- 54 (l) The board shall possess all powers necessary or convenient for the operation of the system except as limited in  
55 this chapter.
- 56 (2) The president.
- 57 (a) The president shall be president of all the faculties and shall be vested with the responsibility of administering the  
58 system under board policies and shall direct a central administration which shall assist the board and the president  
59 in establishing system-wide policies in monitoring, reviewing and evaluating these policies, in coordinating program  
60 development and operation among institutions, in planning the programmatic, financial and physical development  
61 of the system, in maintaining fiscal control and compiling and recommending educational programs, operating  
62 budgets and building programs for the board. Subject to *par. (b)*, the president shall appoint each senior vice  
63 president, vice president, associate vice president and assistant vice president of the system. The president shall

## Selected Excerpts from the Wisconsin Statutes

- 1 fix the term of office for each senior vice president, vice president, associate vice president and assistant vice  
2 president of the system.
- 3 (b) The sum of the number of senior vice presidents and vice presidents of the system that the president may appoint  
4 under par. (a) may not exceed 4.
- 5 (3) The chancellors.
- 6 (a) The chancellors shall be the executive heads of their respective faculties and institutions and shall be vested with  
7 the responsibility of administering board policies under the coordinating direction of the president and be  
8 accountable and report to the president and the board on the operation and administration of their institutions.  
9 Subject to board policy the chancellors of the institutions in consultation with their faculties shall be responsible for  
10 designing curricula and setting degree requirements; determining academic standards and establishing grading  
11 systems; defining and administering institutional standards for faculty peer evaluation and screening candidates  
12 for appointment, promotion and tenure; recommending individual merit increases; administering associated  
13 auxiliary services; and administering all funds, from whatever source, allocated, generated or intended for use of  
14 their institutions.
- 15 (b) The chancellor may designate a person as provost, to act as chief executive officer of the institution in the  
16 chancellor's absence, if the person currently holds a limited appointment as vice chancellor, associate chancellor,  
17 assistant chancellor, associate vice chancellor or assistant vice chancellor. The chancellor may not create an  
18 additional administrative position for the purpose of this paragraph.
- 19 (4) Faculty. The faculty of each institution, subject to the responsibilities and powers of the board, the president and the  
20 chancellor of such institution, shall be vested with responsibility for the immediate governance of such institution and  
21 shall actively participate in institutional policy development. As such, the faculty shall have the primary responsibility for  
22 academic and educational activities and faculty personnel matters. The faculty of each institution shall have the right to  
23 determine their own faculty organizational structure and to select representatives to participate in institutional  
24 governance.
- 25 (4m) Academic staff. The academic staff members of each institution, subject to the responsibilities and powers of the board,  
26 the president and the chancellor and faculty of the institution, shall be active participants in the immediate governance  
27 of and policy development for the institution. The academic staff members have the primary responsibility for the  
28 formulation and review, and shall be represented in the development, of all policies and procedures concerning  
29 academic staff members, including academic staff personnel matters. The academic staff members of each institution  
30 shall have the right to organize themselves in a manner they determine and to select their representatives to participate  
31 in institutional governance.
- 32 (5) Students. The students of each institution or campus subject to the responsibilities and powers of the board, the  
33 president, the chancellor and the faculty shall be active participants in the immediate governance of and policy  
34 development for such institutions. As such, students shall have primary responsibility for the formulation and review of  
35 policies concerning student life, services and interests. Students in consultation with the chancellor and subject to the  
36 final confirmation of the board shall have the responsibility for the disposition of those student fees which constitute  
37 substantial support for campus student activities. The students of each institution or campus shall have the right to  
38 organize themselves in a manner they determine and to select their representatives to participate in institutional  
39 governance.

40 **History:** 1973 c. 335; 1975 c. 39, 224; 1977 c. 196 ss. 130 (1), (2), 131; 1977 c. 418; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20 s.  
41 2202 (1) (a); 1983 a. 27 s. 2200 (15); 1983 a. 366; 1985 a. 29, 42, 45, 332; 1987 a. 4, 27, 340; 1989 a. 31, 336, 359; 1991 a. 39;  
42 1997 a. 27 ss. 1156 ad, 9456 (3m); 1997 a. 35, 237, 307; 1999 a. 42; 2001 a. 16, 104; 2003 a. 33 ss. 930, 931, 2811, 9160;  
43 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2003 a. 320; 2005 a. 25 ss. 695, 2493.

44 *Sub. (5) gives student organizations, rather than the student body, the right to select representatives to participate in institutional*  
45 *governance. Student Assoc., U.W.-Milw. v. Baum, 74 Wis (2d) 283, 246 NW (2d) 622 (1976).*

46 *The board of regents has no authority to provide a deferred salary plan for employees other than through the state teachers*  
47 *retirement system or the Wisconsin retirement fund. 61 Atty. Gen. 6.*

48 *A ruling by chancellor of University of Wisconsin-Eau Claire denying a request to conduct door-to-door solicitation in residence*  
49 *halls did not violate constitutional rights. 61 Atty. Gen. 373.*

50 *A classified audit fee structure may be established by university regents using age for classification purposes. 62 Atty. Gen. 1.*

51 *The leasing of university buildings to a religious congregation during nonschool days and hours on a temporary basis while the*  
52 *congregation's existing facility is being renovated and leasing convention space to a church conference would not violate the*  
53 *separation of church and state provisions of the First Amendment to the U.S. Constitution and Art I, s. 18. 63 Atty. Gen. 374.*

54 *Regents should identify how compulsory fees will be used to necessarily and conveniently further the objects of the university*  
55 *before approving a segregated fee, under 37.11 (8) (1971 Stats.), to finance a legal services program for Oshkosh Student*  
56 *Association. Regent's duties are unchanged under sub. (5). 63 Atty. Gen. 385.*

57 *A Board of Regents' proposed one percent raise of the pay range minima and maxima of academic staff required the prior approval*  
58 *of secretary of employment relations. 80 Atty. Gen. 138.*

59 *The financing of student organizations through mandatory student fees does not violate the 1<sup>st</sup> amendment if viewpoint neutrality*  
60 *is the operational principal. Board of Regents v. Southworth, 529 U.S. 217, 146 L. Ed. 2d 193 (2000).*

## Selected Excerpts from the Wisconsin Statutes

1 *With one exception, the university's system, as required by Southworth, for distributing compelled fees collected from university*  
2 *students to student groups that delegates funding decisions to the student government was subject to sufficient limits. Southworth*  
3 *v. Board of Regents of the University of Wisconsin System, 307 F. 3d 566 (2002).*

### 4 **36.11 Powers and duties of the board of regents.**

#### 5 (1) Protection of people; custody and management of property.

- 6 (a) The board may promulgate rules under *ch. 227* to protect the lives, health and safety of persons on property under  
7 its jurisdiction and to protect such property and to prevent obstruction of the functions of the system. Any person  
8 who violates any rule promulgated under this paragraph may be fined not more than \$500 or imprisoned not more  
9 than 90 days or both.
- 10 (b) Except as provided in this paragraph, the board may purchase, have custody of, hold, control, possess, lease,  
11 grant easements and enjoy any lands, buildings, books, records and all other property of any nature which may  
12 be necessary and required for the purposes, objects and uses of the system authorized by law. Any lease is  
13 subject to the powers of the University of Wisconsin Hospitals and Clinics Authority under *s. 233.03 (13)* and the  
14 rights of the authority under any lease agreement, as defined in *s. 233.01 (6)*. The board shall not permit a facility  
15 that would be privately owned or operated to be constructed on state-owned land without obtaining prior approval  
16 of the building commission under *s. 13.48 (12)*. The board may sell or dispose of such property as provided by  
17 law, or any part thereof when in its judgment it is for the best interests of the system and the state. All purchases  
18 and sales of real property shall be subject to the approval of the building commission. The provision of all leases  
19 of real property to be occupied by the board shall be the responsibility of the department of administration under  
20 *s. 16.84 (5)*.
- 21 (c) The board may promulgate rules under *ch. 227* for the management of all property under its jurisdiction, for the  
22 care and preservation thereof and for the promotion and preservation of the orderly operation of the system in any  
23 or all of its authorized activities and in any or all of its institutions with forfeitures for their violation, which may be  
24 sued for and collected in the name of the board before any court having jurisdiction of such action. Forfeitures  
25 shall not exceed \$500.
- 26 (cm) The board shall promulgate rules under *ch. 227* prescribing the times, places and manner in which political  
27 literature may be distributed and political campaigning may be conducted in state-owned residence halls. No such  
28 rule may authorize any activity prohibited in *s. 11.36 (3) or (4)*.
- 29 (d) All fines imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in  
30 accordance *s. 59.25 (3) (f) and (j)*. All forfeitures, including forfeitures of posted bail if any, imposed and collected  
31 under this subsection shall be transmitted to the county treasurer for disposition in accordance with *ss. 778.13 and*  
32 *778.17*.
- 33 (e) The board, with the approval of the building commission, may sell or lease state-owned residence halls to another  
34 state agency or nonstate nonprofit agency for purposes of alternate use.

#### 35 (2) Police authority.

- 36 (a) The board shall have concurrent police power, with other authorized peace officers, over all property subject to its  
37 jurisdiction, and all property contiguous to such property at the University of Wisconsin-Parkside if owned by a  
38 nonprofit corporation the primary purpose of which, as determined by the board, is to benefit the system. Such  
39 concurrent police authority shall not be construed to reduce or lessen the authority of the police power of the  
40 community or communities in which a campus may be located. All campus police officers shall cooperate with and  
41 be responsive to the local police authorities as they meet and exercise their statutory responsibilities. The  
42 designated agents of the board may arrest, with or without warrant, any person on such property who they have  
43 reasonable grounds to believe has violated a state law or any rule promulgated under this chapter and deliver  
44 such person to any court having jurisdiction over the violation and execute a complaint charging such person with  
45 the violation. This subsection does not impair the duty of any other peace officers within their jurisdictions to arrest  
46 and take before the proper court persons found violating any state law on such property.
- 47 (b) The board may employ police for the institutions and chiefs to head such police, or contract for police, all of whom  
48 shall be deemed peace officers under *s. 939.22 (22)* under the supervision and control of the appropriate  
49 chancellor or the chancellor's designees. Such police officers shall meet the minimum standards established for  
50 other police officers by the law enforcement standards board or a comparable agency. Such police shall preserve  
51 the peace on all property described under *par. (a)*, enforce all rules promulgated under this chapter and all other  
52 laws, and for that purpose the chancellor or the chancellor's designee may call for aid from such other persons as  
53 is deemed necessary.

#### 54 (3) Admission of applicants.

- 55 (a) The board may establish the policies for admission within the system and within these policies each institution  
56 shall establish specific requirements for admission to its courses of instruction. No sectarian or partisan tests or  
57 any tests based upon race, religion, national origin of U.S. citizens or sex shall ever be allowed in the admission  
58 of students thereto.
- 59 (b) The board shall establish policies for the appropriate transfer of credits between institutions within the system,  
60 including the designation of those courses which shall be transferable between and within institutions without loss  
61 of credit toward graduation or toward completion of a specific course of study.
- 62 (c) The board shall establish policies for the appropriate transfer of credits with other educational institutions outside  
63 the system.

## Selected Excerpts from the Wisconsin Statutes

- 1 (cm) The board shall establish and maintain a computer-based credit transfer system that shall include, but not be  
2 limited to, the following:
- 3 1. All transfers of credit between institutions within the system.
  - 4 2. Program-specific course requirements in the system.
  - 5 3. Technical college collegiate transfer program offerings, as defined in s. 38.01 (3).
  - 6 4. Other courses for which the transfer of credits is accepted under *par. (b) or (c)*.
- 7 (d) 1. Except as provided in *sub d. 2.*, the board shall require that a \$35 fee accompany each application for  
8 admittance from persons seeking admittance to any school within the system as new freshmen or as transfer  
9 students from outside the system. The board may exempt from the fee under this subdivision, on the basis  
10 of financial need, a maximum of 5% of the applications in any school year.
- 11 2. The board shall require that a \$45 fee accompany each application for admittance to a graduate school, law  
12 school or medical school within the system.
  - 13 3. Of the fee received with each application under *sub ds. 1. and 2.* the board shall provide \$3 for the support  
14 of the higher education location program under s. 36.25 (36).
- 15 (4) Injunctive relief. The board may obtain injunctive relief to enforce this chapter or any rules promulgated under this  
16 chapter.
- 17 (5) Insurance.
- 18 (a) The board may procure liability insurance covering the members of the board, any officer, employee or such  
19 students whose activities may constitute an obligation or responsibility of the system.
  - 20 (b) The board may procure insurance to cover injuries sustained by students as a result of their participation in  
21 intercollegiate athletics. The board may not use general purpose revenue to pay for such insurance. With respect  
22 to any of the risks to be covered by the insurance, the board may contract for the services of a claims administrator  
23 and may obtain coverage by any combination of self-insurance, excess or stop-loss insurance or blanket  
24 insurance.
- 25 (6) Financial aids.
- 26 (a) The board may:
    - 27 1. Make grants to students from funds budgeted to or controlled by the system and formulate policies and  
28 promulgate rules for the grants.
    - 29 2. Make grants equivalent in value to the payment of incidental fees to disabled residents of the state who are  
30 recommended and supervised by the department of workforce development under s. 47.02.
  - 31 (b) The board may not make a grant under *par. (a)* to a person whose name appears on the statewide support lien  
32 docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been  
33 approved by the county child support agency under x. 59.53 (5) and that is consistent with rules promulgated  
34 under s. 49.858 (2) (a).
  - 35 (c) By April 10, 1998, and annually thereafter, the board shall develop and submit to the higher educational aids board  
36 for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, except for grants  
37 awarded under s. 39.435 (2) or (5), for the upcoming academic year to students enrolled in the system.
- 38 (7) Confer degrees. The board may confer such degrees and grant such diplomas as are usual in universities or as it  
39 deems appropriate.
- 40 (8) Parking rules.
- 41 (a) The board may make general policies and shall authorize the chancellors to adopt rules regulating the parking of  
42 motor vehicles on property under their jurisdiction. Such rules shall not be subject to *ch. 227*.
  - 43 (b) The board shall establish fines for the violation of any rule made under *par. (a)*. The institutions are authorized to  
44 collect such fines together with moneys collected from the sale of parking permits and other fees established under  
45 *par. (a)* and such moneys shall be paid into the state treasury and credited to s. 20.285 (1) (h), to be used only for  
46 the purpose of developing and operating parking or other transportation facilities at the institution at which collected  
47 and for enforcing parking rules under *par. (a)*.
- 48 (8e) Parking fees. The board shall direct each institution within the system to charge a parking fee for the parking of motor  
49 vehicles by students, faculty, academic and classified staff and visitors at campus. The board shall require the fee to  
50 be sufficient to recover the costs of the construction and maintenance necessary for the parking facilities. Nothing in  
51 this paragraph shall be deemed to require the recovery of the costs of land for parking facilities. Nothing in this  
52 paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee. College campus  
53 facilities owned by a county are not required to charge a parking fee.
- 54 (8m) Transportation planning. The board shall direct the administrative officers of each campus to work with the regional  
55 planning commissions and the local authorities of the community in which the campus is located to evaluate the  
56 transportation needs of the campus population. The board shall require each campus to develop a transportation plan  
57 for the campus to effect energy resource conservation and efficient use of transportation resources. The plan shall  
58 include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car and van pools and, to the extent feasible,

## Selected Excerpts from the Wisconsin Statutes

- 1 improved mass transit services. The transportation plans shall detail parking management strategies which provide  
2 incentives for the use of mass transit and high occupancy vehicles.
- 3 (9) Condemnation. The board may acquire by condemnation proceedings in *ch. 32* such parcels of land as it deems  
4 necessary for the use of any institution whenever the board is unable to agree with the owner upon the compensation  
5 therefor, or whenever the absence or legal incapacity of such owner, or other cause, prevents or unreasonably delays,  
6 such agreement.
- 7 (10) University fund. The board may expend such portion of the income of the university fund on or at the University of  
8 Wisconsin-Madison as is appropriated by the legislature for the erection of buildings and the purchase of equipment or  
9 books.
- 10 (11) Surplus money. The board may invest any of the surplus money designated in *s. 20.285 (1) (h)* in such securities as  
11 are legal for trust fund investments; or invest such funds or any part thereof, in the senior or junior bonds or obligations  
12 which may be issued by such nonprofit-sharing corporation as may be contracted with by the board for the construction  
13 or equipment of dormitories, commons or field houses, which bonds or obligations shall be secured by a mortgage or  
14 pledge of the buildings or improvements erected or to be erected by such corporations and by a mortgage or pledge of  
15 its leasehold interest. Any interest on any of such bonds or securities shall when received be added to the revolving  
16 funds and may be used for the purposes set forth in this subsection.
- 17 (12) Library depository.
- 18 (a) The board may participate in the formation and maintenance of a nonprofit-sharing corporation sponsored by  
19 participating colleges, universities and libraries for the purpose of providing and operating a central library  
20 depository at a location in a midwestern state for the storage of little used books and other library and research  
21 materials of participating institutions, and which corporation may also perform other functions for the benefit of  
22 participating institutions such as, without limitation because of enumeration, the correlating of library catalogs of  
23 the participating institutions, the coordinating and planning of the purchasing by each institution of costly or  
24 infrequently used books and research materials in order to avoid unnecessary duplication and facilitating the  
25 loaning of library books and other library and research materials between participating institutions. The board shall  
26 possess all powers necessary or convenient to accomplish the foregoing, including the authority to designate  
27 representatives or members of such corporation in accordance with its articles and bylaws.
- 28 (b) The board may make use of and pay for the use of the facilities and services of such nonprofit-sharing corporation,  
29 but the board shall retain title to all books and materials deposited with such corporation for storage or loaned to  
30 other participating institutions and the authority of the board to expend funds for the purchase of land, the  
31 construction of buildings and additions to buildings and the purchase of equipment for the purpose of providing  
32 such facilities shall be limited to funds appropriated under *s. 20.285*. Except as hereinbefore provided, the  
33 appropriations to the board are to be available for the purposes of this subsection to the extent that such  
34 appropriation may be applicable and without reference to whether any particular appropriation is available for  
35 expenditure at any institution.
- 36 (13) Auxiliary reserves. Auxiliary enterprise reserve funds established prior to merger of this state's public institutions of  
37 higher education for the benefit or support of an institution or group of institutions shall not be utilized for any other  
38 purpose.
- 39 (15) Tax deferred annuities. The board may continue all salary reduction agreements with its employees pursuant to *section*  
40 *403 (b)* of the internal revenue code. The board may enter into new salary reduction agreements with its employees  
41 pursuant to *section 403 (b)* of the internal revenue code or other applicable federal law and may purchase annuities for  
42 its employees pursuant to these agreements from such annuity providers, both public and private, as the board deems  
43 appropriate.
- 44 (15m) Football coaches pension plan. The board may deduct contributions from the salaries of football coaches employed  
45 in the system who are eligible and wish to participate in the qualified pension plan for football coaches established as  
46 the American football coaches retirement trust, and remit the deductions to the administrator of that plan, if the American  
47 football coaches retirement trust or the administrator or agent of the plan indemnifies the board and its employees  
48 against, and holds the board and its employees harmless from, all claims and demands associated with the plan.
- 49 (16) Commencement of fall semester. The board shall ensure that no fall semester classes at any institution, except medical  
50 school classes and 4th year classes at the school of veterinary medicine, commence until after September 1.
- 51 (17) Sabbatical leave for instructional faculty. The board may grant sabbatical leave of up to one year to instructional faculty,  
52 in order to recognize and enhance teaching efforts and excellence, under rules and procedures adopted by the board,  
53 subject to the following conditions:
- 54 (a) Sabbatical leave may be granted only to those faculty members who have completed 6 or more years, or the  
55 equivalent, of full-time instructional service in the system.
- 56 (b) Only one sabbatical leave may be granted for each 6 years of full-time instructional service in the system with  
57 preference given to those who have been making significant contributions to teaching and have not had a leave  
58 of absence except under *s. 103.10*, regardless of source of funding, in the previous 4 years.
- 59 (c) Sabbatical leave shall be granted for the purposes of enhancing teaching, course and curriculum development or  
60 conducting research or any other scholarly activities related to instructional programs within the field of expertise  
61 of the faculty member taking such leave.
- 62 (d) Sabbatical leave shall be approved by appropriate faculty and administrative committees.

## Selected Excerpts from the Wisconsin Statutes

- 1 (e) A faculty member shall receive compensation while on sabbatical leave, but such compensation, when combined  
2 with outside compensation earned while on leave, shall not exceed the full compensation normally received from  
3 the system.
- 4 (f) The faculty member taking a sabbatical leave shall agree to return to the institution from which leave was granted  
5 for at least one year after the termination of the sabbatical or return any compensation received from the system  
6 during the sabbatical.
- 7 (g) Funding for the sabbatical leave program shall be provided from the existing general operations appropriation for  
8 the system.
- 9 (18) Midwest technology development institute. The board may maintain membership of this state in the midwest technology  
10 development institute.
- 11 (19) Furnishing of services to school districts.
- 12 (a) The board may furnish, and school districts may accept, services for educational study and research projects and  
13 they may enter into contracts under s. 66.0301 for that purpose.
- 14 (b) A group of school districts, if authorized by each school board, may form a nonprofit-sharing corporation to contract  
15 with the state or the board for the furnishing of the services specified in par. (a).
- 16 (c) The corporation shall be organized under ch. 181 and shall have the powers there applicable. Members of the  
17 school boards specified in par. (b) may serve as incorporators, directors and officers of the corporation.
- 18 (d) The property of the corporation shall be exempt from taxation.
- 19 (e) The corporation may receive gifts and grants and be subject to their use, control and investment as provided in s.  
20 118.27, and the transfer of the property to the corporation shall be exempt from income, franchise and death taxes.
- 21 (21) Controlled substances and controlled substance analogs; discipline. Any student who engages in an activity, on campus  
22 or at an event sponsored by a college campus or institution or by the system, that constitutes a violation of *ch. 961* is  
23 subject to nonacademic misconduct disciplinary sanctions, as provided by the board by rule. In determining the  
24 appropriate sanction, the board or its designee shall consider those penalties, including suspension and expulsion, that  
25 will contribute most effectively to maintaining a system environment that is free from controlled substances, as defined  
26 in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m).
- 27 (22) Orientation program; information on sexual assault and sexual harassment.
- 28 (a) The board shall direct each institution and college campus to:
- 29 1. Incorporate in its orientation program for newly entering students oral and written or electronic information on  
30 sexual assault and sexual harassment, as defined in s. 111.32 (13), including information on sexual assault  
31 by acquaintances of the victims and on all of the following:
- 32 a. The legal definitions of, and penalties for, sexual assault under ss. 940.225, 948.02, and 948.025, sexual  
33 exploitation by a therapist under s. 940.22 and harassment under s. 947.013.
- 34 b. Generally available national and state statistics, and campus statistics as compiled under *par. (c)* and  
35 as reported under *par. (d)*, on sexual assaults and on sexual assaults by acquaintances of the victims.
- 36 c. The rights of victims under *ch. 950* and the services available at the institution or college campus and  
37 in the community to assist a student who is the victim of sexual assault or sexual harassment.
- 38 d. Protective behaviors, including methods of recognizing and avoiding sexual assault and sexual  
39 harassment and locations in the community where courses on protective behaviors are provided.
- 40 2. Annually supply to all students enrolled in the institution or college campus printed or electronic material that  
41 includes all of the information under *par. (a)*.
- 42 (b) Annually, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the  
43 appropriate standing committees under s. 13.172 (3). The report shall indicate the methods each institution and  
44 college campus have used to comply with *par. (a)*.
- 45 (c) Any person employed at an institution who witnesses a sexual assault on campus or receives a report from a  
46 student enrolled in the institution that the student has been sexually assaulted shall report to the dean of students  
47 of the institution. The dean of students shall compile reports for the purpose of disseminating statistical information  
48 under *par. (a) 1. b*.
- 49 (d) Annually, each institution shall report to the office of justice assistance in the department of administration statistics  
50 on sexual assaults and on sexual assaults by acquaintances of the victims that occurred on each campus of the  
51 institution in the previous year. The office of justice assistance shall include the statistics in appropriate crime  
52 reports published by the office.
- 53 (23) Board staff. The board shall provide office space, furnishings and supplies for the staff provided by the department of  
54 administration under s. 16.57.
- 55 (23m) Compliance with environmental laws. The board shall designate 2 positions, funded from the appropriation under s.  
56 20.285 (3) (a), to coordinate system compliance with state and federal laws relating to the environment.

## Selected Excerpts from the Wisconsin Statutes

- 1 (24) State documents. The board shall assure that each campus identifies and collects significant state documents, as  
2 defined in s. 35.81 (3), relating to administration and academic programs of that campus. The board shall provide for  
3 the identification and collection of significant state documents, as defined in s. 35.81 (3), published by the board or the  
4 system administration.
- 5 (25) Training of health professionals. The board shall promote public awareness of, access to and training of health  
6 professionals for rural and underserved urban areas.
- 7 (26) Building program planning and approval. The board shall establish a process for submission of building projects to the  
8 building commission for approval. No building project for the system may be submitted by the board to the building  
9 commission unless the project is developed and approved by the board in conformity with this subsection. This  
10 subsection does not apply to building projects of the University of Wisconsin Hospitals and Clinics Authority.
- 11 (27) Condition on financial assistance. The board may not provide any state financial assistance under this chapter to any  
12 person during the period that the person is required to register with the selective service system under 50 USC,  
13 Appendix, sections 451 to 473 if the person has not so registered.
- 14 (30) Information technology reports. The board shall prepare and submit reports to the joint committee on information policy  
15 and technology upon request of the committee under s. 13.58 (5) (b) 3.
- 16 (32) Computer services data collection. The board shall collect and maintain data necessary to calculate numerical  
17 measures of the efficiency and effectiveness of the mainframe computer services provided by the board at the University  
18 of Wisconsin-Madison.
- 19 (33) Report on management and staff positions.
- 20 (a) The board shall categorize each position in the system as either a management position or a staff position. The  
21 board shall define "management" and "staff" for the purposes of this paragraph.
- 22 (b) By January 1, 1998, and annually thereafter by January 1, the board shall submit a report to the joint committee  
23 on finance that includes all of the following:
- 24 1. The definitions of "management" and "staff" used by the board under par. (a).
- 25 2. A list of the position titles in each category.
- 26 3. The criteria used by the board to categorize the positions.
- 27 4. The current number of authorized positions in each category at each campus.
- 28 (35) Student identification numbers. The board may assign to each student enrolled in the system a unique identification  
29 number. The board shall not assign to any student an identification number that is identical to or incorporates the  
30 student's social security number. This subsection does not prohibit the board from requiring a student to disclose his or  
31 her social security number, nor from using a student's social security number if such use is required by a federal or  
32 state agency or private organization in order for the system or the student to participate in a particular program. NOTE:  
33 Sub. (35) (title) is renumbered s.36.32 (title) and sub. (35) is renumbered s. 36.32 (2) and amended, all eff. 7-1-06, by  
34 2003 Wis. Act 282.
- 35 (36) Aquaculture demonstration facility. The board, in consultation with representatives of the aquaculture industry, shall  
36 operate the aquaculture demonstration facility authorized under 1999 Wisconsin Act 9, section 9107 (l) (i) 3.
- 37 (36m) School safety research. The board shall direct the schools of education and other appropriate research-oriented  
38 departments within the system, to work with the technical college system board under s. 38.04 (27), school districts,  
39 private schools and the department of public instruction to present to school districts and private schools the results of  
40 research on models for and approaches to improving school safety and reducing discipline problems in schools and at  
41 school activities.
- 42 (37) Extension local planning program. The board shall offer a local planning program through the extension to educate local  
43 policymakers about local planning and the grant program under s. 16.965.
- 44 (38) Gaylord Nelson chair of integrated environmental studies. The board shall establish the Gaylord Nelson chair of  
45 integrated environmental studies and seek private funding for this chair.
- 46 (44) Report on courses. By October 31, 2001, and annually by October 31 thereafter, the board shall submit a report to the  
47 cochairpersons of the joint committee on finance that contains the number and type of, and the number of students  
48 enrolled in, each course offered by the system for which the academic fees or tuition charged equals at least 100% of  
49 the cost of offering the course.
- 50 (47) Armed forces. If a student who is a resident of Wisconsin and a member of a national guard or a member of a reserve  
51 unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state  
52 active duty under ch. 21 or into active service with the U.S. armed forces for at least 30 days, the board shall, at the  
53 student's request, do one of the following for all courses from which the student had to withdraw:
- 54 (a) Reimburse the student all tuition and fees paid for all the courses and a prorated portion of room and board  
55 payments.
- 56 (b) Grant the student an incomplete in all the courses and permit the student to complete the courses within 6  
57 months after leaving state service or active service, without paying additional tuition or fees.



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(49) Telecommunications services. The board may use telecommunications services, including data and voice over Internet services, procured by the board only for the purpose of carrying out its mission. The board shall not offer, resell, or provide telecommunications services, including data and voice over Internet services, that are available from a private telecommunications carrier to the general public or to any other public or private entity.

(50) Reserve officer training corps. The board may not allocate general purpose revenue for the operation of an institution or college campus that prohibits the reserve officer training corps from operating on its campus.

(51) Automobile allowance. The board may not use general purpose revenue, tuition, or academic fees for the president's or the chancellors' automobile allowance.

(52) Midwestern higher education compact dues. The board shall make full annual payments of membership dues to the Midwestern Higher Education Compact.

**History:** 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a.27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3., 27, 128,237; 1999 a. 9, 29; 1999 a. 150 ss. 7, 351; 2001 a. 16, 22; 2003 a. 33, 69, 149, 282; 2005 a. 25.

*The board of regents has power to make reasonable rules governing student use of automobiles on university property and can enforce them by imposing reasonable monetary penalties and withholding records. A student court can be designated by the board of regents as an auxiliary enterprise. Moneys collected must be paid into the general fund. By regent action, they may be appropriated therefrom for operation of that activity. 59 Atty. Gen. 82.*

*The collective bargaining agreement between the University of Wisconsin and the teaching assistants association is valid. 59 Atty. Gen. 200.*

*A valid collective bargaining contract between the board of regents and the union representing unclassified employees may not be impaired, during its term, by the current or a future board of regents or the legislature. 60 Atty. Gen. 64.*

*The legality of having students and faculty voting participation on board of regents discussed. 60 Atty. Gen. 395.*

*The University of Wisconsin System may sell a dormitory which no longer is needed for educational purposes upon such terms as are agreeable to the Wisconsin state agencies building corporation and H.U.D. to guarantee the payment of the bonds issued for the initial construction of the building. 63 Atty. Gen. 252.*

*Campus police have jurisdiction under (2) to arrest only on campus unless deputized by a sheriff. Local ordinances are not applicable on campus. 68 Atty. Gen. 67.*

### **36.12 Student discrimination prohibited.**

(1) No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions or centers because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

(2) (a) The board shall direct each institution to establish policies and procedures to protect students from discrimination under *sub. (1)*. The policies and procedures shall do all of the following:

1. Provide criteria for determining whether *sub. (1)* has been violated.

2. Provide remedies and sanctions for violations of *sub. (1)*.

3. Require a complainant to file a complaint with the institution within 300 days of the alleged violation of *sub. (1)*.

4. Provide periods within which the complainant and the institution must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the chancellor of the institution.

(b) The board shall establish policies and procedures for the appeal of the chancellor's or dean's decision to the board.

(3) By September 1, 1991, 1992, 1993, and 1994, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall specify all of the following for the previous academic year:

(a) The number of complaints received at each institution alleging a violation of *sub. (1)* and the disposition of each such complaint.

(b) The number of requests for review received by the board and the disposition of each such request.

**History:** 1989 a. 186; 1997 a. 237.

*The exclusion of contraceptives from an employer or college or university sponsored benefits program that otherwise provides prescription drug coverage violates Wisconsin law prohibiting sex discrimination in employment and in higher education, ss. 111.31 to 111.395, 36.12 and 38.23. OAG 1-04. Student body diversity is a compelling state interest that can justify the use of race in university admissions. A race-conscious admissions program cannot use a quota system, but may consider race or ethnicity as a plus factor for an applicant, without insulating the individual from comparison with all other candidates for the available seats. An admissions program must be flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight. Race-conscious admissions policies must be limited in time. Grutter v. Bollinger. 539 U.S. 306, 123 S. Ct. 2325 (2003). See also Gratz v. Vullinger, 539 U.S. 244, 156 L. Ed. 2d 304, 123 S. Ct. 2411 (2003).*

## Selected Excerpts from the Wisconsin Statutes

### 36.13 Faculty tenure and probationary appointments.

#### (1) Definitions. In this section:

- (a) "Probationary appointment" means an appointment by the board held by a faculty member during the period which may precede a decision on a tenure appointment.
- (b) "Tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the board.

#### (2) Appointments.

- (a) Except as provided under *par. (b)*, the board may grant a tenure appointment only upon the affirmative recommendation of the appropriate chancellor and the appropriate academic department or its functional equivalent. Neither the chancellor nor the academic department or its functional equivalent may base a tenure recommendation upon impermissible factors, as defined by the board by rule.
- (b) The board may grant a tenure appointment without the affirmative recommendation of the appropriate academic department or its functional equivalent if all of the following apply:
  1. The board has the affirmative recommendation of the appropriate chancellor.
  2. A faculty committee authorized by the board by rule to review the negative recommendation of the academic department or its functional equivalent finds that the decision of the academic department or its functional equivalent was based upon impermissible factors, as defined by the board by rule.
  3. The board has the affirmative recommendation of a committee appointed according to the policies and procedures of the appropriate institution to review the individual's record with reference to criteria for tenure published by the institution under procedures established by the board by rule. No person may be appointed to the committee under this subdivision unless the person is knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. No member of the committee appointed under this subdivision may be a member of the academic department, or its functional equivalent, that made the negative recommendation. The committee appointed under this subdivision may not base its tenure recommendation upon impermissible factors, as defined by the board by rule.
- (c) A tenure appointment may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. The proportion of time provided for in the appointment may not be diminished nor increased without the mutual consent of the faculty member and the institution subject only to *sub. (5) and s. 36.21*.
- (d) A probationary appointment shall not exceed 7 consecutive academic years in a full-time position in an institution. A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period. The board may promulgate rules specifying additional circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period.

#### (3) Rules. The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the nonretention and dismissal of faculty members. Such rules shall be promulgated under *ch. 227*.

#### (4) Continuation of appointment.

- (a) Any person who holds a tenure appointment under *ch. 36, 1971 stats. and ch. 37, 1971 stats.*, and related rules on July 9, 1974 shall continue to hold tenure as defined under those chapters and related rules.
- (b) Any person who holds the equivalent of a probationary appointment under *ch. 36, 1971 stats., and ch. 37, 1971 stats.*, and related rules on July 9, 1974 shall continue to enjoy the contractual rights and guarantees as defined under those chapters and related rules, and may elect to be considered for tenure according to the procedures existing under that appointment or under *sub. (2)*.
- (c) Any person who is not a ranked faculty member on August 15, 1991, and who is also described under *subd. 1. or 2.* shall be treated as a faculty member with the rank of associate professor for all purposes:
  1. Any person who held an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment under *ch. 37, 1971 stats.*, prior to July 10, 1974.
  2. Any person who held an unranked probationary appointment under *ch. 37, 1971 stats.*, prior to July 10, 1974, and who subsequently received an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment.

#### (5) Procedural guarantees. Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final, subject to judicial review under *ch. 227*. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under *ch. 227*.

#### (6) Limitation. Tenure and probationary appointments are in a particular institution. A tenure appointment is limited to the institution in which the appointment is held.

**History:** 1973 c. 335; 1983 a. 189; 1985 a. 332 s. 251 (1); 1987 a. 403 s. 256; 1989 a. 31; 1991 a. 39, 118.

## Selected Excerpts from the Wisconsin Statutes

1 See note to Art. I, sec. 1, citing *Patterson v. University Board of Regents*, 119 W (2d) 570, 350 NW (2d) 612 (1984).

2 Board did not have authority to grant tenure without affirmative recommendation of academic department under (1) (b). *Trojan v.*  
3 *Univ. Wis. Regents Bd.* 128 W (2d) 270, 382 NW (2d) 75 (Ct. App. 1985).

4 This section specifically authorizes the board of regents to adopt termination procedures and the board has adopted administrative  
5 rules that lay out the process to be applied in faculty dismissal cases. *White sub. (5)* provides that dismissal decisions are reviewed  
6 under ch. 227, other provisions of ch. 227 do not apply to faculty dismissal cases and the administrative rules do. *Marder v. Board*  
7 *of Regents UW-Madison*, 2004 WI App 177, 276 Wis. 2d 186, 687 N.W.2d 832, 03-2755.

8 Under 37.31, Stats. 1971, the faculty acquires tenure in the system as distinct from tenure at one particular institution within the  
9 system. 60 Atty. Gen. 116.

10 A nontenured teacher who is not rehired has no constitutional right to a statement of the reason for not renewing his contract nor  
11 to a hearing on the matter. *Board of Regents v. Roth*, 408 US 564.

### 12 **36.14 Wisconsin distinguished professorships.**

- 13 (1) The board may establish distinguished professorships under this section.
- 14 (2) The board may pay under this section the salary and fringe benefit costs of the professor holding the distinguished  
15 professorship and of any graduate assistant assigned to the professor, and the equipment, supplies and travel costs of  
16 the professor and the graduate assistants assigned to the professor.
- 17 (3) The board may pay the costs specified under only from the appropriations under s. 20.285 (1) (a), (am), and (jm). The  
18 board may pay any of the costs specified under sub. 2 from the appropriation under s. 20.285 (1) (jm). The board may  
19 pay from the appropriation under s. 20.285 (1) (am) only the salary and fringe benefit costs of the professor but may  
20 not pay more than 50% of those costs from that appropriation. Annually the board shall report to the department of  
21 administration all expenditures from the appropriation under s. 20.285 (1) (a) made for the purposes of this section.
- 22 (4) The board shall ensure that at least 3 of the professors awarded distinguished professorships under this section after  
23 August 9, 1989, are not employed by the board when they are awarded the professorships.

24 **History: 1987 a. 27; 1989 a. 31.**

### 25 **36.15 Academic staff appointments.**

- 26 (1) Definitions. In this section:
- 27 (a) "Administrative Appointment" means an academic staff appointment for a fixed or indefinite term granted to a  
28 system, campus, college, school or other divisional officer involved in policy development or execution and to  
29 persons involved in directing, organizing or supervising higher education related activities.
- 30 (b) "Professional appointment" means an academic staff appointment for a fixed or indefinite term granted to a  
31 professional employee who is involved in the guidance or counseling of students, assisting the faculty in research,  
32 public service or in the instruction of students or who is involved in other professional duties which are primarily  
33 associated with institutions of higher education; including, but not limited to, such employment titles as visiting  
34 faculty, clinical staff, lecturer, scientist, specialist and such other equivalent titles as the board approves.
- 35 (2) Appointments. Appointments under this section shall be made by the board, or by an appropriate official authorized by  
36 the board, under policies and procedures established by the board and subject to s. 36.09 (1) (f). The policies for  
37 indefinite appointments shall provide for a probationary period, permanent status and such other conditions of  
38 appointment as the board establishes.
- 39 (2m) Librarian appointments. If in any institution all professional librarians with appropriate graduate degrees as determined  
40 in accordance with that institution's policies, have formerly been ranked faculty, all present and future appointments of  
41 professional librarians with appropriate graduate degrees in such institution shall be as ranked faculty, except in those  
42 institutions where the chancellor and faculty designate that such appointments shall be as academic staff.
- 43 (3) Procedural guarantees. A person having an academic staff appointment for a term may be dismissed prior to the end  
44 of the appointment term only for just cause and only after due notice and hearing. A person having an academic staff  
45 appointment for an indefinite term who has attained permanent status may be dismissed only for just cause and only  
46 after due notice and hearing. In such matters the action and decision of the board, or the appropriate official authorized  
47 by the board, shall be final, subject to judicial review under ch. 227. The board shall develop procedures for notice and  
48 hearing which shall be promulgated as rules under ch. 227.

49 **History: 1973 c. 335 and Supp; 1985 a. 332; 1989 a. 31.**

### 50 **36.17 Limited appointments.**

- 51 (1) An appointment to a position listed in sub. (2) shall be a limited appointment and the appointment shall be at the  
52 pleasure of the board. A person holding a tenured or academic staff appointment under ss. 36.13 and 36.15 shall not  
53 lose that appointment by accepting a limited appointment.
- 54 (2) Limited appointments apply to the following positions: president, provost, vice president, associate vice president,  
55 assistant vice president, chancellor, vice chancellor, associate chancellor, assistant chancellor, associate vice  
56 chancellor, assistant vice chancellor, college campus dean, secretary of the board, associate secretary of the board,  
57 assistant secretary of the board, trust officer and assistant trust officer and such other administrative positions as the  
58 board determines at the time of the appointment.

## Selected Excerpts from the Wisconsin Statutes

1 **History: 1973 c. 335; 1997 a. 237.**

2 **36.19 Other appointments.**

3 The board may make or authorize fixed term appointments for student assistants and employees in training, such as residents,  
4 interns, post-doctoral fellows or trainees or associates. Appointments made under this section shall not be subject to ss. 36.13  
5 and 36.15.

6 **History: 1973 c. 335.**

7 **36.21 Lapse of appointments.**

8 Notwithstanding ss. 36.13 (4) and 36.15, the board may, with appropriate notice, terminate any faculty or academic staff  
9 appointment when a financial emergency exists. No person may be employed at the institution within 2 years to perform  
10 reasonably comparable duties to those of the person whose appointment was terminated without first offering such person a  
11 reappointment. The board, after consultation with the faculty and chancellor of each institution, shall adopt procedures to be  
12 followed in the event of termination under this section.

13 **History: 1973 c. 335.**

14 **36.23 Conflict of interest.**

15 No regent or officer or other person appointed or employed in any position in the system may at any time act as agent for any  
16 person or organization where such act would create a conflict of interest with the terms of the person's service in the system. The  
17 board shall define conflicts of interest and promulgate rules related thereto.

18 **History: 1973 c. 335; 1985 a. 332 s. 251 (1).**

19 *A regent of the University of Wisconsin is not precluded by law from attending the university as a student or from receiving a*  
20 *degree from the university, but he must guard against and refrain from any possible conflict of interest. 58 Atty. Gen. 158.*

## Selected Excerpts from the Wisconsin Statutes

1 Section 19.31, *Wisconsin Statutes* { Open Records Law}

2  
3

### 4 *Section 19.31, Wisconsin Statutes* 5 **{Open Records Law}**

#### 6 **19.31 Declaration of policy.**

7 In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public  
8 policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the  
9 official acts of those officers and employees who represent them. Further, providing persons with such information is declared to  
10 be an essential function of a representative government and an integral part of the routine duties of officers and employees whose  
11 responsibility it is to provide such information. To that end, ss. 19.32 to 19.37 shall be construed in every instance with a  
12 presumption of complete public access, consistent with the conduct of governmental business. The denial of public access  
13 generally is contrary to the public interest, and only in an exceptional case may access be denied.

#### 14 **History: 1981 c. 335, 391.**

15 *An agency cannot promulgate an administrative rule which creates an exception to the open records law. Chavala v. Bubolz, 204*  
16 *W (2d) 82, 552 NW (2d) 892 (Ct. App. 1996).*

17 *The Wisconsin public records law. 67 MLR 65 (1983).*

18 *Municipal responsibility under the Wisconsin revised public records law. Maloney. WBB Jan. 1983.*

19 *The public records law and the Wisconsin department of revenue. Boykoff. WBB Dec. 1983.*

20 *The Wis. open records act: an update on issues. Trubek and Foley. WBB Aug. 1986.*

21 *Toward a More Open and Accountable Government: A Call For Optimal Disclosure Under the Wisconsin Open Records Law.*  
22 *Roang. 1994 WLR 719.*

#### 23 **19.32 Definitions.**

24 As used in ss. 19.33 to 19.39:

25 (1) "Authority" means any of the following having custody of a record: a state or local office, elected official, agency,  
26 board, commission, committee, council, department or public body corporate and politic created by constitution,  
27 law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center  
28 sports and entertainment corporation; a local exposition district under *subch. II of ch. 229*; a family care district  
29 under s. 46.2895; any court of law; the assembly or senate; a nonprofit corporation which receives more than 50%  
30 of its funds from a county or a municipality, as defined in s. 59.001 (3), and which provides services related to public  
31 health or safety to the county or municipality; a nonprofit corporation operating the Olympic ice training center under  
32 s. 42.11 (3); or a formally constituted subunit of any of the foregoing.

33 (1bg) "Employee" means any individual who is employed by an authority, other than an individual holding local public office  
34 or a state public office, or any individual who is employed by an employer other than an authority.

35 (1de) "Local governmental unit" has the meaning given in s. 19.42 (7u).

36 (1dm) "Local public office" has the meaning given in S. 19.42 (7w), and also includes any appointive office or position of a  
37 local governmental unit in which an individual serves as the head of a department, agency, or division of the local it,  
38 but does not include any office or position filled by a municipal employee, as defined in s. 111.70 (1) (i).

39 (1m) "Person authorized by the individual" means the parent, guardian, as defined in s. 48.02 (8), or legal custodian, as  
40 defined in s. 48.02 (11), of a child, as defined in s. 48.02 (2), the guardian, as defined in s. 880.01 (3), of an individual  
41 adjudged incompetent, as defined in s. 880.01 (4), the personal representative or spouse of an individual who is  
42 deceased or any person authorized, in writing, by the individual to exercise the rights granted under this section.

43 (1r) "Personally identifiable information" has the meaning specified in s. 19.62 (5) .

44 (2) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded  
45 or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority.  
46 "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films,  
47 recordings, tapes (including computer tapes), computer printouts and optical disks. "Record" does not include drafts,  
48 notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the  
49 originator in the name of a person for whom the originator is working; materials which are purely the personal property  
50 of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or  
51 bequest; and published materials in the possession of an authority other than a public library which are available for  
52 sale, or which are available for inspection at a public library.

53 (2g) "Record subject" means an individual about whom personally identifiable information is contained in a record.

54 (3) "Requester" means any person who requests inspection or copies of a record, except an incarcerated person, unless  
55 the person requests inspection or copies of a record that contains specific references to that person or his or her minor  
56 children for whom he or she has not been denied physical placement under *ch. 767*, and the record is otherwise  
57 accessible to the person by law.

## Selected Excerpts from the Wisconsin Statutes

1 (4) "State public office" has the meaning given in S 19.42 (13), but does not include a position identified in s. 20.923 (6) (f)  
2 to (gm).

3 **History:** 1981 c. 335; 1985 a. 26, 29, 332; 1987 a. 305; 1991 a. 39, 1991 a. 269 ss. 26pd, 33b; 1993 a. 215, 263, 491; 1995 a.  
4 158; 1997 a. 79, 94; 1999 a. 9; 2001 a. 16; 2003 a. 47.

5 **NOTE:** 2003 Wis. Act 47, which affects this section, contains extensive explanatory notes. A study commissioned by the  
6 corporation counsel and used in various ways was not a "draft" under sub. (2), although it was not in final form. a  
7 document prepared other than for the originator's personal use, although in preliminary form or marked "draft," is a  
8 record. *Fox v. Bock*, 149 Wis. 2d 403, 438, 438 N.W. 3d 589 (1989)

9 *A settlement agreement containing a pledge of confidentiality kept in the possession of a school district's attorney was a public*  
10 *record subject to public access. Journal/Sentinel v. Shorewood School Bd.* 186 W (2d) 443, 521 NW (2d) 165 (Ct. App. 1994).

11 *A nonprofit corporation that receives 50% of its funds from a municipality or county is an authority under sub. (1) regardless of*  
12 *the source from which the municipality or county obtained those funds. Davey v. Walrath*, 229 Wis. 2d 105, 598 N.W. 2d 240 (Ct.  
13 App. 1999), 98-0072.

14 "Records" must have some relation to functions of agency. 72 Atty. Gen. 99.

15 Treatment of drafts under the public records law discussed. 77 Atty. Gen. 100.

16 *Applying Open Records Policy to Wisconsin District Attorneys: Can Charging Guidelines Promote Public Awareness?* Mayer.  
17 1996 WLR 295.

### 18 **19.33 Legal custodians.**

19 (1) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may  
20 designate an employee of his or her staff to act as the legal custodian.

21 (2) The chairperson of a committee of elected officials, or the designee of the chairperson, is the legal custodian of the  
22 records of the committee.

23 (3) The co-chairpersons of a joint committee of elected officials, or the designee of the co-chairpersons, are the legal  
24 custodians of the records of the joint committee.

25 (4) Every authority not specified in *subs. (1) to (3)* shall designate in writing one or more positions occupied by an officer  
26 or employee of the authority or the unit of government of which it is a part as a legal custodian to fulfill its duties under  
27 this subchapter. In the absence of a designation the authority's highest ranking officer and the chief administrative  
28 officer, if any, are the legal custodians for the authority. The legal custodian shall be vested by the authority with full  
29 legal power to render decisions and carry out the duties of the authority under this subchapter. Each authority shall  
30 provide the name of the legal custodian and a description of the nature of his or her duties under this subchapter to all  
31 employees of the authority entrusted with records subject to the legal custodian's supervision.

32 (5) Notwithstanding *sub. (4)*, if an authority specified in *sub. (4)* or the members of such an authority are appointed by  
33 another authority, the appointing authority may designate a legal custodian for records of the authority or members of  
34 the authority appointed by the appointing authority, except that if such an authority is attached for administrative  
35 purposes to another authority, the authority performing administrative duties shall designate the legal custodian for the  
36 authority for whom administrative duties are performed.

37 (6) The legal custodian of records maintained in a publicly owned or leased building or the authority appointing the legal  
38 custodian shall designate one or more deputies to act as legal custodian of such records in his or her absence or as  
39 otherwise required to respond to requests as provided in s. 19.35 (4). This subsection does not apply to members of  
40 the legislature or to members of any local governmental body.

41 (7) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

42 (8) No elected official of a legislative body has a duty to act as or designate a legal custodian under *sub. (4)* for the records  
43 of any committee of the body unless the official is the highest ranking officer or chief administrative officer of the  
44 committee or is designated the legal custodian of the committee's records by rule or by law.

45 **History:** 1981 c. 335.

### 46 **19.34 Procedural information.**

47 (1) Each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the  
48 guidance of the public, a notice containing a description of its organization and the established times and places at  
49 which, the legal custodian under s. 19.33 from whom, and the methods whereby, the public may obtain information and  
50 access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This  
51 subsection does not apply to members of the legislature or to members of any local governmental body.

52 (2) (a) Each authority which maintains regular office hours at the location where records in the custody of the  
53 authority are kept shall permit access to the records of the authority at all times during those office hours, unless  
54 otherwise specifically authorized by law.

55 (b) Each authority which does not maintain regular office hours at the location where records in the custody of the  
56 authority are kept shall:

57 1. Permit access to its records upon at least 48 hours' written or oral notice of intent to inspect or copy a record;  
58 or

## Selected Excerpts from the Wisconsin Statutes

- 1                   2. Establish a period of at least 2 consecutive hours per week during which access to the records of the authority  
2 is permitted. In such case, the authority may require 24 hours' advance written or oral notice of intent to  
3 inspect or copy a record.
- 4                   (c) An authority imposing a notice requirement under *par. (b)* shall include a statement of the requirement in its notice  
5 under *sub. (1)*, if the authority is required to adopt a notice under that subsection.
- 6                   (d) If a record of an authority is occasionally taken to a location other than the location where records of the authority  
7 are regularly kept, and the record may be inspected at the place at which records of the authority are regularly  
8 kept upon one business day's notice, the authority or legal custodian of the record need not provide access to the  
9 record at the occasional location.

### 10 **History: 1981 c. 335.**

11 *NOTE: 2003 Wis. Act 47, which affects this section, contains extensive explanatory notes.*

12 **19.345 Time computation.** In ss. 19.33 to 19.39, when a time period is provided for performing an act, whether  
13 the period is expressed in hours or days, the whole of Saturday, Sunday, and any legal holiday, from midnight to  
14 midnight, shall be excluded in computing the period.

### 15 **19.35 Access to records; fees.**

#### 16 (1) Right to inspection.

- 17                   (a) Except as otherwise provided by law, any requester has a right to inspect any record. Substantive common law  
18 principles construing the right to inspect, copy or receive copies of records shall remain in effect. The exemptions  
19 to the requirement of a governmental body to meet in open session under s. 19.85 are indicative of public policy,  
20 but may be used as grounds for denying public access to a record only if the authority or legal custodian under s.  
21 19.33 makes a specific demonstration that there is a need to restrict public access at the time that the request to  
22 inspect or copy the record is made.

- 23 (1)(am) In addition to any right under *par. (a)*, any requester who is an individual or person authorized by the individual,  
24 has a right to inspect any record containing personally identifiable information pertaining to the individual that is  
25 maintained by an authority and to make or receive a copy of any such information. The right to inspect or copy a  
26 record under this paragraph does not apply to any of the following:

- 27                   1. Any record containing personally identifiable information that is collected or maintained in connection with a  
28 complaint, investigation or other circumstances that may lead to an enforcement action, administrative  
29 proceeding, arbitration proceeding or court proceeding, or any such record that is collected or maintained in  
30 connection with such an action or proceeding.
- 31                   2. Any record containing personally identifiable information that, if disclosed, would do any of the following:
- 32                   a. Endanger an individual's life or safety.
- 33                   b. Identify a confidential informant.
- 34                   c. Endanger the security, including the security of the population or staff, of any state prison under s.  
35 301.01, jail, as defined in s. 165.85 (2) (bg), juvenile correctional facility, as defined in s. 938.02 (10p),  
36 secured residential care center for children and youth, as defined in s. 938.02 (15g), mental health  
37 institute, as defined in s. 51.01 (12), center for the developmentally disabled, as defined in s. 51.01 (3),  
38 or facility, specified under s. 980.065, for the institutional care of sexually violent persons
- 39                   d. Compromise the rehabilitation of a person in the custody of the department of corrections or detained  
40 in a jail or facility identified in *subd. 2. c*.
- 41                   3. Any record that is part of a records series, as defined in s. 19.62 (7), that is not indexed, arranged or  
42 automated in a way that the record can be retrieved by the authority maintaining the records series by use of  
43 an individual's name, address or other identifier.

- 44                   (b) Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy  
45 of a record which appears in written form. If a requester appears personally to request a copy of a record, the  
46 authority having custody of the record may, at its option, permit the requester to photocopy the record or provide  
47 the requester with a copy substantially as readable as the original.

- 48                   (c) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a  
49 record which is in the form of a comprehensible audio tape recording a copy of the tape recording substantially as  
50 audible as the original. The authority may instead provide a transcript of the recording to the requester if he or she  
51 requests.

- 52                   (d) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a  
53 record which is in the form of a video tape recording a copy of the tape recording substantially as good as the  
54 original.

- 55                   (e) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a  
56 record which is not in a readily comprehensible form a copy of the information contained in the record assembled  
57 and reduced to written form on paper.

- 58                   (em) If an authority receives a request to inspect or copy a record that is in handwritten form or a record that is in the  
59 form of a voice recording which the authority is required to withhold or from which the authority is required to delete

## Selected Excerpts from the Wisconsin Statutes

- 1 information under s. 19.36 (8) (b) because the handwriting or the recorded voice would identify an informant, the  
2 authority shall provide to the requester, upon his or her request, a transcript of the record or the information  
3 contained in the record if the record or information is otherwise subject to public inspection and copying under this  
4 subsection.
- 5 (f) Except as otherwise provided by law, any requester has a right to inspect any record not specified in *pars. (b) to*  
6 *(e)* the form of which does not permit copying. If a requester requests permission to photograph the record, the  
7 authority having custody of the record may permit the requester to photograph the record. If a requester requests  
8 that a photograph of the record be provided, the authority shall provide a good quality photograph of the record.
- 9 (g) *Paragraphs (a) to (c), (e) and (f)* do not apply to a record which has been or will be promptly published with copies  
10 offered for sale or distribution.
- 11 (h) A request under *pars. (a) to (f)* is deemed sufficient if it reasonably describes the requested record or the  
12 information requested. However, a request for a record without a reasonable limitation as to subject matter or  
13 length of time represented by the record does not constitute a sufficient request. A request may be made orally,  
14 but a request must be in writing before an action to enforce the request is commenced under s. 19.37.
- 15 (i) Except as authorized under this paragraph, no request under *pars. (a) and (b) to (f)* may be refused because the  
16 person making the request is unwilling to be identified or to state the purpose of the request. Except as authorized  
17 under this paragraph, no request under *pars. (a) to (f)* may be refused because the request is received by mail,  
18 unless prepayment of a fee is required under *sub. (3)(f)*. A requester may be required to show acceptable  
19 identification whenever the requested record is kept at a private residence or whenever security reasons or federal  
20 law or regulations so require.
- 21 (j) Notwithstanding *pars. (a) to (f)*, a requester shall comply with any regulations or restrictions upon access to or use  
22 of information which are specifically prescribed by law.
- 23 (k) Notwithstanding *pars. (a), (am), (b) and (f)*, a legal custodian may impose reasonable restrictions on the manner  
24 of access to an original record if the record is irreplaceable or easily damaged.
- 25 (l) Except as necessary to comply with *pars. (c) to (e) or s. 19.36 (6)*, this subsection does not require an authority to  
26 create a new record by extracting information from existing records and compiling the information in a new format.
- 27 (2) Facilities. The authority shall provide any person who is authorized to inspect or copy a record under *sub. (1) (a), (am),*  
28 *(b) or (f)* with facilities comparable to those used by its employees to inspect, copy and abstract the record during  
29 established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating,  
30 photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.
- 31 (3) Fees.
- 32 (a) An authority may impose a fee upon the requester of a copy of a record which may not exceed the actual,  
33 necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically  
34 established or authorized to be established by law.
- 35 (b) Except as otherwise provided by law or as authorized to be prescribed by law an authority may impose a fee upon  
36 the requester of a copy of a record that does not exceed the actual, necessary and direct cost of photographing  
37 and photographic processing if the authority provides a photograph of a record, the form of which does not permit  
38 copying.
- 39 (c) Except as otherwise provided by law or as authorized to be prescribed by law, an authority may impose a fee upon  
40 a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50  
41 or more.
- 42 (d) An authority may impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of  
43 any copy or photograph of a record which is mailed or shipped to the requester.
- 44 (e) An authority may provide copies of a record without charge or at a reduced charge where the authority determines  
45 that waiver or reduction of the fee is in the public interest.
- 46 (f) An authority may require prepayment by a requester of any fee or fees imposed under this subsection if the total  
47 amount exceeds \$5. If the requester is a prisoner, as defined in s. 301.01 (2), or is a person confined in a federal  
48 correctional institution located in this state, and he or she has failed to pay any fee that was imposed by the  
49 authority for a request made previously by that requester, the authority may require prepayment both of the amount  
50 owed for the previous request and the amount owed for the current request.
- 51 (4) Time for compliance and procedures.
- 52 (a) Each authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request  
53 or notify the requester of the authority's determination to deny the request in whole or in part and the reasons  
54 therefore.
- 55 (b) If a request is made orally, the authority may deny the request orally unless a demand for a written statement of  
56 the reasons denying the request is made by the requester within 5 business days of the oral denial. If an authority  
57 denies a written request in whole or in part, the requester shall receive from the authority a written statement of  
58 the reasons for denying the written request. Every written denial of a request by an authority shall inform the  
59 requester that if the request for the record was made in writing, then the determination is subject to review by  
60 mandamus under s. 19.37 (1) or upon application to the attorney general or a district attorney.



## Selected Excerpts from the Wisconsin Statutes

- 1 (c) If an authority receives a request under *sub. (1) (a) or (am)* from an individual or person authorized by the individual  
2 who identifies himself or herself and states that the purpose of the request is to inspect or copy a record containing  
3 personally identifiable information pertaining to the individual that is maintained by the authority, the authority shall  
4 deny or grant the request in accordance with the following procedure:
- 5 1. The authority shall first determine if the requester has a right to inspect or copy the record under *sub. (1) (a)*.  
6  
7 2. If the authority determines that the requester has a right to inspect or copy the record under *sub. (1) (a)*, the  
8 authority shall grant the request.  
9  
10 3. If the authority determines that the requester does not have a right to inspect or copy the record under *sub.*  
11 *(1) (a)*, the authority shall then determine if the requester has a right to inspect or copy the record under *sub.*  
12 *(1) (am)* and grant or deny the request accordingly.
- 13 (5) Record destruction. No authority may destroy any record at any time after the receipt of a request for inspection or  
14 copying of the record under *sub. (1)* until after the request is granted or until at least 60 days after the date that the  
15 request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the  
16 request is denied. If an authority receives written notice that an action relating to a record has been commenced under  
17 s. 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the  
18 deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is  
19 issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed  
20 until after the request for inspection or copying is granted.
- 21 (6) Elected official responsibilities. No elected official is responsible for the record of any other elected official unless he or  
22 she has possession of the record of that other official.

23 **History: 1981 c. 335, 391; 1991 a. 39, 1991 a. 269 ss. 34am, 40am; 1993 a. 93; 1995 a. 77, 158; 1997 a. 94, 133; 1999 a. 9;**  
24 **2001 a. 16; 2005 a. 344..**

25 *A mandamus petition to inspect a county hospital's statistical, administrative, and other records not identifiable with individual*  
26 *patients, states a cause of action under this section. State ex rel. Dalton v. Mundy, 80 Wis. 2d 190, 257 N.W. 2d 877 (1977).*

27 *Police daily arrest lists must be open for public inspection. Newspapers, Inc. v. Breier, 89 Wes. 2d 417, 279 N.W. 2d 179 (1979).*

28 *This section is a statement of the common law rule that public records are open to public inspection subject to common law*  
29 *limitations. Section 59.14 [now 59.20 (3)] is a legislative declaration granting persons who come under its coverage an absolute*  
30 *right of inspection subject only to reasonable administrative regulations. State ex rel. Bilder v. Town of Delavan, 112 Wis. 2d 539,*  
31 *334 N.W. 2d 252 (1983).*

32 *A newspaper had the right to intervene to protect its right to examine sealed court files. State ex rel Bilder v. Town of Delavan*  
33 *112 Wis. 2d 539, 334 N.W. 2d 252 (1983).*

34 *Although meeting was properly closed, in order to refuse inspection of meeting records custodian was required by (1) (a) to state*  
35 *specific and sufficient public policy reasons why public interest in nondisclosure outweighed public's right of inspection. Oshkosh*  
36 *Northwestern Co. v. Oshkosh Library Bd. 125 W (2d) 480, 373 NW (2d) 459 (Ct. App. 1985).*

37 *Courts must apply the open records balancing test to questions involving disclosure of court records. The public interests favoring*  
38 *secrecy must outweigh those favoring disclosure. C.L. v. Edson, 140 Wis. 2d 168, 409 N.W. 2d 417 (Ct. App. 1987).*

39 *Public records germane to pending litigation were available under this section even though discovery cutoff deadline had passed.*  
40 *State ex rel. Lank v. Rzentkowski, 141 W (2d) 846, 416 NW (2d) 635 (Ct. App. 1987).*

41 *To upheld custodian's denial of access, appellate court will inquire whether trial court made a factual determination supported by*  
42 *record of whether documents implicate secrecy interest, and, if so, whether secrecy interest outweighs release interest. Milwaukee*  
43 *Journal v. Call, 153 W (2d) 313, 450 NW (2d) 515 (Ct. App. 1989).*

44 *That releasing records would reveal confidential informant's identity was legally specific reason for denial of records request;*  
45 *public interest in revealing informant's identity outweighed public interest in disclosure of records. Mayfair Chrysler-Plymouth v.*  
46 *Baldarotta, 162 W (2d) 142, 469 NW (2d) 638 (1991).*

47 *Items subject to examination under 346.70 (4) (f) may not be withheld by prosecution under common law rule that investigative*  
48 *material may be withheld from criminal defendant. State ex rel. Young v. Shaw, 165 W (2d) 276, 477 NW (2d) 340 (Ct. App. 1991).*

49 *Prosecutor's files are exempt from public access under common law. State ex rel. Richards v. Foust, 165 W (2d) 429, 477 NW*  
50 *(2d) 608 (1991).*

51 *Records relating to pending claims against state under 893.82 need not be disclosed under 19.35; records of non-pending claims*  
52 *must be disclosed unless an in camera inspection reveals attorney client privilege would be violated. George v. Record Custodian,*  
53 *169 W (2d) 573, 485 NW (2d) 460 (Ct. App. 1992).*

54 *The public records law confers no exemption as of right on indigents from payment of fees under (3). George v. Record Custodian,*  
55 *169 W (2d) 573, 485 NW (2d) 460 (Ct. App. 1992).*

56 *A settlement agreement containing a pledge of confidentiality and kept in the possession of a school district's attorney was a*  
57 *public record subject to public access under sub. (3). Journal/Sentinel v. School district of Shorewood, 186 Wis. 2d 443, 521 N.W.*  
58 *2d 165 (Ct. App. 1994).*

59 *The denial of prisoner's information request regarding illegal behavior by guards on the grounds that it could compromise the*  
60 *guards' effectiveness and subject them to harassment was insufficient. State ex. rel. Ledford v. Turcotte, 195 Wis (2d) 244, 536*  
61 *N.W. (2d) 130 (Ct. App. 1995), 94-2710.*

## Selected Excerpts from the Wisconsin Statutes

- 1 The amount of prepayment required for copies may be based on a reasonable estimate. *State ex rel. Hill v. Zimmerman*, 196 W  
2 (2d) 419, 538 NW (2d) 608 (Ct. App. 1995), 94-1861.
- 3 The *Foust* decision does not automatically exempt all records stored in a closed prosecutorial file. The exemption is limited to  
4 material actually pertaining to the prosecution. *Nichols v. Bennett*, 199 W (2d) 268, 544 NW (2d) 428 (1996), 93-2480.
- 5 Department of Regulation and Licensing test scores were subject to disclosure under the open records law. *Munroe v. Braatz*,  
6 201 W (2d) 442, 549 NW (2d) 452 (Ct. App. 1996), 95-2557.
- 7 Sub. (1) (l) and (3) (f) did not permit a demand for prepayment of \$1.29 in response to a mail request for a record. *Borzych v.*  
8 *Paluszcyk*, 201 W (2d) 523, 549 NW (2d) 253 (Ct. App. 1996), 95-1711.
- 9 An agency cannot promulgate an administrative rule which creates an exception to the open records law. *Chavala v. Bubolz*, 204  
10 W (2d) 82, 552 NW (2d) 892 (Ct. App. 1996), 92-3120.
- 11 While certain statutes grant explicit exceptions to the open records law, many statutes set out broad categories of records not  
12 open to an open records request. A custodian faced with such a broad statute must state with specificity a public policy reason  
13 for refusing to release the requested record. *Chavala v. Bubolz*, 204 W (2d) 82, 552 NW (2d) 892 (Ct. App. 1996), 95-3120.
- 14 The custodian is not authorized to comply with an open records request at some unspecified date in the future. Such a response  
15 constitutes a denial of the request. *WTMJ, Inc. v. Sullivan*, 204 W (2d) 452, 555 NW (2d) 125 (Ct. App. 1996), 96-0053.
- 16 Subject to the redaction of officers' home addresses and supervisors' conclusions and recommendations regarding discipline,  
17 police records regarding use of deadly force are subject to public inspection. *State ex rel. Journal/Sentinel, Inc. v. Arreola*, 207 W  
18 (2d) 496, 558 NW (2d) 670 (Ct. App. 1996), 95-2956.
- 19 A public school student's interim grades are pupil records specifically exempted from disclosure under s. 118.125. If records are  
20 specifically exempted from disclosure, failure to specifically state reasons for denying an open records request for those records  
21 does not compel disclosure of those records. *State ex rel. Blum v. Board of Education*, 209 Wis. 2d 377, 565 N.W. 2d 140 (Ct.  
22 App. 1997), 96-0758.
- 23 Requesting a copy of 180 hours of audiotape of "911" calls, together with a transcription of the tape and log of each transmission  
24 received, was a request without "reasonable limitation" and was not a "sufficient request" under sub. (1) (h). *Schopper v. Gehring*,  
25 210 Wis. 2d 208, 565 N.W. 2d 187 (Ct. App. 1997), 96-2782.
- 26 If the requested information is covered by an exempting statute that does not request a balancing of public interests, there is no  
27 need for a custodian to conduct such a balancing. Written denial claiming a statutory exception by citing the specific statute or  
28 regulation is sufficient. *state ex rel. Savinski v. Kimble*, 221 Wis. 2d 833, 586 N.W. 2d 36 (Ct. App. 1998), 97-3356.
- 29 Protecting persons who supply information or opinions about an inmate to the parole commission is a public interest that may  
30 outweigh the public interest in access to documents that could identify those persons. *State ex rel. Bergmann v. Faust*, 226 Wis.  
31 2d 273, 595 N.W.2d 75 (Ct. App. 1999), 98-2537.
- 32 The ultimate purchasers of municipal bonds from the bond's underwriter, whose only obligation was to purchase the bonds, were  
33 not "contractor's records under sub (3). *Machotka v. Village of West Salem*, 2000 WI App 43, 233 Wis. 2d 106, 607 N.W. 2d 319,  
34 99-1163.
- 35 Sub (1) (b) gives the record custodian, and not the requester, the choice of how a record will be copied. The requester cannot  
36 elect to use his or her own copying equipment without the custodian's permission. *Grebner v. Schiebel*, 2001 WI App 17, 240 Wis  
37 2d 551, 624 N.W. 2d 892, 00-1549.
- 38 Requests for university admissions records focusing on test scores, class rank, grade point average, race, gender, ethnicity, and  
39 socio-economic background was not a request for personally identifiable information, and release was not barred by federal law  
40 or public policy. That the requests would require the university to redact information from thousands of documents under s. 19.36  
41 (6) did not essentially require the university to create new records and, as such, did not provide grounds for denying the request  
42 under s 19.35 (1) (L). *Osborn v. Board of Regents of the University of Wisconsin System*, 2002 WI 83, 254 Wis 2d 266, 647 N.W.  
43 2d 158, 00-2861.
- 44 The police report of a closed investigation regarding a teacher's conduct that did not lead either to an arrest, prosecution, or any  
45 administrative disciplinary action, was subject to release. *Linzmeyer v. Forcey*, 2002 WI 84, 254 Wis 2d 306, 646 N.W. 2d 811,  
46 01-0197.
- 47 The *John Doe* statute, s 968.26, which authorizes secrecy in *John Doe* proceedings, is a clear statement of legislative policy and  
48 constitutes a specific exception to the public records law. On review of a petition for writ stemming from a secret *John Doe*  
49 proceeding, the court of appeals may seal parts of a record in order to comply with existing secrecy orders issued by the *John*  
50 *Doe* judge. *Unnamed Persons Numbers 1, 2, and 3 v. State*, 2003 WI 30, 260 Wis. 2d 653, 660 N. W. 2d 260, 01-3220.
- 51 Sub (1)(am) is not subject to a balancing of interests. Therefore, the exceptions to sub. (1)(am) should not be narrowly construed.  
52 A requester who does not qualify for access to records under sub. (1)(am) will always have the right to seek records under sub.  
53 (1) (a), in which case the records custodian must determine whether the requested records are subject to a statutory or common  
54 law exception, and if not whether the strong presumption favoring access and disclosure is overcome by some even stronger  
55 public policy favoring limited access or nondisclosure determined by applying a balancing test. *Hempel v. City of Baraboo*, 2005  
56 WI 120, 284 Wis. 2d 162, 699 N.W.2d 551, 03-0500.
- 57 Examination of birth records cannot be denied simply because the examiner has a commercial purpose. 58 Atty. Gen. 67.
- 58 Consideration of a resolution is a formal action of an administrative or minor governing body. When taken in a proper closed  
59 session, the resolution and result of the vote must be made available for public inspection absent a specific showing that the  
60 public interest would be adversely affected. 60 Atty. Gen. 9.

## Selected Excerpts from the Wisconsin Statutes

1 *Inspection of public records obtained under official pledges of confidentiality may be denied if: 1) a clear pledge has been made*  
2 *in order to obtain the information; 2) the pledge was necessary to obtain the information; and 3) the custodian determines that the*  
3 *harm to the public interest resulting from inspection would outweigh the public interest in full access to public records. The*  
4 *custodian must permit inspection of information submitted under an official pledge of confidentiality if the official or agency had*  
5 *specific statutory authority to require its submission, 60 Atty. Gen 284*

6 *The right to inspection and copying of public records in decentralized offices is discussed. 61 Atty. Gen 12.*

7 *Public records subject to inspection and copying by any person would include a list of students awaiting a particular program in a*  
8 *VTAE (technical college) district school. 61 Atty. Gen 297.*

9 *The investment board can only deny members of the public from inspecting and copying portions of the minutes relating to the*  
10 *investment of state funds and documents pertaining thereto on a case-by-case basis if valid reasons for denial exist and are*  
11 *specially stated. 61 Atty. Gen. 361.*

12 *Matters and documents in the possession or control of school district officials containing information concerning the salaries,*  
13 *including fringe benefits, paid to individuals teachers are matters of public record. 62 Atty. Gen. 143.*

14 *The scope of the duty of the governor to allow members of the public to examine and copy public records in his custody is*  
15 *discussed. 63 Atty. Gen. 400.*

16 *The public's right to inspect land acquisition files of the department of natural resources is discussed. 63 Atty. Gen. 573.*

17 *Financial statements filed in connection with applications for motor vehicle dealers' and motor vehicle salvage dealers' licenses*  
18 *are public records, subject to limitations. 66 Atty. Gen. 302.*

19 *Sheriff's radio logs, intradepartmental documents kept by the sheriff, and blood test records of deceased automobile drivers in*  
20 *the hands of the sheriff are public records, subject to limitations. 67 Atty. Gen. 12.*

21 *copy computer-stored information is discussed. 68 Atty. Gen. 231.*

22 *After the transcript of court proceedings is filed with the clerk of court, any person may examine or copy the transcript. 68 Atty.*  
23 *Gen. 313.*

24 *A custodian may not require a requester to pay the cost of an unrequested certification. Unless the fee for copies of records is*  
25 *established by law, a custodian may not charge more than the actual and direct cost of reproduction. 72 Atty. Gen. 36.*

26 *Copying fee but not location fee may be imposed on requester for cost of computer run. 72 Atty. Gen. 68.*

27 *The fee for copying public records discussed. 72 Atty. Gen. 150.*

28 *Public records relating to employee grievances are not generally exempt from disclosure. Nondisclosure must be justified on*  
29 *case-by-case basis. 73 Atty. Gen. 20.*

30 *The disclosure of employee's birth date, sex, ethnic heritage and handicapped status discussed. 73 Atty. Gen. 26.*

31 *The department of regulation and licensing may refuse to disclose records relating to complaints against health care professionals*  
32 *while the matters are merely "under investigation"; good faith disclosure of same will not expose custodian to liability for damages;*  
33 *prospective continuing requests for records are not contemplated by public records law. 73 Atty. Gen. 37.*

34 *Prosecutors' case files are exempt from disclosure. 74 Atty. Gen. 4.*

35 *The relationship between public records law and pledges of confidentiality in settlement agreements discussed. 74 Atty. Gen. 14.*

36 *Ambulance records relating to medical history, condition, or treatment are confidential while other ambulance call records are*  
37 *subject to disclosure under the public records law. 78 Atty. Gen. 71.*

38 *Courts are likely to require disclosure of legislators' mailing and distribution lists absent a factual showing that the public interest*  
39 *in withholding the records outweighs the public interest in their release. OAG 2-03.*

40 *If a legislator custodian decides that a mailing or distribution list compiled and used for official purposes must be released under*  
41 *the public records statute, the persons whose names, addresses or telephone numbers are contained on the list are not entitled*  
42 *to notice and the opportunity to challenge the decision prior to release of the record. OAG 2-03.*

43 *Access Denied: How Wiznicki v. Erickson Reversed the Statutory Presumption of Openness in the Wisconsin Open Records law.*  
44 *Munro. 2002 WLR 1197.*

### 45 **19.356 Notice to record subject; right of action.**

46 (1) Except as authorized in this section or as otherwise provided by statute, no authority is required to notify a record  
47 subject prior to providing to a requester access to a record containing information pertaining to that record subject, and  
48 no person is entitled to judicial review of the decision of an authority to provide a requester with access to a record.

49 (2) (a) Except as provided in pars. (b) and (c) and as otherwise authorized or required by statute, if an authority decides  
50 under s. 19.35 to permit access to a record specified in this paragraph, the authority shall, before permitting access and  
51 within 3 days after making the decision to permit access, serve written notice of that decision on any record subject to  
52 whom the record pertains, either by certified mail or by personally serving the notice on the record subject. The notice  
53 shall briefly describe the requested record and include a description of the rights of the record subject under subs. (3)  
54 and (4). this paragraph applies only to the following records:

## Selected Excerpts from the Wisconsin Statutes

- 1 1. A record containing information relating to an employee that is created or kept by the authority and that is the result  
2 of an investigation into a disciplinary matter involving the employee or possible employment-related violation by  
3 the employee of a statute, ordinance, rule, regulation, or policy of the employee's employer.
- 4 2. A record obtained by the authority through a subpoena or search warrant.
- 5 3. A record prepared by an employer other than an authority, if that record contains information relating to an  
6 employee of that employer, unless the employee authorizes the authority to provide access to that information.
  - 7 (b) Paragraph (a) does not apply to an authority who provides access to a record pertaining to an employee to the  
8 employee who is the subject of the record or to his or her representative to the extent required under s. 103.13 or  
9 to a recognized or certified collective bargaining representative to the extent required to fulfill a duty to bargain or  
10 pursuant to a collective bargaining agreement under ch. 111.
  - 11 (c) Paragraph (a) does not apply to access to a record produced in relation to a function specified in s. 106.54 or  
12 230.45 or subch. 11 or ch. 111 if the record is provided by an authority having responsibility for that function.
- 13 (3) Within 5 days after receipt of a notice under sub. (2) (a), a record subject may provide written notification to the authority  
14 of his or her intent to seek a court order restraining the authority from providing access to the requested record.
- 15 (4) Within 10 days after receipt of a notice under sub. (2) (a), a record subject may commence an action seeking a court  
16 order to restrain the authority from providing access to the requested record. If a record subject commences such an  
17 action, the record subject shall name the authority as a defendant. Notwithstanding s. 803.09, the requester may  
18 intervene in the action as a matter of right. If the requester does not intervene in the action, the authority shall notify the  
19 requester of the results of the proceedings under this subsection and sub. (5).
- 20 (5) An authority shall not provide access to a requested record within 12 days of sending a notice pertaining to that record  
21 under sub. (2) (a). In addition, if the record subject commences an action under sub. (4), the authority shall not provide  
22 access to the requested record during pendency of the action. If the record subject appeals or petitions for review of a  
23 decision of the court or the time for appeal or petition for review of a decision adverse to the record subject has not  
24 expired, the authority shall not provide access to the requested record until any appeal is decided, until the period for  
25 appealing or petitioning for review expires, until a petition for review is denied, or until the authority receives written  
26 notice from the record subject that an appeal or petition for review will not be filed, whichever occurs first.
- 27 (6) The courts, in an action commenced under sub. (4), may restrain the authority from providing access to the requested  
28 record. The court shall apply substantive common law principles construing the right to inspect, copy, or receive copies  
29 of records in making its decision.
- 30 (7) The court, in an action commenced under sub. (4), shall issue a decision within 10 days after filing of the summons and  
31 complaint and proof of service of the summons and complaint upon the defendant, unless a party demonstrates cause  
32 for extension of this period. In any event, the court shall issue a decision within 30 days after those filings are complete.
- 33 (8) If a party appeals a decision of the court under sub. (7), the court of appeals shall grant precedence to the appeal over  
34 all other matters not accorded similar precedence by law. An appeal shall be taken within the time period specified in s.  
35 808.04 (1m).
- 36 (9) (a) Except as otherwise authorized or required by statute, if an authority decides under s. 19.35 to permit access to a  
37 record containing information relating to a record subject who is an officer or employee of the authority holding a local  
38 public office or a state public office, the authority shall, before permitting access and within 3 days after making the  
39 decision to permit access, serve written notice of that decision on the record subject, either by certified mail or by  
40 personally serving the notice on the record subject. The notice shall briefly describe the requested record and include  
41 a description of the rights of the record subject under par. (b).
  - 42 (b) Within 5 days after receipt of a notice under par. (a), a record subject may augment the record to be released with  
43 written comments and documentation selected by the record subject. Except as otherwise authorized or required  
44 by statute, the authority under par. (a) shall release the record as augmented by the record subject.

45 **History:** 2003 a. 47.

46 **NOTE:** 2003 Wis. Act 47, which creates this section, contains extensive explanatory notes.

47 *The right of a public employee to obtain de novo judicial review of an authority's decision to allow public access to certain records*  
48 *granted by this section is no broader than the common law right previously recognized. It is not a right to prevent disclosure solely*  
49 *on the basis of a public employee's privacy and reputational interests. The public's interest in not injuring the reputations of public*  
50 *employees must be given due consideration, but it is not controlling. Local 2489 v. Rock County, 2004 WI app 210, 277 Wis. 2d*  
51 *208, 689 N.W.2d 644, 03-3101.*

52

### 53 **19.36 Limitations upon access and withholding.**

- 54 (1) Application of other laws. Any record which is specifically exempted from disclosure by state or federal law or authorized  
55 to be exempted from disclosure by state law is exempt from disclosure under s. 19.35 (1), except that any portion of  
56 that record which contains public information is open to public inspection as provided in sub. (6).
- 57 (2) Law enforcement records. Except as otherwise provided by law, whenever federal law or regulations require or as a  
58 condition to receipt of aids by this state require that any record relating to investigative information obtained for law  
59 enforcement purposes be withheld from public access, then that information is exempt from disclosure under s. 19.35  
60 (1).

## Selected Excerpts from the Wisconsin Statutes

- 1 (3) Contractors' records. Subject to sub. (12), each authority shall make available for inspection and copying under s. 19.35  
2 (1) any record produced or collected under a contract entered into by the authority with a person other than an authority  
3 to the same extent as if the record were maintained by the authority. This subsection does not apply to the inspection  
4 or copying of a record s. 19.35 (1) (am).
- 5 (4) Computer programs and data. A computer program, as defined in s. 16.971 (4) (c) is not subject to examination or  
6 copying under s. 19.35 (1), but the material used as input for a computer program or the material produced as a product  
7 of the computer program is subject to the right of examination and copying, except as otherwise provided in s. 19.35 or  
8 this section.
- 9 (5) Trade secrets. An authority may withhold access to any record or portion of a record containing information qualifying  
10 as a trade secret as defined in s. 134.90 (1) (c).
- 11 (6) Separation of information. If a record contains information that is subject to disclosure under s. 19.35 (1) (a) or (am)  
12 and information that is not subject to such disclosure, the authority having custody of the record shall provide the  
13 information that is subject to disclosure and delete the information that is not subject to disclosure from the record  
14 before release.
- 15 (7) Identities of applicants for public positions.
- 16 (a) In this section, "final candidate" means each applicant for a position who is seriously considered for appointment  
17 or whose name is certified for appointment and whose name is submitted for final consideration to an authority for  
18 appointment to any state position, except a position in the classified service, or to any local public office. "Final  
19 candidate" includes, whenever there are at least 5 candidates for an office or position, each of the 5 candidates  
20 who are considered most qualified for the office or position by an authority, and whenever there are less than 5  
21 candidates for an office or position, each such candidate. Whenever an appointment is to be made from a group  
22 of more than 5 candidates, "final candidate" also includes each candidate in the group.
- 23 (b) Every applicant for a position with any authority may indicate in writing to the authority that the applicant does not  
24 wish the authority to reveal his or her identity. Except with respect to an applicant whose name is certified for  
25 appointment to a position in the state classified service or a final candidate, if an applicant makes such an indication  
26 in writing, the authority shall not provide access to any record related to the application that may reveal the identity  
27 of the applicant.
- 28 (8) Identities of law enforcement informants.
- 29 (a) In this subsection:
- 30 1. "Informant" means an individual who requests confidentiality from a law enforcement agency in conjunction with  
31 providing information to that agency or, pursuant to an express promise of confidentiality by a law enforcement  
32 agency or under circumstances in which a promise of confidentiality would reasonable be implied, provides  
33 information to a law enforcement agency or, is working with a law enforcement agency to obtain information,  
34 related in any case to any of the following:
- 35 a. Another person who the individual or the law enforcement agency suspects has violated, is violating or will violate  
36 a federal law, a law of any state or an ordinance of any local government.
- 37 b. Past, present or future activities that the individual or law enforcement agency believes may violate a federal law,  
38 a law of any state or an ordinance of any local government.
- 39 2. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b), and includes the department of corrections.
- 40 (b) If an authority that is a law enforcement agency receives a request to inspect or copy a record or portion of a  
41 record under s. 19.35 (1) (a) that contains specific information including but not limited to a name, address,  
42 telephone number, voice recording or handwriting sample which, if disclosed, would identify an informant, the  
43 authority shall delete the portion of the record in which the information is contained or, if no portion of the record  
44 can be inspected or copied without identifying the informant, shall withhold the record unless the legal custodian  
45 of the record, designated under s. 19.33, makes a determination, at the time that the request is made, that the  
46 public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the  
47 harm done to the public interest by providing such access.
- 48 (9) Records of plans or specifications for state buildings. Records containing plans or specifications for any state-owned  
49 or state-leased building, structure or facility or any proposed state-owned or state-leased building, structure or facility  
50 are not subject to the right of inspection or copying under s. 19.35 (1) except as the department of administration  
51 otherwise provides by rule.
- 52 (10) Employee personnel records. Unless access is specifically authorized or required by statute, an authority shall not  
53 provide access under x. 19.35 (1) to records containing the following information, except to an employee or the  
54 employee's representative to the extent required under s. 103.13 or to a recognized or certified collective bargaining  
55 representative to the extent required to fulfill a duty to bargain under ch. 111 or pursuant to a collective bargaining  
56 agreement under ch. 111:
- 57 (a) Information maintained, prepared, or provided by an employer concerning the home address, home electronic mail  
58 address, home telephone number, or social security number of an employee, unless the employee authorizes the  
59 authority to provide access to such information.
- 60 (b) Information relating to the current investigation of a possible criminal offense or possible misconduct connected  
61 with employment by an employee prior to disposition of the investigation.

## Selected Excerpts from the Wisconsin Statutes

- 1 (c) Information pertaining to an employee's employment examination, except an examination score if access to that  
2 score is not otherwise prohibited.
- 3 (d) Information relating to one or more specific employees that is used by an authority or by the employer of the  
4 employees for staff management planning, including performance evaluations, judgments, or recommendations  
5 concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job  
6 assignments, letters of reference, or other comments or ratings relating to employees.
- 7 (11) Records of an individual holding a local public office or a state public office. Unless access is specifically authorized or  
8 required by statute, an authority shall not provide access under s. 19.35 (1) to records, except to an individual to the  
9 extent required under s. 103.13, containing information maintained, prepared or provided by an employer concerning  
10 the home address, home electronic mail address, home telephone number, or social security number of an individual  
11 who holds a local public office or a state public office, unless the individual authorizes the authority to provide access  
12 to such information. This subsection does not apply to the home address of an individual who holds an elective public  
13 office or to the home address of an individual who, as a condition of employment, is required to reside in a specified  
14 location.
- 15 (12) Information relating to certain employees. Unless access is specifically authorized or required by statute, an authority  
16 shall not provide access to a record prepared or provided by an employer performing work on a project to which s.  
17 66.0903, 103.49, or 103.50 applies, or on which the employer is otherwise required to pay prevailing wages, if that  
18 record contains the name or other personally identifiable information relating to an employee or that employer, unless  
19 the employee authorizes the authority to provide access to that information. In this subsection, "personally identifiable  
20 information" does not include an employee's work classification, hours or work, or wage or benefit payments received  
21 for work on such a project.
- 22 (13) Financial identifying information. An authority shall not provide access to personally identifiable data that contains an  
23 individual's account or customer number with a financial institution, as defined in s. 895.505 (1) (b) [s. 134.97 (1) (b)],  
24 including credit card numbers, debit card numbers, checking account numbers, or draft account numbers, unless  
25 specifically required by law.

26 NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending.

27 **History: 1981 c. 335; 1985 a. 236; 1991 a. 39, 269, 317; 1993 a. 93; 1995 a. 27; 2001 a. 16; 2003 a. 33, 47; 2005 a. 59, 253.**

28 **NOTE: 2003 Wis. Act 47, which affects this section contains extensive explanatory notes.**

29 *Sub (2) does not require providing access to payroll records of subcontractors of a prime contractor of a public construction*  
30 *project. Building and Construction Trades Council v. Waunakee Community School District, 221 Wis. 2d 575, 585 N.W.2d 726*  
31 *(Ct. App. 1999), 97-3282.*

32 *Production of an analog audio tape was insufficient under sub. (4) when the requester asked for examination and copying of the*  
33 *original digital audio tape. State ex rel. Milwaukee Police association v. Jones. 2000 WI App 146, 237 Wis. 2d 840, 615 N.W.2d*  
34 *190, 98-3629.*

35 *Requests for university admissions records focusing on test scores, class rank, grade point average, race, gender, ethnicity, and*  
36 *socio-economic background was not a request for personally identifiable information and release was not barred by federal law*  
37 *or public policy. That the requests would require the university to redact information from thousands of documents under s. 19.36*  
38 *(6) did not essentially require the university to create new records and, as such, did not provide grounds for denying the request*  
39 *under s. 19.35 (1) (L). Osborn v. Board of Regents of the University of Wisconsin System, 2002 WI 83, 254 Wis. 2d 266, 647*  
40 *N.W.2d 158, 00-2861.*

41 *"Investigation" in sub. (10) (b) includes only that conducted by the public authority itself as a prelude to possible employee*  
42 *disciplinary action. An investigation achieves its "disposition" when the authority acts to impose discipline on an employee as a*  
43 *result of the investigation, regardless of whether the employee elects to pursue grievance arbitration or another review mechanism*  
44 *that may be available. Local 2489 v. Rock County, 2004 WI App 210, 277 Wis. 2d 208, 689 N.W.2d 644, 03-3101.*

45 *Separation costs must be borne by agency. 72 Atty. Gen. 99.*

46 *A computerized compilation of bibliographic records is discussed in relation to copyright law; requester is entitled to a copy of a*  
47 *computer tape or a printout of information on the tape. 75 Atty. Gen. 133 (1986).*

48 *And exemption to the federal Freedom of Information Act was not incorporated under (1). 77 Atty. Gen. 20.*

49 *Sub. (7) is an exception to the public records law and should be narrowly construed. In sub. (7) "applicant" and "candidate" are*  
50 *synonymous. "Final candidates" are the five most qualified unless there are less than five applicants in which case all are final*  
51 *candidates. 81 Atty. Gen. 37.*

52 *Public access to law enforcement records. Fitzgerald. 68 MLR 705 (1985).*

### 53 **19.365 Rights of data subject to challenge; authority corrections.**

- 54 (1) Except as provided under *sub. (2)*, an individual or person authorized by the individual may challenge the accuracy of  
55 a record containing personally identifiable information pertaining to the individual that is maintained by an authority if  
56 the individual is authorized to inspect the record under s. 19.35 (1) (a) or (am) and the individual notifies the authority,  
57 in writing, of the challenge. After receiving the notice, the authority shall do one of the following:
- 58 (a) Concur with the challenge and correct the information.
- 59 (b) Deny the challenge, notify the individual or person authorized by the individual of the denial and allow the individual  
60 or person authorized by the individual to file a concise statement setting forth the reasons for the individual's

## Selected Excerpts from the Wisconsin Statutes

- 1 disagreement with the disputed portion of the record. A state authority that denies a challenge shall also notify the  
2 individual or person authorized by the individual of the reasons for the denial.
- 3 (2) This section does not apply to any of the following records:
- 4 (a) Any record transferred to an archival depository under s. 16.61 (13).
- 5 (b) Any record pertaining to an individual if a specific state statute or federal law governs challenges to the accuracy  
6 of the record.
- 7 **History: 1991 a. 269 ss. 27d, 27e, 35am, 37am, 39am.**
- 8 **19.37 Enforcement and penalties.**
- 9 (1) Mandamus. If an authority withholds a record or a part of a record or delays granting access to a record or part of a  
10 record after a written request for disclosure is made, the requester may pursue either, or both, of the alternatives under  
11 *pars. (a) and (b)*.
- 12 (a) The requester may bring an action for mandamus asking a court to order release of the record. The court may  
13 permit the parties or their attorneys to have access to the requested record under restrictions or protective orders  
14 as the court deems appropriate.
- 15 (b) The requester may, in writing, request the district attorney of the county where the record is found, or request the  
16 attorney general, to bring an action for mandamus asking a court to order release of the record to the requester.  
17 The district attorney or attorney general may bring such an action.
- 18 (1m) Time for commencing action. No action for mandamus under *sub. (1)* to challenge the denial of a request for access to  
19 a record or part of a record may be commenced by any committed or incarcerated person later than 90 days after the  
20 date that the request is denied by the authority having custody of the record or part of the record.
- 21 (1n) Notice of claim. *Sections 893.80 and 893.82* do not apply to actions commenced under this section.
- 22 (2) Costs, fees and damages.
- 23 (a) Except as provided in this paragraph, the court shall award reasonable attorney fees, damages of not less than  
24 \$100, and other actual costs to the requester if the requester prevails in whole or in substantial part in any action  
25 filed under *sub. (1)* relating to access to a record or part of a records. *19.35 (1) (a)*. If the requester is A committed  
26 or incarcerated person, the requester is not entitled to any minimum amount of damages, but the court may award  
27 damages. Costs and fees shall be paid by the authority affected or the unit of government of which it is a part, or  
28 by the unit of government by which the legal custodian under s. 19.33 is employed and may not become a personal  
29 liability of any public official.
- 30 (b) In any action filed under *sub. (1)* relating to access to a record or part of a record under s. 19.35 (1) (am), if the  
31 court finds that the authority acted in a willful or intentional manner, the court shall award the individual actual  
32 damages sustained by the individual as a consequence of the failure.
- 33 (3) Punitive damages. If a court finds that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously  
34 denied or delayed response to a request or charged excessive fees, the court may award punitive damages to the  
35 requester.
- 36 (4) Penalty. Any authority which or legal custodian under s. 19.33 who arbitrarily and capriciously denies or delays response  
37 to a request or charges excessive fees may be required to forfeit not more than \$1,000. Forfeitures under this section  
38 shall be enforced by action on behalf of the state by the attorney general or by the district attorney of any county where  
39 a violation occurs. In actions brought by the attorney general, the court shall award any forfeiture recovered together  
40 with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture  
41 recovered together with reasonable costs to the county.
- 42 **History: 1981 c. 335, 391; 1991 a. 269 s. 43d; 1995 a. 158; 1997 a. 94.**
- 43 *A party seeking fees under (2) must show that prosecution of action could reasonably be regarded as necessary to obtain*  
44 *information and that "causal nexus" exists between that action and agency's surrender of information. State ex rel. Vaughan v.*  
45 *Faust, 143 W (2d) 868, 422 NW (2d) 898 (Ct. App. 1988).*
- 46 *If agency exercises due diligence but is unable to respond timely to records request, plaintiff must show that mandamus action*  
47 *was necessary to secure records release to qualify for award of fees and costs under (2). Racine Ed. Ass'n. v. Bd. of Ed., 145 W*  
48 *(2d) 518, 427 NW (2d) 414 (Ct. App. 1988).*
- 49 *Assuming sub. (1) (a) applies before mandamus is issued, trial court retains discretion to refuse counsel's participation in camera*  
50 *inspection. Milwaukee Journal v. Call, 153 W (2d) 313, 450 NW (2d) 515 (Ct. App. 1989).*
- 51 *If the trial court has incomplete knowledge of the contents of the public records sought, it must conduct in camera inspection to*  
52 *determine what may be disclosed following a custodian's refusal. State ex rel. Morke v. Donnelly, 155 W (2d) 521, 455 NW (2d)*  
53 *893 (1990).*
- 54 *A pro se litigant not entitled to attorney's fees. State ex rel. Young v. Shaw, 165 W (2d) 276, 477 NW (2d) 340 (Ct. App. 1991).*
- 55 *A favorable judgment or order is not a necessary condition precedent for finding that a party prevailed against an agency under*  
56 *sub. (2); a causal nexus must be shown between the prosecution of the mandamus action and the release of the requested*  
57 *information. Eau Claire Press Co. v. Gordon, 176 W (2d) 154, 499 NW (2d) 918 (Ct. App. 1993).*

## Selected Excerpts from the Wisconsin Statutes

1 *Actions brought under the open meetings and open records laws are exempt from the notice provisions of s. 893.80. (1).*  
2 *Auchinleck v. Town of LaGrange, 200 W (2d) 585, 547 NW (2d) 587 (1996), 94-2809.*

3 *An inmate's right to mandamus under this section is subject to s. 801.02 (7), which requires exhaustion of administrative remedies*  
4 *before an action may be commenced. Moore v. Stahowiak, 212 Wis. 2d 744, 569 N.W.2d 711 (Ct. App. 1997), 96-2547.*

5 *Actual damages are liability of agency. Punitive damages and forfeitures can be liability of either agency or legal custodian or*  
6 *both. Section 895.46 (1) (a) probably provides indemnification for punitive damages assessed against a custodian but not for*  
7 *forfeitures. 72 Atty. Gen. 99.*

### 8 **19.39 Interpretation by attorney general.**

9 Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances. The  
10 attorney general may respond to such a request.

11 **History: 1981 c. 335.**



## Selected Excerpts from the Wisconsin Statutes

1 Section 19.81, *Wisconsin Statutes* {Open Meeting Law}

### 2 SUBCHAPTER V 3 OPEN MEETINGS OF 4 GOVERNMENTAL BODIES

#### 5 19.81 Declaration of policy.

- 6 (1) In recognition of the fact that a representative government of the American type is dependent upon an informed  
7 electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information  
8 regarding the affairs of government as is compatible with the conduct of governmental business.
- 9 (2) To implement and ensure the public policy herein expressed, all meetings of all state and local governmental bodies  
10 shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all  
11 times unless otherwise expressly provided by law.
- 12 (3) In conformance with article IV, section 10, of the constitution, which states that the doors of each house shall remain  
13 open, except when the public welfare requires secrecy, it is declared to be the intent of the legislature to comply to the  
14 fullest extent with this subchapter.
- 15 (4) This subchapter shall be liberally construed to achieve the purposes set forth in this section, and the rule that penal  
16 statutes must be strictly construed shall be limited to the enforcement of forfeitures and shall not otherwise apply to  
17 actions brought under this subchapter or to interpretations thereof.

#### 18 History: 1975 c. 426; 1983 a. 192.

19 NOTE: The following annotations relate to 66.77, repealed by Chapter 426, laws of 1975.

20 *Subsequent to the presentation of evidence by the taxpayer, board of review consideration of testimony by the village assessor*  
21 *at an executive session was contrary to the open meeting law, 66.77, since although it was permissible for the board to convene*  
22 *a closed session for the purpose of deliberating after a quasi-judicial hearing, the proceedings did not constitute mere deliberations*  
23 *but were a continuation of the quasi-judicial hearing without the presence of or notice to the objecting taxpayer. Dolphin v. Board*  
24 *of Review, 70 W (2d) 403, 234 NW (2d) 277.*

25 *Under unique facts presented in which City of Milwaukee and private non-profit festival organization incorporated Open Meetings*  
26 *Law into contract, court construes contract to allow public enforcement of contractual provisions concerning open meetings.*  
27 *Journal/Sentinel, Inc. v. Pleva, 15 W (2d) 704, 456 NW (2d) 359 (1990).*

28 *Sub. (2) requires that a meeting be held in a facility which gives reasonable public access, not total access; no person may be*  
29 *systematically excluded or arbitrarily refused admittance. State ex rel. Badke v. Greendale Village Bd. 173 W (2d) 553, 494 NW*  
30 *(2d) 408 (1993).*

31 *A regular open meeting, held subsequent to a closed meeting on another subject, does not constitute a reconvened open meeting*  
32 *where there was no prior open meeting on that day. 58 Atty. Gen. 41.*

33 *Consideration of a resolution is formal action of an administrative or minor governing body and when taken in proper closed*  
34 *session, the resolution and result of vote must be made available for public inspection, pursuant to 19.21, absent specific showing*  
35 *that the public interest would be adversely affected. 60 Atty. Gen. 9.*

36 *Joint apprenticeship committees, appointed pursuant to 4 Wis. Adm. Code, sec. Ind 85.02, are governmental bodies within the*  
37 *meaning of 66.77 (2) (c) and subject to the requirements of the open meeting law. 63 Atty. Gen. 363.*

38 *Voting procedures employed by workmen's compensation and unemployment advisory councils which utilize adjournment of*  
39 *public meeting for purposes of having members representing employers and members representing employees or workers to*  
40 *separately meet in closed caucuses and to vote as a block on reconvening are contrary to 66.77 and 15.09 (4), (5). 63 Atty. Gen.*  
41 *414.*

42 *Governmental body can call closed sessions for proper purpose without giving notice to members of news media who have filed*  
43 *written request under 66.77 (2) (e). 63 Atty. Gen. 470.*

44 *Meaning of communication in 66.77 (2) (e) discussed with reference to giving the public and news media members adequate*  
45 *notice. 63 Atty. Gen. 509.*

46 *Posting in Governor's office of agenda of future investment board meetings is not sufficient communication under 66.77 (2) (e) to*  
47 *the public or the news media who have filed a written request for notice. 63 Atty. Gen. 549.*

48 *Under 66.77 (6), a county board may not utilize unidentified paper ballot in voting to appoint county highway commissioner, but*  
49 *may vote by ayes and nays or show of hands at open session if some member does not require vote to be taken in such manner*  
50 *that the vote of each member may be ascertained and recorded. 63 Atty. Gen. 569.*

51 *See note to 19.21, citing 63 Atty. Gen. 573.*

52 NOTE: The following annotations refer to ss. 19.81 to 19.98.

53 *Open meeting law is not applicable to the Wis. judicial commission. State ex rel. Lynch v. Dancey, 71 W (2d) 287, 238 NW (2d)*  
54 *81.*

55 *Discussion of this subchapter. 65 Atty. Gen. preface.*

## Selected Excerpts from the Wisconsin Statutes

- 1 *Public notice requirements for meetings of city district school board under this subchapter and s. 120.48, 1983 stats., discussed.*  
2 *66 Atty. Gen. 93.*
- 3 *Volunteer fire department organized as a nonprofit corporation under 213.05 is not subject to the open meeting law. 66 Atty. Gen.*  
4 *113.*
- 5 *Anyone has the right to tape-record an open meeting of a governmental body provided the meeting is not thereby physically*  
6 *disrupted. 66 Atty. Gen. 318.*
- 7 *Open meeting law does not apply to a coroner's inquest. 67 Atty. Gen. 250.*
- 8 *Open meeting law does not apply where common council hears a grievance under a collective bargaining agreement. 67 Atty.*  
9 *Gen. 276.*
- 10 *Application of open meeting law to duties of WERC discussed. 68 Atty. Gen. 171.*
- 11 *Meeting of committee on reapportionment was probably held in violation of open meetings law. 71 Atty. Gen. 63.*
- 12 *Foundations, building corporations and independent bodies politic and corporate are not "governmental bodies". 73 Atty. Gen.*  
13 *53.*
- 14 *"Quasi-governmental corporation" in (1) includes private corporations which closely resemble governmental corporations in*  
15 *function, effect or status. 80 Atty. Gen. 129.*
- 16 *Understanding Wisconsin's open meeting law. Harvey, WBB September 1980.*
- 17 **19.82 Definitions.**
- 18 As used in this subchapter:
- 19 (1) "Governmental body" means a state or local agency, board, commission, committee, council, department or public body  
20 corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental  
21 corporation except for the Bradley center sports and entertainment corporation; a local exposition district under *subch.*  
22 *II of ch. 229*; A family care district under S. 46.2895; a nonprofit corporation operating the Olympic ice training center  
23 under s. 42.11 (3); or a formally constituted subunit of any of the foregoing, but excludes any such body or committee  
24 or subunit of such body which is formed for or meeting for the purpose of collective bargaining under *subch. I, IV or V*  
25 *of ch. 111.*
- 26 (2) "Meeting" means the convening of members of a governmental body for the purpose of exercising the responsibilities,  
27 authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental  
28 body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority,  
29 power or duties delegated to or vested in the body. The term does not include any social or chance gathering or  
30 conference which is not intended to avoid this subchapter, any gathering of the members of a town board for the purpose  
31 specified in s. 60.50 (6), any gathering of the commissioners of a town sanitary district for the purpose specified in s.  
32 60.77 (5) (k) or any gathering of the members of a drainage board created under s. 88.16, 1991 stats., or under s.  
33 88.17, for a purpose specified in s. 88.065 (5) (a).
- 34 (3) "Open session" means a meeting which is held in a place reasonably accessible to members of the public and open to  
35 all citizens at all times. In the case of a state governmental body, it means a meeting which is held in a building and  
36 room thereof which enables access by persons with functional limitations, as defined in s. 101.13 (1).
- 37 **History: 1975 c. 426; 1977 c. 364, 447; 1985 a. 26, 29, 332; 1987 a. 305; 1993 a. 215, 263, 456, 491; 1995 a. 27, 185; 1997 a.**  
38 **79; 1999 a. 9..**
- 39 *A "meeting" under sub. (2) was found although governmental body was not empowered to exercise the final powers of its parent*  
40 *body. State v. Swanson, 92 W (2d) 310, 284 NW (2d) 655 (1979).*
- 41 *A "meeting" under sub. (2) was found where members met with a purpose to engage in government business and number of*  
42 *members present was sufficient to determine parent body's course of action regarding proposal discussed. State ex rel.*  
43 *Newspapers v. Showers, 135 W (2d) 77, 398 NW (2d) 154 (1987).*
- 44 *A municipal public utility commission managing a city owned public electric utility is a governmental body under (1). 65 Atty. Gen.*  
45 *243.*
- 46 *A "private conference" under 118.22 (3), on nonrenewal of teacher's contract is a "meeting" within 19.82 (2). 66 Atty. Gen. 211.*
- 47 *A private home may qualify as a meeting place under sub. (3). 67 Atty. Gen. 125.*
- 48 *A telephone conference call involving members of governmental body is a "meeting" which must be reasonably accessible to*  
49 *public and public notice must be given. 69 Atty. Gen. 143.*
- 50 **19.83 Meetings of governmental bodies.**
- 51 (1) Every meeting of a governmental body shall be preceded by public notice as provided in s. 19.84, and shall be held in  
52 open session. At any meeting of a governmental body, all discussion shall be held and all action of any kind, formal or  
53 informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in s. 19.85.
- 54 (2) During a period of public comment under s. 19.84 (2), a governmental body may discuss any matter raised by the  
55 public.
- 56 **History: 1975 c. 426; 1997 a. 123.**

## Selected Excerpts from the Wisconsin Statutes

1 *When a quorum of a governmental body attends the meeting of another governmental body when any one of the members is not*  
2 *also a member of the second governmental body, the gathering is a "meeting" unless the gathering is social or by chance. State*  
3 *ex rel. Badke v. Greendale Village Bd. 173 W (2d) 553, 494 NW (2d) 408 (1993).*

### 4 **19.84 Public notice.**

- 5 (1) Public notice of all meetings of a governmental body shall be given in the following manner:
- 6 (a) As required by any other statutes; and
- 7 (b) By communication from the chief presiding officer of a governmental body or such person's designee to the public,  
8 to those news media who have filed a written request for such notice, and to the official newspaper designated  
9 under ss. 985.04, 985.05, and 985.06 or, if none exists, to a news medium likely to give notice in the area.
- 10 (2) Every public notice of a meeting of a governmental body shall set forth the time, date, place and subject matter of the  
11 meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably  
12 likely to apprise members of the public and the news media thereof. The public notice of a meeting of a governmental  
13 body may provide for a period of public comment, during which the body may receive information from members of the  
14 public.
- 15 (3) Public notice of every meeting of a governmental body shall be given at least 24 hours prior to the commencement of  
16 such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given,  
17 but in no case may the notice be provided less than 2 hours in advance of the meeting.
- 18 (4) Separate public notice shall be given for each meeting of a governmental body at a time and date reasonably proximate  
19 to the time and date of the meeting.
- 20 (5) Departments and their subunits in any University of Wisconsin System institution or campus and a nonprofit corporation  
21 operating the Olympic ice training center under s. 42.11 (3) are exempt from the requirements of subs. (1) to (4) but  
22 shall provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed  
23 written requests for such notice.
- 24 (6) Notwithstanding the requirements of s. 19.83 and the requirements of this section, a governmental body which is a  
25 formally constituted subunit of a parent governmental body may conduct a meeting without public notice as required by  
26 this section during a lawful meeting of the parent governmental body, during a recess in such meeting or immediately  
27 after such meeting for the purpose of discussing or acting upon a matter which was the subject of that meeting of the  
28 parent governmental body. The presiding officer of the parent governmental body shall publicly announce the time,  
29 place and subject matter of the meeting of the subunit in advance at the meeting of the parent body.

30 **History: 1975 c. 426; 1987 a. 305; 1993 a. 215; 1997 a. 123..**

31 *The word "licenses" on a city council's agenda was specific enough to apprise members of the public of the subject matter to be*  
32 *considered. State ex rel. H.D. Enterprises II, LLC v. City of Stoughton, 230 Wis. 2d 480, 602 N.W.2d 72 (Cr. App. 1999), 98-3112.*

33 *There is no requirement in this section that the notice provided be exactly correct in every detail. State ex rel. Olson v. City of*  
34 *Baraboo Joint Review Board, 2002 WI App 64, 252 Wis 2d 628, 643 N.W.2d 796, 01-0201.*

35 *Sub. (2) does not expressly require that the notice indicate whether a meeting will be purely deliberative or if action will be taken.*  
36 *The notice must alert the public of the importance of the meeting. Although a failure to expressly state whether action will be taken*  
37 *could be a violation, the importance of knowing whether a vote would be taken is diminished when no input from the audience is*  
38 *allowed or required. State ex rel. Olson v. City of Baraboo Joint Review Board, 2002 WI App 64, 252 Wis. 2d 628, 643 N.W. 2d*  
39 *796, 01-0201.*

40 *Under sub. (1) (b), written request for notice of meetings of a governmental body should be filed with the chief presiding officer or*  
41 *designee and a separate written request should be filed with each specific governmental body. 65 Atty. Gen. 166.*

42 *The method of giving notice pursuant to sub. (1) is discussed. 65 Atty. Gen. 250.*

43 *The specificity of notice required by a governmental body is discussed. 66 Atty. Gen. 143, 195.*

44 *The requirements of notice given to newspapers under this section is discussed. 66 Atty. Gen. 230.*

45 *A town board, but not an annual town meeting is a "governmental body" within the meaning of the open meetings law. 66 Atty.*  
46 *Gen. 237.*

47 *News media who have filed written requests for notices of public meetings cannot be charged fees by governmental bodies for*  
48 *communication of notices. 77 Atty. Gen. 312.*

49 *A newspaper is not obligated to print a notice received under sub. (1) (b), nor is governmental body obligated to pay for publication.*  
50 *Martin v. Wray, 473 F Supp. 1131 (1979).*

### 51 **19.85 Exemptions.**

- 52 (1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under  
53 one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner  
54 that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may  
55 be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made,  
56 the nature of the business to be considered at such closed session, and the specific exemption or exemptions under  
57 this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of  
58 the record of the meeting. No business may be taken up at any closed session except that which relates to matters

## Selected Excerpts from the Wisconsin Statutes

- 1 contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of  
2 the following purposes:
- 3 (a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that  
4 governmental body.
- 5 (b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or  
6 commission or the investigation of charges against such person, or considering the grant or denial of tenure for a  
7 university faculty member, and the taking of formal action on any such matter; provided that the faculty member  
8 or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held  
9 prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a  
10 statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.  
11 This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person  
12 licensed requests that an open session be held.
- 13 (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over  
14 which the governmental body has jurisdiction or exercises responsibility.
- 15 (d) Except as provided in x. 304.06 (1) (eg) and by rule promulgated under s. 304.06 (1) (em), considering specific  
16 applications of probation extended supervision or parole, or considering strategy for crime detection or prevention.
- 17 (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other  
18 specified public business, whenever competitive or bargaining reasons require a closed session.
- 19 (ee) Deliberating by the council on unemployment insurance in a meeting at which all employer members of the council  
20 or all employee members of the council are excluded.
- 21 (eg) Deliberating by the council on worker's compensation in a meeting at which all employer members of the council  
22 or all employee members of the council are excluded.
- 23 (em) Deliberating under s. 157.70 if the location of a burial site, as defined in s. 157.70 (1) (b), is a subject of the  
24 deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.
- 25 (f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary  
26 consideration of specific personnel problems or the investigation of charges against specific persons except where  
27 par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the  
28 reputation of any person referred to in such histories or data, or involved in such problems or investigations.
- 29 (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy  
30 to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- 31 (h) Consideration of requests for confidential written advice from the ethics board under s. 19.46 (2), or from any  
32 county or municipal ethics board under s. 19.59 (5).
- 33 (i) Considering any and all matters related to acts by businesses under s. 560.15 which, if discussed in public, could  
34 adversely affect the business, its employees or former employees.
- 35 (j) Considering financial information relating to the support by a person, other than an authority, of a nonprofit  
36 corporation operating the Olympic ice training center under s. 42.11 (3), if the information is exempt from disclosure  
37 under s. 42.115 or would be so exempt were the information to be contained in a record. In this paragraph,  
38 "authority" and "record" have the meanings given under s. 19.32.
- 39 (2) No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene  
40 again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent  
41 open session was given at the same time and in the same manner as the public notice of the meeting convened prior  
42 to the closed session.
- 43 (3) Nothing in this subchapter shall be construed to authorize a governmental body to consider at a meeting in closed  
44 session the final ratification or approval of a collective bargaining agreement under *subch. I, IV or V of ch. 111* which  
45 has been negotiated by such body or on its behalf.

46 **History:** 1975 c. 426; 1977 c. 260; 1983 a. 84; 1985 a. 316; 1987 a. 38, 305; 1989 a. 64; 1991 a. 39; 1993 a. 97, 215; 1995 a.  
47 27; 1997 a. 39, 237, 283; 1999 a. 32.

48 *Although a meeting was properly closed, in order to refuse inspection of records of the meeting, the custodian was required by s.*  
49 *19.35 (1) (a) to state specific and sufficient public policy reasons why the public interest in nondisclosure outweighed the public's*  
50 *right of inspection. Oshkosh Northwestern Co. v. Oshkosh Library Bd. 125 W (2d) 480, 373 NW (2d) 459 (Ct. App. 1985).*

51 *The balance between protection of reputation under sub. (1) (f) and public interest in openness is discussed. Wis. State Journal*  
52 *v. UW-Platteville, 160 W (2d) 31, 465 NW (2d) 266 (Ct. App. 1990). See also Pangman v. Stigler, 161 W (2d) 828, 468 NW (2d)*  
53 *784 (Ct. App. 1991).*

54 *A "case" under sub. (1) (a) contemplates an adversarial proceeding. It does not connote the mere application for and granting of*  
55 *a permit. Hodge v. Turtle Lake, 180 W (2d) 62, 508 NW (2d) 603 (1993).*

56 *A closed session to discuss an employee's dismissal was properly held under sub. (1) (b) and did not require notice to the*  
57 *employee under sub. (1) (c) when no evidentiary hearing or final action took place in the closed session. State ex rel. Epping v.*  
58 *City of Neillsville, 218 Wis. 2d 516, 581 N.W.2d 548 (ct. App. 1998), 97-0403.*

## Selected Excerpts from the Wisconsin Statutes

1 Boards of review cannot rely on exemptions in sub. (1) to close any meeting in view of explicit requirements in s. 70.47 (2m). 65  
2 Atty. Gen. 162.

3 A university subunit may discuss promotions not relating to tenure, merit increases and property purchase recommendations in  
4 closed session. 66 Atty. Gen. 60.

5 Neither sub. (1) (c) nor (f) authorizes a school board to make actual appointments of new member in closed session. 74 Atty.  
6 Gen. 70.

7 A county board chairperson and committee are not authorized by sub. (1) (c) to meet in closed session to discuss appointments  
8 to county board committees. In appropriate circumstances, sub. (1) (f) would authorize closed sessions. 76 Atty. Gen. 276.

9 Sub. (1) (c) does not permit closed sessions to consider employment, compensation, promotion or performance evaluation policies  
10 to be applied to position of employment in general. 80 Atty. Gen. 176.

11 A governmental body may convene in closed session to formulate collective bargaining strategy, but sub. (3) requires that  
12 deliberations leading to ratification of a tentative agreement with a bargaining unit, as well as the ratification vote, must be held in  
13 open session. 81 Atty. Gen. 139.

14 "Evidentiary hearing" as used in s. 19.85 (1) (b), means a formal examination of accusations by receiving testimony or other forms  
15 of evidence that may be relevant to the dismissal, demotion, licensing, or discipline of any public employee or person covered by  
16 that section. A council that considered a mayor's accusations against an employee in closed session without giving the employee  
17 prior notice violated the requirement of actual notice to the employee. *Campana v. City of Greenfield*, 38 F. Supp. 2d 1043 (1999).

### 18 **19.86 Notice of collective bargaining negotiations.**

19 Notwithstanding s. 19.82 (1), where notice has been given by either party to a collective bargaining agreement under *subch. IV*  
20 *or V of ch. 111* to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as  
21 provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given by the employer's chief officer or  
22 such person's designee. This section does not apply to a nonprofit corporation operating the Olympic ice training center under s.  
23 42.11 (3).

24 **NOTE: This section is amended eff. 7-1-97 by 1995 Wis. Act 27 to read:**

### 25 **19.86 Notice of collective bargaining negotiations.**

26 **Notwithstanding s. 19.82 (1), where notice has been given by either party to a collective bargaining agreement under**  
27 **subch. I, IV or V of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such**  
28 **contract reopening as provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given by**  
29 **the employer's chief officer or such person's designee. This section does not apply to a nonprofit corporation operating**  
30 **the Olympic ice training center under s. 42.11 (3).**

31 **History: 1975 c. 426; 1987 a. 305; 1993 a. 215; 1995 a. 27.**

### 32 **19.87 Legislative meetings.**

33 This subchapter shall apply to all meetings of the senate and assembly and the committees, subcommittees and other subunits  
34 thereof, except that:

35 (1) Section 19.84 shall not apply to any meeting of the legislature or a subunit thereof called solely for the purpose of  
36 scheduling business before the legislative body; or adopting resolutions of which the sole purpose is scheduling  
37 business before the senate or the assembly.

38 (2) No provision of this subchapter which conflicts with a rule of the senate or assembly or joint rule of the legislature shall  
39 apply to a meeting conducted in compliance with such rule.

40 (3) No provision of this subchapter shall apply to any partisan caucus of the senate or any partisan caucus of the assembly,  
41 except as provided by legislative rule.

42 (4) Meetings of the senate or assembly committee on organization under s. 71.78 (4) (c) or 77.61 (5) (b) 3. shall be closed  
43 to the public.

44 **History: 1975 c. 426; 1977 c. 418; 1987 a. 312 s. 17.**

45 *Sub. (3) applied to closed meeting of Democrats on legislative committee to discuss budget bill. State ex rel. Lynch v. Conta, 71*  
46 *W (2d) 662, 239 NW (2d) 313.*

### 47 **19.88 Ballots, votes and records.**

48 (1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other  
49 decision of a governmental body except the election of the officers of such body in any meeting.

50 (2) Except as provided in *sub. (1)* in the case of officers, any member of a governmental body may require that a vote be  
51 taken at any meeting in such manner that the vote of each member is ascertained and recorded.

52 (3) The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public  
53 inspection to the extent prescribed in *subch. II of ch. 19*.

54 **History: 1975 c. 426; 1981 c. 335 s. 26.**

55 *Under (1), common council may not vote to fill a vacancy on the common council by secret ballot. 65 Atty. Gen. 131.*

## Selected Excerpts from the Wisconsin Statutes

### 1 19.89 Exclusion of members.

2 No duly elected or appointed member of a governmental body may be excluded from any meeting of such body. Unless the rules  
3 of a governmental body provide to the contrary, no member of the body may be excluded from any meeting of a subunit of that  
4 governmental body.

5 **History:** 1975 c. 426.

### 6 19.90 Use of equipment in open session.

7 Whenever a governmental body holds a meeting in open session, the body shall make a reasonable effort to accommodate any  
8 person desiring to record, film or photograph the meeting. This section does not permit recording, filming or photographing such  
9 a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants.

10 **History:** 1977 c. 322.

### 11 19.96 Penalty.

12 Any member of a governmental body who knowingly attends a meeting of such body held in violation of this subchapter, or who,  
13 in his or her official capacity, otherwise violates this subchapter by some act or omission shall forfeit without reimbursement not  
14 less than \$25 nor more than \$300 for each such violation. No member of a governmental body is liable under this subchapter on  
15 account of his or her attendance at a meeting held in violation of this subchapter if he or she makes or votes in favor of a motion  
16 to prevent the violation from occurring, or if, before the violation occurs, his or her votes on all relevant motions were inconsistent  
17 with all those circumstances which cause the violation

18 **History:** 1975 c. 426.

19 *State need not prove specific intent to violate Open Meeting Law. State v. Swanson, 92 W (2d) 310, 284 NW (2d) 655 (1979).*

### 20 19.97 Enforcement.

21 (1) This subchapter shall be enforced in the name and on behalf of the state by the attorney general or, upon the verified  
22 complaint of any person, by the district attorney of any county wherein a violation may occur. In actions brought by the  
23 attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in  
24 actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to  
25 the county.

26 (2) In addition and supplementary to the remedy provided in s. 19.96, the attorney general or the district attorney may  
27 commence an action, separately or in conjunction with an action brought under s. 19.96, to obtain such other legal or  
28 equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under  
29 the circumstances.

30 (3) Any action taken at a meeting of a governmental body held in violation of this subchapter is voidable, upon action  
31 brought by the attorney general or the district attorney of the county wherein the violation occurred. However, any  
32 judgment declaring such action void shall not be entered unless the court finds, under the facts of the particular case,  
33 that the public interest in the enforcement of this subchapter outweighs any public interest which there may be in  
34 sustaining the validity of the action taken.

35 (4) If the district attorney refuses or otherwise fails to commence an action to enforce this subchapter within 20 days after  
36 receiving a verified complaint, the person making such complaint may bring an action under subs. (1) to (3) on his or  
37 her relation in the name, and on behalf, of the state. In such actions, the court may award actual and necessary costs  
38 of prosecution, including reasonable attorney fees to the relator if he or she prevails, but any forfeiture recovered shall  
39 be paid to the state.

40 (5) *Sections 893.80 and 893.82 do not apply to actions commenced under this section.*

41 **History:** 1975 c. 426; 1981 c. 289; 1995 a. 158.

42 *Judicial Council Note, 1981: Reference in sub. (2) to a "writ" of mandamus has been removed because that remedy is now  
43 available in an ordinary action. See s. 781.01, stats., and the note thereto. [Bill 613-A]*

44 *Awards of attorney fees are to be at a rate applicable to private attorneys. A court may review the reasonableness of the hours  
45 and hourly rate charged, including the rates for similar services in the area, and may in addition consider the peculiar facts of the  
46 case and the responsible party's ability to pay. Hodge v. Town of Turtle Lake, 190 W (2d) 181, 526 NW (2d) 784 (Ct. App. 1994).*

47 *Actions brought under the open meetings and open records laws are exempt from the notice provisions of sub. (1). Auchinleck v.  
48 Town of LaGrange, 200 W (2d) 585, 547 NW (2d) 587 (1996), 94-2809.*

49 *Failure to bring an action under this section on behalf of the state is fatal and deprives the court of competency to proceed. Fabyan  
50 v. Achtenhagen, 2002 WI App 214, 257 Wis 2d 310, 652 N.W.2d 649, 01-3298,*

51 *Complaints under the open meetings law are not brought in the individual capacity of the plaintiff but on behalf of the state, subject  
52 to the 2-year statute of limitations under s. 893.93(2). Leung v. City of lake Geneva, 2003 WI App 129, 265 Wis. 2d 674, 666 N.W.  
53 2d 104, 02-2747.*

54 *When a town board's action was voided by the court due to lack of statutory authority, an action for enforcement under sub. (4)  
55 by an individual as a private attorney general on behalf of the state against individual board members for a violation of the open  
56 meetings law that would subject the individual board members to civil forfeitures was not rendered moot. Lawton v. Town of  
57 Barton, 2005 WI App 16, 278 Wis. 2d 388, 692 N.W.2d 304, 04-0659.*

## Selected Excerpts from the Wisconsin Statutes

- 1 **19.98 Interpretation by attorney general.**
- 2 Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances.
- 3 **History:** 1975 c. 426.

## Selected Excerpts from the Wisconsin Statutes

Section 103.13, *Wisconsin Statutes* {Personnel Records Law}

### RECORDS OPEN TO EMPLOYEE

#### 103.13 Records open to employee.

- (1) Definition. In this section, "employee" includes former employees.
- (2) Open records. Every employer shall, upon the request of an employee, which the employer may require the employee to make in writing, permit the employee to inspect any personnel documents which are used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records, except as provided in *subs. (5) and (6)*. An employee may request all or any part of his or her records, except as provided in *sub. (6)*. The employer shall grant at least 2 requests by an employee in a calendar year, unless otherwise provided in a collective bargaining agreement, to inspect the employee's personnel records as provided in this section. The employer shall provide the employee with the opportunity to inspect the employee's personnel records within 7 working days after the employee makes the request for inspection. The inspection shall take place at a location reasonably near the employee's place of employment and during normal working hours. If the inspection during normal working hours would require an employee to take time off from work with that employer, the employer may provide some other reasonable time for the inspection. In any case, the employer may allow the inspection to take place at a time other than working hours or at a place other than where the records are maintained if that time or place would be more convenient for the employee.
- (3) Personnel record inspection by representative. An employee who is involved in a current grievance against the employer may designate in writing a representative of the employee's union, collective bargaining unit or other designated representative to inspect the employee's personnel records which may have a bearing on the resolution of the grievance, except as provided in *sub. (6)*. The employer shall allow such a designated representative to inspect that employee's personnel records in the same manner as provided under *sub. (2)*.
- (4) Personnel record correction. If the employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the employer and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The employer shall attach the employee's statement to the disputed portion of the personnel record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a 3rd party as long as the disputed record is a part of the file.
- (5) Medical records inspection. The right of the employee or the employee's designated representative under *sub. (3)* to inspect personnel records under this section includes the right to inspect any personal medical records concerning the employee in the employer's files. If the employer believes that disclosure of an employee's medical records would have a detrimental effect on the employee, the employer may release the medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the medical records to the employee or to the employee's immediate family.
- (6) Exceptions. The right of the employee or the employee's designated representative under *sub. (3)* to inspect his or her personnel records does not apply to:
  - (a) Records relating to the investigation of possible criminal offenses committed by that employee.
  - (b) Letters of reference for that employee.
  - (c) Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document.
  - (d) Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes.
  - (e) Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
  - (f) An employer who does not maintain any personnel records.
  - (g) Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.
- (7) The right of the employee or the employee's representative to inspect records includes the right to copy or receive a copy of records. The employer may charge a reasonable fee for providing copies of records, which may not exceed the actual cost of reproduction.
- (7m) Employment discrimination. *Section 111.322 (2m)* applies to discharge and other discriminatory acts in connection with any proceeding under this section.
- (8) Penalty. Any employer who violates this section may be fined not less than \$10 nor more than \$100 for each violation. Each day of refusal or failure to comply with a duty under this section is a separate violation.

**History:** 1979 c. 339; 1981 c. 164; 1983 a. 189 ss. 153, 329 (4); 1989 a. 228; 1995 a. 27



Faculty Constitution

Faculty Governance

GOV 1. THE FACULTY CONSTITUTION.

Effective: October 27, 1980
Amendments to Article IV,
Section 1, 2, 4; Article VI
Amended: 1989
Amended: May, 1999
Amended: September 11, 2001
Amended October 12, 2004
Amended: February 15, 2005

In order to promote the common interest of faculty, students, and administration in enhancing the academic quality of the university, to provide an organizational structure to preserve academic freedom, to protect academic due process, to assure shared responsibility in university decision making, to promote cooperation in university governance, and to establish a structure and procedures by which the faculty may exercise its responsibility for the immediate governance of the institution and for academic and faculty personnel matters, we, the members of the faculty of the University of Wisconsin Oshkosh, do establish this constitution.

ARTICLE I. The Faculty.

Section 1. Membership in the Faculty.

Persons who hold the academic rank of professor, associate professor, assistant professor, or instructor in an academic department or equivalent unit at the University of Wisconsin Oshkosh, and such academic staff members as may be designated by the department or equivalent unit, the Chancellor, and the Faculty Senate following procedures set forth in the operating rules of the university, will be considered to be faculty members of the University of Wisconsin Oshkosh. Faculty members on leave of absence and faculty on lay-off, subject to Wisconsin Administrative Code UWS 5.20, shall be accorded full university governance rights under this constitution, providing they are present to vote.

Section 2. Academic Freedom and Tenure.

The purpose of this section is to promote understanding and support of academic freedom and tenure and agreement upon procedures to assure them at the University of Wisconsin Oshkosh.

- A. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution. The common good depends upon the free search for truth and its free exposition.
B. Academic freedom is essential to these purposes and applies to teaching, learning, research, and scholarly resource collection. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. The faculty is entitled to full freedom of discussion in the classroom, and is expected to exercise professional judgment about the relevance of material introduced to the subject of the course. Freedom in research is fundamental to the advancement of truth. The faculty is entitled to full freedom in research and in publication of the results, subject to the adequate performance of other academic duties. Academic freedom for the librarian is essential for a balanced collection of resources that meet the needs of scholars, students, and teachers.
C. Academic freedom carries with it duties correlative with rights. The faculty member is a citizen, a member of a learned profession and an officer of an educational institution. When speaking or writing as a citizen, the faculty member should be free from institutional censorship or discipline, but his or her special position in the community imposes special obligation. As a person of learning and an educational officer, the teacher should remember that the public may judge the profession and the institution by an individual's utterances. Hence the faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he or she is not a spokes-person for the institution.
D. It is a responsibility of the Faculty Senate to protect academic freedom.
E. Tenure is a means to certain ends, specifically, (1) freedom of teaching and research and of extramural activities; and (2) a sufficient degree of economic security to make the profession

## Faculty Constitution

1 attractive to men and women of ability. Freedom and economic security, hence tenure, are  
2 indispensable to the success of an institution in fulfilling its obligations to its students and to  
3 society.

### 4 **Section 3. Equal Opportunity.**

5 The faculty of the University of Wisconsin Oshkosh is committed to a policy of fairness and equal  
6 opportunity for all. A diverse student body, faculty, and staff, which reflects the variety and pluralism of  
7 society is desired and encouraged. Moreover, equal access to benefits, programs, services,  
8 employment, and educational opportunities is assured for all without regard to sex, color, marital or  
9 parental status, race, age, national origin, handicap, or sexual preference.

### 10 **Section 4. Powers and Responsibilities of the Faculty.**

11 The faculty of the University of Wisconsin Oshkosh, subject to the responsibilities and powers of the  
12 Board of Regents, the President, and the Chancellor, and recognizing student rights, shall be vested  
13 with responsibility for the immediate governance of this institution and shall actively participate in  
14 institutional policy development. As such, the faculty shall have the primary responsibility for academic  
15 and educational activities and faculty personnel matters. The word primary shall be defined as both first  
16 and principal, but not exclusive. The faculty shall have the right to determine its own faculty  
17 organizational structure and to select representatives to participate in institutional governance.

### 18 **Section 5. Administrative Review.**

19 When faculty decisions or recommendations concerning academic and educational activities and faculty  
20 personnel matters are transmitted in writing to the Chancellor. The Chancellor, recognizing the  
21 academic tradition of concurring with a clear faculty judgment in matters of primary faculty responsibility,  
22 shall as a matter of collegiality respond in writing, giving reasons, providing that such communication  
23 shall not be prohibited by law or System policy. Nothing in this section shall impede the authority of the  
24 Chancellor, established by law and System policy, to review faculty decisions on such matters and to  
25 make independent judgments regarding them; and nothing in this section shall prohibit appropriate  
26 consultation.

### 27 **Section 6. Faculty Referenda.**

28 By two-thirds vote of the Faculty Senate, any policy matter related to the powers and responsibilities of  
29 the faculty as stated in ARTICLE I, Section 4 above, may be referred to the whole faculty for decision.  
30 A referendum will also be held if one-tenth of the faculty, as defined in ARTICLE I excluding those with  
31 limited appointments, petition the Faculty Senate President to call for such a referendum. The Senate  
32 will draft the referendum proposal and will ordinarily distribute it to the faculty one month prior to the  
33 time at which a vote on the referendum is to be taken. At least one general faculty meeting, called by  
34 the Faculty Senate President, will be held on the matter for discussion and exchange of information.  
35 The referendum vote will be by secret ballot in a special election. A majority of eligible voters who cast  
36 ballots will be required for passage of a referendum. Eligible voters for faculty referenda will be members  
37 of the faculty as defined in ARTICLE I excluding those with limited appointment. The appropriate Senate  
38 committee will count the ballots.

## 39 **ARTICLE II. The Faculty Senate: Powers and Functions.**

### 40 **Section 1. Powers.**

41 Powers and responsibilities vested in the faculty, except those that are reserved by this constitution to  
42 the general faculty or delegated by this constitution to faculty in the colleges, schools, departments or  
43 equivalent units, shall be delegated to the Faculty Senate as the representative body of the faculty. As  
44 such, the Faculty Senate shall represent faculty interests and maintain faculty prerogatives not vested  
45 in colleges, departments, or equivalent units, specifically including the faculty role (as defined in  
46 ARTICLE I, Section 4, and ARTICLE II, Sections 2, 3, 4 of this constitution) in the immediate governance  
47 of the institution, in the formulation of academic policy, in planning, in faculty development, curriculum  
48 development, instruction, faculty personnel matters, fiscal and physical resources.

### 49 **Section 2. University Policy: Primary Faculty Responsibility.**

## Faculty Constitution

- 1 A. The Faculty Senate, in cooperation with colleges and departments and equivalent units and  
2 administrative officers, shall assure faculty participation in all stages of policy development  
3 about matters of primary faculty responsibility.
- 4 B. The Faculty Senate, in cooperation with colleges and departments or equivalent units, and  
5 recognizing the students' role and the Chancellor's responsibilities and authority, shall have  
6 primary responsibility for formulating university-level policy about the following:
- 7 1. Academic and educational activities including instruction, review and coordination of  
8 curriculum, academic planning, and faculty development.
- 9 2. Faculty personnel matters including salary procedures, university-level policy about faculty  
10 status, appointments, reappointments, dismissals, tenure, promotion, merit, participation in  
11 outside activities, personnel planning, faculty development, and the rights of laid-off faculty.  
12 Where applicable, all such policies shall be consistent with the *Wisconsin Administrative*  
13 *Code*.
- 14 C. When Faculty Senate decisions and rationale concerning academic and educational activities  
15 and faculty personnel matters are transmitted in writing to the Chancellor, the Chancellor,  
16 recognizing the academic tradition of concurring with a clear faculty judgement in matters of  
17 primary faculty responsibility, shall as a matter of collegiality respond in writing, giving reasons,  
18 providing that such communication shall not be prohibited by law or System policy. Nothing in  
19 this section shall impede the authority of the Chancellor, established by law and System policy,  
20 to review faculty decisions on such matters and to make independent judgements regarding  
21 them; and nothing in this section shall prohibit appropriate consultation.

### 22 Section 3. University Policy: Governance.

- 23 A. The faculty, subject to the provisions of *Wisconsin Statutes* 36.09, shall be responsible for the  
24 immediate governance of the institution. The Faculty Senate, in cooperation with colleges and  
25 departments or equivalent units, shall assure faculty participation in all levels of policy  
26 development about governance.
- 27 B. The Faculty Senate, in cooperation with colleges and departments or equivalent units, and  
28 recognizing the students' role and the Chancellor's responsibilities and authority, shall have  
29 responsibility for formulating university-level policy about the following faculty matters: elections,  
30 eligibility for voting, representation, faculty participation in governance, faculty organizational  
31 structure, bylaws, and constitution.

### 32 Section 4. University Policy: Faculty Participation Rights.

- 33 A. The Faculty Senate, in cooperation with colleges and departments or equivalent units, shall  
34 assure faculty participation in all stages of policy development in areas of faculty concern.
- 35 B. The Faculty Senate or its representatives to the appropriate body, subject to the responsibilities  
36 and authority of the Chancellor, shall actively participate in the formulation of university-level  
37 institutional policies not matters of faculty responsibility, specifically including fiscal and physical  
38 resources.

### 39 Section 5. Administrative Search and Screen Procedures.

40 The Faculty Senate shall select faculty representatives for search and screen committees for System  
41 and university level administrators above the level of dean.

### 42 Section 6. Evaluation of Administrators.

43 The Faculty Senate will share in the development of university policy and procedures for the evaluation  
44 of administrators concerned with matters of primary faculty responsibility. Faculty within the specific  
45 college or school represented by a dean will participate in the periodic evaluation of that dean, and  
46 faculty within the libraries and learning resources will participate in the periodic evaluation of the director.

### 47 Section 7. The Faculty Senate Shall Form Its Own Bylaws.

### 48 Section 8. Complaints and Grievance Procedure.

## Faculty Constitution

1 The Faculty Senate, in accordance with *Wisconsin Administrative Code* UWS 6, shall develop rules and  
2 procedures to deal with allegations, complaints, and grievances about the professional conduct of  
3 faculty members, and shall provide a grievance procedure to assure that violation of faculty rights or  
4 unfair treatment may be promptly and equitably remedied.

### 5 **ARTICLE III. The Faculty Senate: Membership and Elections.**

#### 6 **Section 1. Faculty Senators.**

7 The Faculty Senate shall be composed of 25 members. Senators will be elected as representatives of  
8 various constituencies within the faculty. All faculty members shall be eligible to serve as members of  
9 the Faculty Senate except administrators above the level of chairperson or equivalent who hold a limited  
10 appointment.

#### 11 **Section 2. Constituencies.**

12 For the conduct of faculty elections, the Faculty Senate shall divide the faculty into several voting  
13 constituencies. Each voting constituency will be entitled to elect faculty senators in proportion to the  
14 relative number of FTE (Full Time Equivalent Faculty) assigned to the constituency. However, each  
15 constituency will be entitled to at least two senators. Every three years, the Faculty Senate shall review  
16 the division of the faculty and reapportion the constituencies according to the proportional formula set  
17 above. The constituencies of the Faculty Senate shall be as follows:

- 18 A. College of Business Administration
- 19 B. College of Education and Human Services
- 20 C. College of Letters and Science: Fine and Performing Arts Division
- 21 D. College of Letters and Science: Humanities Division
- 22 E. College of Letters and Science: Mathematics and Natural Science Division
- 23 F. College of Letters and Science: Social Science Division
- 24 G. Combined College of Nursing and Service faculty assigned to non-college units

25 When this constitution is ratified, existing Faculty Senate members and officers will complete their terms,  
26 and elections will be held to fill additional seats created by the constitution. New senators will have  
27 staggered terms within divisions so that approximately one-third of the total Senate membership will be  
28 elected each year.

#### 29 **Section 3. Election of Faculty Senators.**

30 Each year elections will be held to fill one-third of the seats on the Faculty Senate. Elections of faculty  
31 senators shall be initiated no later than the eighth week of the spring semester and shall be concluded  
32 within a five-week period.

- 33 A. Prior to each election the Faculty Senate shall arrange the preparation of a list of members of  
34 each constituency who are eligible to vote for faculty senators and to serve in the Senate.  
35 Administrators above the level of chairperson or equivalent who hold a limited appointment shall  
36 be excluded from the list. Individual faculty members shall be responsible for informing the  
37 Faculty Senate of any change in their assignments which would affect their voting  
38 constituencies. The Faculty Senate shall determine the voting constituencies of any faculty  
39 members whose proper constituencies are uncertain, and shall inform the faculty members and  
40 the college or colleges concerned.
- 41 B. A nominating ballot shall be prepared which lists, by constituencies, the eligible faculty members  
42 who are willing to serve as faculty senators. Each eligible voter shall receive a primary ballot for  
43 the appropriate constituency along with instructions for voting. From the results of the primary  
44 balloting, ballots shall be prepared for a final election.
- 45 C. Election of faculty senators shall be by a majority of the legal votes cast or by a plurality if there  
46 are more than two candidates. In case of ties, repeated elections shall be conducted until all  
47 positions are filled.

## Faculty Constitution

1 D. The term of office for faculty senators shall be three years and shall commence with the  
2 beginning of the fall semester following their election.

3 E. If a faculty senator should resign from the Faculty Senate or the University, die, become  
4 permanently incapacitated, or commence a leave of absence of more than one academic year  
5 in duration, the Faculty Senate shall declare the position vacant. Such positions shall be filled  
6 for the remainder of the unexpired terms by means of special elections, arranged by the Senate  
7 and conducted within the constituencies involved in accordance with normal election  
8 procedures. If a senator commences a leave of absence of one semester, the position shall be  
9 filled for that semester by the unsuccessful candidate for the Senate who, in the most recent  
10 election, received the most votes from the constituency involved. If such a candidate is not  
11 available, the Senate shall declare the position vacant for that semester.

### 12 **ARTICLE IV. The Faculty Senate: Officers and Executive Committee.**

#### 13 **Section 1. Title and Duties of Officers.**

14 The officers of the Faculty Senate shall be president, a vice president, and three members-at-large.  
15 These officers shall be elected by faculty senators from their membership.

16 A. The president shall preside over meetings of the Faculty Senate, serve as the chief  
17 representative of the faculty both within and outside the university, and fulfill all responsibilities  
18 assigned to the office by this constitution. The president shall convene a combined meeting of  
19 all chairs of the Committees of the Senate (ARTICLE VII), and all chairs of Faculty Senate  
20 Committees (GOV 3) as described in the Faculty Senate Bylaws.

21 B. The vice president shall be the president-elect of the Senate and shall succeed automatically  
22 to a full term of office as president, following completion of a term as vice president.

23 C. The vice president shall be responsible for official minutes and records of all Senate meetings  
24 and fulfill any other responsibilities assigned to the office by the Faculty Senate bylaws. The  
25 Section 1.C. duties of the vice president shall be assumed by the past president in years when  
26 there is no vice president. Should the office of past president become vacant, the Senate shall  
27 elect a senator to be responsible for official minutes and records of all Senate meetings.

28 D. The three members-at-large shall carry out such duties as may be assigned by the Faculty  
29 Senate bylaws.

#### 30 **Section 2. Election of Officers.**

31 The officers of the Faculty Senate shall be elected by the Senate during the last three weeks of April.  
32 Election procedures shall be established in the Faculty Senate bylaws.

33 A. The president shall serve a two year term commencing with the fall semester following election.  
34 The vice president shall be elected in April of the president's first year in office and serve a one  
35 year term commencing with the fall semester of the president's second year in office. Members  
36 at large shall serve terms of one year commencing with the fall semester following their election.

37 B. To be elected, a candidate must receive a majority of the votes cast.

38 C. Should the office of president of the Senate become vacant during the president's second year  
39 in office, the vice president shall succeed to the office of president for the remainder of the term  
40 and shall continue in the office during the following two academic years. Should the office of the  
41 president of the Senate become vacant during the president's first year in office, the Senate  
42 shall elect a new president following election procedures established in the Faculty Senate  
43 Bylaws. The new president shall continue in office for the remainder of the two year term.

44 D. Should the offices of vice president or member-at-large become vacant, successors to the  
45 vacant offices shall be elected at the first meeting of the Faculty Senate following notification  
46 that a vacancy in office exists. Election procedures shall be established in the Faculty Senate  
47 bylaws.

#### 48 **Section 3. Removal of Officers.**

## Faculty Constitution

1 Officers of the Faculty Senate may be removed from office by vote of a two-thirds majority of faculty  
2 senators. A motion to remove an officer must be presented at a regular meeting of the Senate; the  
3 motion may be considered not earlier than ten working days after its presentation.

### 4 **Section 4. The Executive Committee.**

5 The executive committee shall be comprised of the president, the past president (during the first year  
6 of the presidency) or the vice president (during the second year of the presidency), and three  
7 members-at-large. The past president shall serve as a non-voting member of the Faculty Senate if he  
8 or she is not a member of the Senate.

9 A. The president of the Senate shall chair the executive committee.

10 B. The executive committee shall prepare the Senate agenda and shall distribute the agenda to  
11 the faculty senators at least two days prior to any meeting. The Senate may alter the agenda  
12 by a majority vote of the faculty senators present and voting at the beginning of each regular  
13 session.

14 C. The executive committee shall coordinate senate activities, implement senate actions, serve as  
15 liaison with the administration, students, and faculty, and constitute an interim committee of the  
16 Senate with authority to call the Senate into special session.

17 D. The executive committee shall have the authority to act on behalf of the Senate in  
18 circumstances requiring immediate action. The Senate shall be notified in writing of these  
19 actions prior to the next regular meeting and shall review and ratify or reject such actions at that  
20 time.

21 E. The executive committee may exercise the powers of the Senate during the summer semester  
22 in the event that a quorum of the faculty senators cannot be convened. All actions shall be  
23 reported in writing to the Senate which shall review and ratify or reject them at its next meeting.  
24 The executive committee shall attempt to convene a quorum of faculty senators for any regular  
25 or special meeting called during the summer semester or interim periods, but should a quorum  
26 be unavailable, then the executive committee shall seek the advice and assistance of those  
27 faculty senators who are available. All faculty senators shall be sent written notice of any regular  
28 or special meeting called during the summer semester or interim periods.

29 F. The executive committee shall keep the entire faculty informed of the agenda and activities of  
30 the Faculty Senate by means of regular written reports and by distribution of the minutes of  
31 Senate meetings.

### 32 **Section 5. Liaison.**

33 The Senate shall invite representatives of the Chancellor, the student government, and the academic  
34 staff to attend Senate meetings in order to communicate to the Senate the interests of those university  
35 components and to serve as resource persons.

## 36 **ARTICLE V. The Faculty Senate: Meetings.**

### 37 **Section 1. Time, Location and Frequency of Meetings.**

38 Meetings of the Senate shall be called by the president of the Senate.

39 A. The times and locations of meetings shall be selected by the president of the Senate, in  
40 accordance with the preferences of the senators, and shall be announced in advance to the  
41 faculty.

42 B. The Senate shall hold a regular meeting at least once per month during the two full semesters  
43 of the academic year with a minimum of nine meetings per academic year.

44 C. General faculty meetings, for the purpose of discussion and exchange of information, may be  
45 called by the Faculty Senate president or by petition of 20 faculty members to the president.  
46 The president of the Faculty Senate shall preside.

### 47 **Section 2. Rules and Procedures for Meetings.**

48 All meetings of the Senate shall be conducted in accordance with the most recent edition of Sturgis'  
49 *Standard Code of Parliamentary Procedure*. Senate meetings shall be open, except under conditions

## Faculty Constitution

1 which by statute justify closed meetings. Any faculty member may address the Senate after first  
2 obtaining recognition from the presiding officer.

### 3 **Section 3. Agenda for Meetings.**

4 The Senate shall consider all matters proposed by the Chancellor, faculty committees, or individual  
5 faculty members after such matters shall have been placed on the agenda of a regular meeting by the  
6 executive committee. Topics may be placed directly on the agenda of a meeting, without concurrence  
7 of the executive committee, by formal proposal from the Chancellor, by a vote of a majority of the  
8 senators present and voting at a meeting, or by a petition signed by ten or more faculty members.

### 9 **Section 4. Quorum for Meetings.**

10 A quorum for any meeting of the Senate shall be one more than half the full membership of the Senate.

## 11 **ARTICLE VI. The Faculty Senate: Committees.**

### 12 **Section 1. Faculty Senate Standing Committees.**

13 Standing committees of the Faculty Senate will be established to carry out the faculty's role, as defined  
14 in ARTICLE II, Sections 2, 3 in this constitution in the formulation and implementation of university policy  
15 about academic and educational activities, faculty personnel matters, and immediate governance of the  
16 institution in accordance with *Wisconsin Statutes* 36.09(4). The charter for each of these committees  
17 will be approved by the Faculty Senate consistent with the procedure for amending the bylaws of the  
18 Faculty Senate.

19 The Senate shall create other standing committees as it considers necessary to assist it and the faculty  
20 in formulating policies and making decisions in areas of faculty concern. The process of establishing a  
21 charter for each of these committees will be the same as that described above.

### 22 **Section 2. Special Faculty Committees.**

23 The Senate shall create such ad hoc committees as it considers necessary to assist it in formulating  
24 policies and making decisions on special problems.

## 25 **ARTICLE VII. Joint Committees.**

### 26 **Section 1. Purpose.**

27 University level matters which are not the primary responsibility of faculty, students, or administration  
28 may be considered by tripartite committees. The Senate will select faculty representatives for each  
29 committee and may review the committees' reports.

## 30 **ARTICLE VIII. Department or Equivalent Unit Affairs.**

### 31 **Section 1. Purposes.**

32 The faculty constitution shall establish university-level policies, and college and department or  
33 equivalent unit bylaws shall establish the framework and specific policies and procedures by which  
34 departments and equivalent units can maintain stability, strength, and growth. Such bylaws shall  
35 establish policies and procedures by which members shall participate in unit affairs, and by which faculty  
36 shall exercise their responsibility for unit governance and their primary responsibility for academic and  
37 faculty personnel matters.

### 38 **Section 2. Organization.**

39 In considering organizational changes in paragraphs A through D of this section, the faculty shall  
40 recognize the Chancellor's responsibility for designing curriculum in consultation with the faculty.

41 A. Each department or equivalent unit that is recognized as such at the time this constitution goes  
42 into effect shall continue to be so recognized and to retain the same college affiliation. A different  
43 organization or affiliation shall be established only through consultation between the Chancellor  
44 and the department or equivalent unit and, if necessary, the college or colleges directly involved.

45 B. The removal, elimination, transfer, or reorganization of existing departments or equivalent units,  
46 or the addition of new ones to a college, shall occur only through consultation between the  
47 Chancellor and the faculty of each college or school. Procedures for such changes, when they  
48 occur within a college or school, shall be established by the bylaws of each college or school.

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- 1 C. In event of reorganization between existing colleges or formation of a new college by existing  
2 departments, the following process shall apply:  
3
- 4 1. Faculty members from within the department(s) seeking to move out of their current college,  
5 or any other body seeking an intercollegiate reorganization (e.g., Faculty Senate), shall  
6 approve a formal motion or resolution to endorse the reorganization.  
7
  - 8 2. Each department seeking to move shall simultaneously submit a formal written request,  
9 along with supporting rationale and evidence, to the Provost and Vice Chancellor and to the  
10 Faculty Senate.  
11
  - 12 3. The Provost and Vice Chancellor shall forward copies of the written request to the deans of  
13 any college directly affected and request recommendations from the colleges and set a  
14 deadline for such recommendations. This deadline should allot a minimum of three months  
15 for the colleges to collect data for decision-making as noted in step 4 below. Further, it  
16 should ensure that the process for obtaining the faculty recommendation (i.e., information-  
17 sharing and the referendum or vote) is conducted during an academic semester to allow for  
18 maximum participation of the faculty.  
19
  - 20 4. The dean(s) shall provide a three-year financial history of the unit(s) seeking to move to  
21 faculty of the affected colleges and to the Faculty Senate. Financial disclosure will include  
22 budgeted funds and actual funds received by the department, expenditures, revenues, FTE  
23 salaries, and any other relevant information. The deans shall also address considerations  
24 with respect to the effect of the move on issues such as costs, students, physical space  
25 demands, and culture.  
26
  - 27 5. The dean(s) shall request a recommendation from the college faculty in accordance with  
28 the college by-laws or as agreed upon by the faculty.  
29
  - 30 6. Following the college faculty recommendation(s), the dean(s) and the Faculty Senate shall  
31 make recommendations to the Provost and Vice Chancellor by the deadline established in  
32 step 3 above. The recommendation(s) of the deans shall include a budget allocation  
33 proposal which outlines the details of the financial implications of moving the department(s),  
34 the terms for reallocating budget, and a rationale for the proposed terms.  
35
  - 36 7. Within 20 days, the Provost and Vice Chancellor shall make a decision to accept or reject  
37 the department(s) request and, if accepted, establish budget allocation rules. As a guiding  
38 principle, the Provost and Vice Chancellor will seek to reach an agreement where neither  
39 college's financial situation is made better or worse off as a result of the move itself.  
40
  - 41 8. A written appeal by any college directly affected by the move, or by departments  
42 themselves, must be made to the Chancellor within 10 days of the Provost and Vice  
43 Chancellor's decision.  
44
  - 45 9. The Chancellor shall respond to the appeal with a written decision within 20 days.  
46
  - 47 10. If the move is approved in either step 7 or step 9 above, the terms of transition shall be  
48 negotiated by the faculty and administrators directly involved in the move. A formal written  
49 agreement regarding the terms of the transition will be approved by the parties involved  
50 within 30 days.  
51
- 52 D. A professional, non-teaching faculty unit not associated with a college, but organized as a  
53 department at the time that this constitution goes into effect shall continue to be identified as a  
54 department. A different organizational structure shall be established only through consultation  
55 between the Chancellor and the members of the unit. Procedures for such changes shall be  
56 established in the unit bylaws. Faculty personnel who hold limited appointments in non-teaching  
57 units may be voting members of those units if the unit bylaws allow that.



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- 1 E. Effective with the date of the ratification of this constitution each academic program not  
2 associated with a particular college or school shall function independently of ARTICLE VIII for  
3 a three-year experimental period, during which time the faculty of the program, the university's  
4 chief administrative officer for academic affairs, and the appropriate Faculty Senate  
5 committee(s) shall participate in its development. It is recognized that such programs may  
6 require considerable flexibility in staffing and that faculty may participate in such programs at  
7 less than full time. All faculty who participate in the development of such programs shall,  
8 however, serve as advisors to the program and shall be asked to share in their evaluation. After  
9 three years, the academic program shall be evaluated by the program faculty, and the  
10 appropriate administrative official, and Senate committee to determine whether it should be  
11 made permanent. If so, the program faculty shall establish bylaws and, after consultation with  
12 the Faculty Senate and the proposed parent body, recommend to the Chancellor a permanent  
13 affiliation for the program.

### 14 **Section 3. Department or Equivalent Unit Membership.**

15 Faculty members shall be voting members of the department or equivalent to which they are assigned  
16 for the greatest part of their time. Those whose time is divided equally between two or more such units  
17 shall choose voting membership in one of the units. The choice is to be communicated to the Executive  
18 Committee of the Faculty Senate. Faculty members may be non-voting members of other units in accord  
19 with the bylaws of those units.

- 20 A. Membership in a unit is limited to faculty members as defined in ARTICLE I of this constitution.  
21 B. Assignment of personnel to a teaching or professional unit in which they have not been tenured  
22 shall require approval by a majority of the faculty members of that unit and of the person  
23 assigned.  
24 C. Non-teaching chairpersons and equivalent unit leaders shall be voting members of their units.  
25 D. Administrators who hold a limited appointment shall not be voting members of a department or  
26 equivalent unit.  
27 E. Only persons holding faculty rank shall be eligible to vote on faculty personnel matters.  
28 F. Faculty members on leave of absence and faculty members on lay-off shall be accorded full  
29 rights under this constitution, in accord with university policy and ARTICLE I, Section 1.

### 30 **Section 4. Rights and Responsibilities of Department or Equivalent Unit Members.**

31 The faculty of a unit, recognizing the students' role and the Chancellor's responsibilities and authority in  
32 formulating university policy, shall have primary responsibility for the unit's academic and educational  
33 policy, faculty personnel policy, and immediate governance. Faculty primary responsibility shall include  
34 but not be limited to formulation of major and minor requirements; formulation and continuous evaluation  
35 of curriculum; planning and faculty development; full participation in unit decisions about recruitment,  
36 appointment, reappointment, tenure, promotion, salary. The faculty of a unit shall have the right to  
37 participate fully in unit governance. The faculty of a unit shall also have the right to participate actively  
38 in determining policies about teaching assignments, budgets, and all other such department matters.  
39 Each voting member of the unit shall have an equal voice in governance. Unless specifically prohibited  
40 elsewhere in this constitution or in university policies as defined in ARTICLE X, Section 4 of this  
41 constitution, the decisions of the majority of eligible voting members of the unit shall be the decisions of  
42 the unit. Implementation of this principle shall be provided by unit bylaws.

### 43 **Section 5. Responsibilities of Department Chairperson or Equivalent Faculty Leader.**

44 Each department or equivalent unit shall have a faculty leader nominated by the department or  
45 equivalent unit and appointed by the Chancellor.

- 46 A. The chairperson or equivalent unit leader is responsible for seeing to it that provisions of the  
47 unit bylaws, those policies, procedures, and decisions made by the faculty in unit meetings, and  
48 university policies as defined in Article X, Section 4 of the Faculty Constitution are discharged.  
49 Unit actions shall be in accord with university policies. The chairperson or equivalent shall keep  
50 the unit informed about all matters of importance to it. The unit leader shall bring to the attention  
51 of the unit faculty their responsibility for immediate governance of the unit, and their primary

## Faculty Constitution

1 responsibility for faculty personnel, educational and academic matters, and the necessity for  
2 developing unit policies about those matters. If the chairperson or equivalent unit leader acts  
3 without consultation with the members of the unit, he or she shall inform all members of the  
4 reason for said actions. These actions shall be subject to review by the members.

5 B. The chairperson or equivalent unit leader shares with the faculty of the unit the responsibility for  
6 seeing that the unit bylaws and governance policies are observed.

7 C. The chairperson or equivalent unit leader shall discharge those duties and responsibilities  
8 required by university policies and procedures and shall carry out those duties in accordance  
9 with the provision of ARTICLE X of this constitution.

### 10 **Section 6. Selection of Department Chairperson or Equivalent Unit Leader.**

11 The unit leader shall be nominated by a majority of the eligible voters who cast ballots and shall be  
12 appointed by the Chancellor. If a nominee is not accepted by the Chancellor, another nominee shall be  
13 selected until the appointment is made.

14 A. A chairperson/equivalent shall hold the rank of assistant professor or higher in the department  
15 or equivalent unit.

16 B. The term of office for chairperson/equivalent shall be three years.

17 C. The chairperson/equivalent shall be nominated during March, appointed as soon thereafter as  
18 possible. The individual Colleges, through their normal governance processes, determine the  
19 date of the Chair/equivalent transition, which will be no sooner than the end of the 17<sup>th</sup> week of  
20 the spring semester in which the election was held.

21 D. The nomination of a chairperson/equivalent shall be by secret ballot and shall be conducted in  
22 accord with procedures established in college bylaws.

23 E. A unit may remove a chairperson/equivalent for good and sufficient reasons by a vote of two-  
24 thirds majority of eligible voting faculty. The Chancellor shall have the right to request that the  
25 unit conduct such vote. The recall election shall be conducted according to procedures  
26 established in college bylaws.

27 F. Should the office of chairperson or equivalent become vacant, the office shall be filled for the  
28 remainder of the unexpired term by a chairperson/equivalent chosen by special nomination  
29 which shall be held within ten days after the vacancy occurs, and shall be conducted according  
30 to the relevant provisions of this article of the constitution. College bylaws shall establish  
31 procedures for the nomination and appointment of an acting chairperson or equivalent to fill a  
32 vacancy that occurs during a period when the legal voters of the unit are not required to be on  
33 campus for professional or teaching responsibilities.

### 34 **Section 7. Unit Bylaws.**

35 Each governance unit covered by this article shall establish written bylaws consistent with the Faculty  
36 Constitution. The bylaws shall create a democratic government for the internal operation of the unit. Unit  
37 bylaws must be approved by a majority of the eligible voters who choose to vote.

38 A. Bylaws approved by a department or equivalent governance unit shall be reviewed by the  
39 Faculty Senate for consistency with the constitution and shall take effect when they have been  
40 accepted by the Senate.

41 B. Members of units shall review their bylaws at least every five years.

## 42 **ARTICLE IX. College and School Affairs.**

### 43 **Section 1. Purposes.**

44 This article sets forth principles meant to assure the faculty its proper role in college and school affairs.

### 45 **Section 2. College and School.**

46 Faculty members shall be voting members of the college or school to which they are assigned for the  
47 greatest part of their time. Those whose assignment is divided equally between two or more such units  
48 shall choose voting membership in one of the units. The choice is to be communicated to the Executive

## Faculty Constitution

1 Committee of the Faculty Senate and to the appropriate unit. Faculty members may be non-voting  
2 members of other units in accord with the bylaws of those units.

3 A. Administrators who hold a limited appointment shall not be voting members of a college or  
4 school.

5 B. A faculty member may be a non-voting member of other colleges or schools in accord with the  
6 bylaws of those schools or colleges.

7 C. Membership in a college or school is limited to faculty members, as defined in ARTICLE I,  
8 Section 1 of this constitution.

9 D. A faculty member may be a member of both an undergraduate college and a graduate program.

### 10 **Section 3. College and School Bylaws.**

11 Each school or college covered by this article shall establish written bylaws consistent with the Faculty  
12 Constitution. The bylaws shall be drafted by an elected committee, approved by a majority of the eligible  
13 voters who choose to vote, and shall become effective after acceptance by the Faculty Senate.

14 A. School and college bylaws shall specify procedures for faculty governance. The bylaws shall  
15 provide for the exercise of faculty responsibility for the immediate governance and of primary  
16 faculty responsibility for academic and faculty personnel matters. The bylaws shall provide for  
17 a procedural relationship between the college and the appropriate committees of the Faculty  
18 Senate. College committees that deal with academic, personnel, or governance matters shall  
19 be elected and shall be chaired by an elected faculty member.

20 B. Members of the faculty shall review their school or college bylaws at least every five years.

### 21 **Section 4. Selection of Deans and Equivalent Administrators.**

22 Search and screen committees for deans and equivalent administrators of faculty units shall be  
23 composed of at least 60% faculty members elected in accordance with the faculty unit bylaws. In the  
24 case of Libraries and Learning Resources, faculty from outside that unit, chosen by the Faculty Senate,  
25 may be included in the faculty membership of committees under this section, in which case, at least  
26 one-half of such membership shall be faculty from Libraries and Learning Resources elected under that  
27 unit's bylaws.

## 28 **ARTICLE X. Sources of Parliamentary Rules Governing the Faculty.**

29 The sources of parliamentary rules governing the faculty shall be the following:

### 30 **Section 1. The constitution and statutes of the United States.**

### 31 **Section 2. The constitution and statutes of the State of Wisconsin.**

### 32 **Section 3. The resolutions and policies of the Board of Regents of the University of Wisconsin 33 System.**

### 34 **Section 4. University Policies that have been developed jointly and approved by the Faculty 35 Senate and the Chancellor.**

### 36 **Section 5 The Faculty Constitution.**

### 37 **Section 6. The bylaws and adopted procedures of the Faculty Senate, colleges, schools, 38 departments or equivalent units.**

### 39 **Section 7. The most recent edition of Sturgis' *Standard Code of Parliamentary Procedure*.**

## 40 **ARTICLE XI. Amendments.**

### 41 **Section 1. Proposal of Amendments.**

42 Amendments to this constitution may be proposed to the faculty by a two-thirds majority vote of all  
43 members of the Faculty Senate at any regular meeting, provided that a written copy of the proposed  
44 amendment shall have been presented to the Senate at a meeting at least one month prior to the time  
45 at which a vote on the amendment is to be taken. Amendments to this constitution may also be proposed  
46 by means of a petition signed by one-tenth of the faculty membership, as defined in ARTICLE I, except  
47 for administrators with limited appointments.

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### 1 **Section 2. Hearings on Proposed Amendments.**

2 The Faculty Senate shall conduct hearings on any amendment proposed to this constitution before any  
3 action on such amendment shall be considered.

### 4 **Section 3. Ratification of Amendments.**

5 Amendments to this constitution will become effective after ratification by a two-thirds majority of eligible  
6 voters who exercise their voting rights. The eligible voters shall be members of the faculty as defined in  
7 Article I, excluding those with limited appointments. Each faculty member shall be sent a copy of the  
8 proposed amendment a minimum of four weeks before the amendment is voted upon for ratification.  
9 The vote shall be by secret ballot in a special election.

## 10 **ARTICLE XII. Ratification.**

11 **Section 1.** This constitution shall be considered ratified and shall become effective when it has been  
12 approved by a two-thirds majority of the eligible voters who exercise their voting privilege. The eligible  
13 voters shall be members of the faculty, as defined in ARTICLE I, excluding those with a limited  
14 appointment. The vote on ratification shall be by secret ballot in a special election.

15 **Section 2.** When this constitution shall be approved by the necessary two-thirds vote, the constitution  
16 adopted in 1964 shall be repealed and this constitution shall become effective. All actions taken in  
17 accordance with the constitution of 1964 shall have continuing validity and application unless they  
18 conflict with the provisions of this constitution or actions taken subsequently under the provisions of  
19 this constitution.

## Faculty Senate Bylaws

### 1 **GOV 2. BYLAWS OF FACULTY SENATE.**

2 Approved by Faculty Senate: May 9, 1989  
3 Amended by Faculty Senate: March 9, 1999  
4 Amended by Faculty Senate: May 4, 2004  
5 Amended by Faculty Senate: February 15, 2005

### 6 **ARTICLE I. Membership, Terms, Constituencies.**

7 Eligibility for Faculty Senate membership is defined in the Faculty Constitution (III,1); the current  
8 constituencies are: College of Business Administration, College of Education and Human Services,  
9 College of Letters and Science: Fine and Performing Arts, College of Letters and Science: Humanities  
10 Division, College of Letters and Science: Mathematics and Natural Science Division, College of Letters  
11 and Science: Social Science Division, combined College of Nursing and service faculty assigned to  
12 non-college units; terms of office, provision for staggered election and the ratio of Senators to faculty  
13 are defined in the Faculty Constitution (III,2-3).

### 14 **ARTICLE II. Senate Elections.**

#### 15 **Section 1. General Conduct of Elections and Referenda.**

- 16 A. For any regular election the eligible voters shall be instructed that their ballots shall be cast in  
17 person in the Faculty Senate Office or other official polling place designated by the Senate, or  
18 according to prescribed procedures for absentee ballots. The faculty member will be required  
19 to identify himself/herself to the person on duty, who will check off the name of the voter from  
20 the complete list of eligible voters and direct the voter to deposit her/his ballot in a box which  
21 shall be sealed during the entire election period except for the ballot slot. For each election the  
22 voting place shall be open from 8:00 A.M. to 4:30 P.M. on two consecutive days announced at  
23 least one week in advance. The Elections Committee shall ensure privacy of the ballots.
- 24 B. Ballots shall be counted by the Elections Committee or its designee(s) in the Faculty Senate  
25 Office within twenty-four hours after the close of the election, usually at 4:30 on the closing day  
26 of the election. Observers are welcome at the counting procedure. The Elections Committee  
27 shall inform the faculty of the time of vote counting in the announcement of time and place of  
28 election.
- 29 C. A complete tabulation of the election result shall be presented by the Elections Committee to  
30 the Faculty Senate at its next meeting. If there is no challenge of the election results within ten  
31 working days after the Senate meeting at which the tabulation is presented, the Elections  
32 Committee may destroy the ballots.
- 33 D. The Elections Committee will inform the university community of the results of the election within  
34 one week after the vote count. Results of referenda together with the number of votes for each  
35 alternative shall be reported within one week of the vote.

#### 36 **Section 2. Procedures for Regular Election of Senate Members.**

- 37 A. On or before the eighth week of the spring semester, the Elections Committee shall determine  
38 the complete list of eligible faculty, pursuant to Article III, Section 3,A, of the Faculty Constitution.
- 39 B. The Elections Committee shall prepare a primary ballot showing the complete list of eligible  
40 faculty who are willing to serve, listed separately according to constituency, pursuant to Article  
41 III, Section 3,B, of the Faculty Constitution.
- 42 C. At least one week prior to election each eligible voter shall be sent a notice of the time and place  
43 of the election and the names of all candidates. In the primary election eligible voters shall be  
44 instructed to vote for no more than one person for each vacancy in her/his constituency. Write-  
45 in votes shall be permitted. Ballots will be cast in the Faculty Senate Office (or other official  
46 polling place) as described in Section I, above. Absentee ballots from eligible voters who are  
47 unable to come to the polls will be accepted. Candidates who are not opposed in the primary  
48 election, and who receive votes from their constituency, will be elected to the Senate.
- 49 D. From the results of the primary election, the Elections Committee shall prepare final ballots for  
50 each constituency with a vacancy. If a write-in candidate receives the requisite number of votes  
51 in the primary election, the Elections Committee must ascertain willingness to serve before the  
52 name is placed on the final ballot. For each constituency, names on the final ballot shall be

## Faculty Senate Bylaws

1 those receiving the greatest number of votes on the primary ballot for that constituency. The  
2 final ballot for each constituency shall list no more than two names for each vacancy, except in  
3 cases of a tie for the second-largest number of votes, in which case the names of those tied  
4 shall be listed. (Article III, Section 3,B.) Write-in votes will be counted. Absentee ballots from  
5 eligible voters who are unable to come to the polls will be accepted.

6 E. The final balloting shall take place before the twelfth week of the spring semester. Eligible voters  
7 shall be instructed to vote for no more than one person for each vacancy in their constituency,  
8 and to cast their ballots as described in Section 1, above.

9 F. In case of ties on the final ballot, repeated elections shall be conducted until all positions are  
10 filled. (Article III, Section 3,C.) Election procedures shall be pursuant to Section 1 above.

11 G. Regularly elected Senators serve for a three-year term of office commencing with the fall  
12 semester following their election. (Article III, Section 3,D.)

### 13 **Section 3. Special Elections.**

14 A. Vacancies to the Senate are defined in the Faculty Constitution, Article III, Section 3, E. In  
15 addition, if a Senate member should go on leave for more than one year the Faculty Senate  
16 shall declare the position vacant.

17 B. Pursuant to the Faculty Constitution, Article III, Section 3,E, a special election shall be held  
18 within thirty days after the Faculty Senate declares a seat vacant. It will be conducted under the  
19 supervision of the Elections Committee within the constituency involved, following election  
20 procedures in Section 1 above.

21 C. A candidate receiving a majority of the votes cast shall be declared elected. If no candidate  
22 receives a majority of the votes cast in the special election, the two candidates who received  
23 the highest number of votes will be the candidates in the run-off election. In case of ties for  
24 second place, both second-place names will be on the ballot. If no candidate receives a majority  
25 in the run-off election, the outcome will be determined by the flip of a coin.

### 26 **ARTICLE III. Selection of Senate Officers.**

27 **Section 1.** During the last three weeks of April the Senate at large will elect the nominating committee.  
28 Prior to the final election for Senate members, the Executive Committee will present to the Senate a  
29 slate of three for the nominating committee. Additional nominations will be accepted from the floor, with  
30 the permission of the nominees, when the slate is presented. Senators will vote for three candidates on  
31 the initial ballot. Candidates who receive by secret ballot a majority vote of the members present and  
32 voting shall be declared elected. If three candidates are not elected on the first ballot, balloting will be  
33 repeated, with the lowest vote-getter eliminated each time until three candidates have been elected by  
34 a majority of Senators present and voting. The nominating committee will present at the first meeting  
35 after the regular election a slate of candidates for the Senate office of president-elect. There shall be  
36 opportunity for nominations from the floor at this meeting and at the next meeting.

37 **Section 2.** At the meeting following the presentation of the slate by the nominating committee, the  
38 Senate shall elect a president-elect and two members-at-large as described in the Faculty Constitution,  
39 Article IV, Sections 1 and 2. The candidates who receive by signed ballots a majority vote of the  
40 members voting shall be declared elected. Any absentee ballots must be presented to the chair at the  
41 start of the meeting when the balloting takes place. These officers, together with the president and the  
42 past president, comprise the Executive Committee.

43 All officers who are also serving as elected Senators shall have the right to vote on all matters that come  
44 before the Senate.

45 **Section 3.** The Members-at-Large shall be elected from the membership of the Senate. Following the  
46 election of other officers, the Senate shall nominate from the floor candidate(s) for Members-at-Large.  
47 In an election which shall follow immediately, the candidate who receives by signed ballot a majority  
48 vote of the members present and voting shall be declared elected. If no majority is achieved balloting  
49 will be repeated, eliminating the lowest vote-getter each time until a majority is achieved.

50 **Section 4.** Vacancies in office are filled pursuant to Article IV, Section 2, C and D of the Faculty  
51 Constitution. When a vacancy occurs in the office of president-elect, the Executive Committee will name

## Faculty Senate Bylaws

1 a nominating committee, subject to approval of the Senate. As provided in Section 1 above, the  
2 nominating committee will present a candidate or candidates within two meetings and the Senate will  
3 vote as prescribed in Section 2. Vacancies for members-at-large will be filled pursuant to Section 3.

### 4 **ARTICLE IV. Senate Officers.**

5 The powers and duties of Senate officers are delineated in Article IV, Section 1, of the Faculty  
6 Constitution.

### 7 **ARTICLE V. Senate Meetings.**

8 Faculty Senate meetings are governed by the provisions of the Faculty Constitution, Article V, Sections  
9 1-4; relevant portions of these bylaws; and by the parliamentary code.

### 10 **ARTICLE VI. Disposition of Business.**

11 **Section 1.** The agenda shall be prepared by the Executive Committee and distributed to Senators at  
12 least two days prior to any meeting. Items may be placed on the agenda pursuant to The Faculty  
13 Constitution, Article V, Section 3.

14 **Section 2.** The agenda will normally consist of approval of the minutes, reports of officers, committee  
15 reports, old business, new business, adjournment. Reports should be presented in writing whenever  
16 possible. The Senate may discuss any item on the agenda.

17 **Section 3.** A motion on an item of business added to the agenda less than 36 hours before a meeting  
18 shall not come to a vote unless the Senate votes by a two-thirds majority to suspend the rules and to  
19 act on that motion.

20 **Section 4.** Every bill presented for Senate action should consist of two parts: the Rationale and the  
21 Action. The Rationale should consist of a concise presentation of reasons supporting the action. The  
22 Action should be restricted to a presentation of the Senate actions proposed by the bill's author(s).  
23 Although both parts may be debated, only the Action may be amended or otherwise modified, and only  
24 the Action shall be subject to a vote.

25 **Section 5.** When a bill is passed, its Action becomes a Resolution and receives a standardized  
26 identification which shall include an indication of the academic year in which it was passed. All  
27 Resolutions will be numbered consecutively from the beginning of each academic year, and this number  
28 will also be included in the standardized identification. Only substantive as opposed to procedural  
29 motions approved by the Senate will become Resolutions.

30 **Section 6.** Bills will normally be taken up in the order of their presentation to the Senate, unless the  
31 Executive Committee reorders the agenda, or the Senate votes to re-order the agenda.

32 **Section 7.** Senate Resolutions requiring the attention of the Chancellor shall be sent to her/him by the  
33 Executive Committee, accompanied by a cover sheet prepared by the Executive Committee for the  
34 purpose of keeping a record of the further disposition of the matter.

### 35 **ARTICLE VII. Committees of the Senate.**

#### 36 **Section 1. Executive Committee.**

37 A. The composition, powers and duties of the Executive Committee are defined in the Faculty  
38 Constitution, Article IV.

39 B. Pursuant to Article IV, Section 1,B,C,D, and Section 5,A, other duties of the Executive  
40 Committee shall include the following:

41 The Executive Committee shall monitor procedures in grievance actions to determine whether  
42 they are in compliance with relevant government documents of the University of Wisconsin  
43 Oshkosh, including the Faculty Constitution, Personnel Rules, guidelines promulgated for  
44 personnel issues, and relevant bylaws. The Executive Committee shall ensure that governance  
45 practices in the university are consistent with the Constitution. It will report instances of non-  
46 compliance and/or inconsistency in procedures and practices to the Faculty Senate.

#### 47 **Section 2. Constitution and Bylaws Committee.**

## Faculty Senate Bylaws

1 Pursuant to the Faculty Constitution, Article VI, Section 2, the Constitution and Bylaws Committee is  
2 established by these Senate Bylaws.

3 A. Responsibility - The Constitution and Bylaws Committee will regularly review the Faculty  
4 Constitution and the Faculty Senate Bylaws and propose changes as needed to the Faculty  
5 Senate. Questions of constitutionality and of Faculty Constitution and Faculty Senate Bylaws  
6 interpretation will be referred to the Constitution and Bylaws Committee. It will make  
7 recommendations to the Faculty Senate which, by majority vote, will make determinations about  
8 constitutional questions. The committee will review college, school, department, or equivalent  
9 unit bylaws for consistency with the Faculty Constitution. It will make recommendations for  
10 revision if necessary to the unit, or, if the proposed bylaws are found to be consistent with the  
11 Constitution, it will make a recommendation to the Senate for acceptance.

12 B. Membership - The Constitution and Bylaws Committee will have four (4) members. Three (3)  
13 will be senators elected by the Senate at the beginning of the Fall Term. Nominations will be  
14 made by the Executive Committee; other nominations may be made from the floor. Upon  
15 election, members will serve for the duration of their current terms on the Senate. The Senate  
16 past president will serve as non-voting, ex-officio member of the committee.

17 C. Chair - The committee chair will be elected by the committee for a one-year renewable term.

18 D. Reporting - The committee will report to the Faculty Senate.

### 19 **Section 3. Elections Committee.**

20 Pursuant to the Faculty Constitution, Article VI, Section 2, the Elections Committee is established by  
21 these Senate bylaws.

22 A. Responsibilities of the Elections Committee - Election of Faculty Senators: The Elections  
23 Committee will conduct elections of faculty senators and reapportion representation on the  
24 Senate in accordance with provisions of the Faculty Constitution and the Faculty Senate  
25 Bylaws.

26 Referenda and Ratification Votes: The Committee will conduct university-level faculty referenda  
27 and constitutional ratification votes in accordance with provisions of the Faculty Constitution  
28 and the Faculty Senate Bylaws.

29 B. Membership - The Elections Committee will have three members from the Faculty Senate,  
30 elected by the Senate early in the fall term. The Faculty Senate Executive Committee will  
31 nominate three senators for Senate approval. Nominations may also be made from the Senate  
32 floor.

33 C. Chair - The chair will be chosen by the committee.

### 34 **Section 4. Committee on Committees.**

35 Pursuant to the Faculty Constitution, Article VI, Section 2, the Committee on Committees is established  
36 by these Senate bylaws.

37 A. Responsibilities of the Committee on Committees

38 1. Faculty Survey - The Committee on Committees will survey the faculty no later than March  
39 1 of each year to determine interest, experience, and qualifications for service on preferred  
40 committees.

41 2. Appointment of Committees - The Committee on Committees will recommend for Senate  
42 confirmation faculty members for all university standing and ad hoc committees. The chair  
43 of the Committee on Committees will report to the faculty the names of faculty committee  
44 members.

45 3. Evaluation - The Committee on Committees will initiate a process of evaluating each  
46 committee. It will report its findings with recommendations to the Faculty Senate. At least  
47 every five years after the initial evaluation, the Committee on Committees will evaluate  
48 committee functions and report its findings with recommendations to the Senate.



## Faculty Senate Bylaws

1 B. Membership - The Committee on Committees will have nine (9) members. Eight (8) will be  
2 faculty elected early in the Spring term by the Faculty Senate, one each from Humanities, Fine  
3 and Performing Arts, Social Science, Math/Science, Business, Education, and the combined  
4 areas of Nursing and Services. The Faculty Senate Executive Committee will prepare a slate of  
5 candidates, being diligent to include women and minorities, from the list of faculty who have  
6 expressed an interest in serving. Nominations may also be made from the Senate floor. The  
7 members will serve three-year terms staggered by lot at the initial meeting. A Faculty Senate  
8 Executive Committee's member-at-large will be an ex-officio member of the committee. No  
9 individual may serve more than two consecutive terms on this committee.

10 C. Chair - The chair of the Committee on Committees will be elected by the committee from among  
11 the eight elected members. The chair will serve a one-year term renewable by election for a  
12 maximum of three consecutive terms. The chair is responsible for: facilitating committee  
13 meetings; conducting the election for chair in the Fall; and informing the Faculty Senate office  
14 of resignations of committee members and changes in the committee chair.

15 D. Reporting - The chair of the Committee on Committees will report to the Faculty Senate.

### 16 **Section 5. Nominating Committee.**

17 The Nominating Committee is described in these bylaws, Article III, Section 2.

18 (See GOV 3 for a list of additional Faculty Senate committees.)

### 19 **Section 6. Ad Hoc Committees.**

20 Ad hoc committees may be created by the Faculty Senate, pursuant to Article VI, Section 3 of the Faculty  
21 Constitution.

### 22 **Section 7. Combined Meeting of Committee Chairs.**

23 At least once each semester the Faculty Senate president shall convene a combined meeting of all  
24 chairs of the Committees of the Senate (ARTICLE VII), and all chairs of Faculty Senate Committees  
25 (GOV 3). The purpose of the meeting is for the president to review and assess committee activities.  
26 Committee chairs shall advise the president on matters of productivity and efficiency of all faculty  
27 governance committees. Committee chairs shall report to the president on all committee activities and  
28 the success of their committee in fulfilling committee responsibilities. The form and frequency of chair  
29 reports will be at the discretion of the President. The combined meeting of committee chairs shall have  
30 no policy making authority.

### 31 **ARTICLE VIII. Faculty Committees.**

32 The present committee structure will be maintained until the faculty approves a revised committee  
33 structure, pursuant to Article VI, Section 1, of the Faculty Constitution.

### 34 **ARTICLE IX. Amendments to the Bylaws.**

35 Proposed amendments to the bylaws shall be submitted to the Constitution and Bylaws Committee of  
36 the Faculty Senate. The Committee shall review the proposed amendment and place it on the agenda  
37 of a regular or special session of the Faculty Senate. Written copies of the proposed amendment, with  
38 the Committee's recommendations, shall be distributed to Senate members at least three days before  
39 a regular or special session of the Senate and must be approved by a majority of the members present  
40 and voting.

### 41 **ARTICLE X. Ratification of the Bylaws.**

42 Ratification and adoption of these bylaws shall be by a majority vote of the Faculty Senate.

## Faculty Senate Committees

### 1 **GOV 3. FACULTY SENATE COMMITTEES.**

2 Amended December 11, 2001  
3 Amended April 9, 2002  
4 Amended May 20, 2003  
5 Amended April 5, 2005  
6 Amended May 3, 2005  
7 Amended March 13, 2012

8 The following committees serve the University at large by studying particular areas of faculty concern  
9 and making recommendations to the administration through the Faculty Senate. These faculty standing  
10 committees, as distinct from ad hoc and departmental and divisional committees, are appointed by the  
11 Committee on Committees of the Faculty Senate from a list of volunteers compiled by questionnaire.  
12 Appointments are made annually, in the fall, on a three-year rotational basis--one third of each  
13 committee membership eligible for replacement or reappointment each year. The number of members  
14 staffing a committee varies in some cases as needs dictate.

#### 15 **GOV 3.1. Academic Policies Committee.**

- 16 A. Responsibilities- The Academic Policies Committee, subject to Senate approval, will carry out  
17 the faculty's responsibility for the academic policies and programs of the university. For more  
18 specific information, see the Faculty Senate Academic Policies Committee document approved  
19 by the Faculty Senate on March 1, 1994 (name changed - September 13, 1994) (Revised  
20 October 11, 1994).
- 21 B. Membership - Membership will include two faculty senators appointed by the Senate; three  
22 faculty members recommended by the Committee on Committees and appointed by the Senate;  
23 five faculty members representing the curriculum committees of each of the four colleges and  
24 the Graduate Studies Course Approval Committee; three students (2 undergraduate; 1  
25 graduate) appointed by OSA; and one academic staff member appointed by the Senate of  
26 Academic Staff. The Provost and Vice Chancellor or his or her designate will serve as a liaison  
27 and as a non-voting member. Terms of the representatives from college curriculum committees  
28 and the Graduate Studies Course Approval Committee will be determined by those committees.  
29 Terms of Senators will be their terms as senators. The three at-large faculty will serve three-  
30 year staggered terms. It is recommended that the Senate of Academic Staff appointment be a  
31 instructional academic staff appointment.
- 32 C. Chair - The chair of the Academic Policies Committee will be elected by the Academic Policies  
33 Committee. The term will be for one year, renewable for a maximum of three years.

#### 34 **Gov 3.2. University Studies Committee**

35 Charge - The University Studies Committee is responsible for the management, review,  
36 assessment, and approval of courses for the University Studies Program. In carrying out this  
37 general charge, the committee will periodically review university studies requirements and  
38 curriculum and will formulate and recommend any policy changes it deems appropriate. The  
39 committee will develop criteria for approving courses that satisfy University Studies  
40 requirements.

41 The University Studies Committee will participate in any University-wide process to assess, plan  
42 or change the University Studies Program. Any proposals concerning the University Studies  
43 Program originating outside of the University Studies Committee will be received and  
44 considered by the committee. The committee may hold hearings on the University Studies  
45 Program or on any proposals concerning it and may submit proposals to a faculty referendum.

46 All actions of the committee will be determined by a majority vote of the committee. All actions  
47 affecting the University Studies Program will be determined by recorded vote of the committee.

48 The committee will forward its recommendations directly to the Faculty Senate. As it deems  
49 appropriate, the committee may send its recommendations to other governance groups, such  
50 as the Chair of the Academic Policies Committee (APC), the University Registrar, the President  
51 of Faculty Senate, the Chair of the University Assessment committee and the Provost.

52 The Faculty Senate and/or the Academic Policies Committee may assign other tasks  
53 concerning the University Studies Program to the University Studies Committee.

## Faculty Senate Committees

1 Membership - The committee consists of thirteen (13) members: seven (7) faculty appointed by  
2 the Faculty Senate (to ensure that all three Professional Colleges and all four divisions of COLS  
3 are represented); one (1) Director of the University Studies Program; one (1) academic staff  
4 appointed by the Senate of Academic Staff; one (1) Director of the First Year Experience; one  
5 (1) Chair of the Faculty Senate Assessment Committee; one (1) non-voting Provost  
6 Administrative Representative; and one (1) undergraduate student appointed by the Oshkosh  
7 Student Association. The seven (7) faculty members will serve three-year staggered terms so  
8 that the terms of all seven (7) do not end at the close of the same academic year. On first  
9 implementing staggered terms four (4) faculty will serve for two (2) years and three (3) faculty  
10 will serve for three (3) years. Academic staff terms will be for two (2) years. The Director of the  
11 University Studies Program, the Director of the First Year Experience, the Chair of the Faculty  
12 Senate Assessment Committee; and The Provost's Administrative Representative will serve  
13 indefinite terms for the duration of their respective appointments. The student term will be for  
14 one (1) year. If a member does not attend meetings for a semester, that member's position will  
15 be deemed vacant and filled as specified above.

16 Chair - The Chair of the University Studies Committee will be elected by the members of the  
17 committee at its first meeting in the new academic year. The Chair must be a faculty member.  
18 The term of the Chair will be for one (1) year renewable for a maximum of three (3) years. The  
19 Chair serves on Academic Policies Committee (APC) and may be on additional APC  
20 committees.

21 Reporting - The Chair of the University Studies Committee will forward a copy of the minutes of  
22 meetings to the President of the Faculty Senate.

### 23 **GOV 3.3. Administrators Evaluation Committee.**

24 A. Responsibilities - The committee will ensure faculty participation in the evaluation of  
25 administrators as specified in The Faculty Senate Constitution Article II Section 6. Specific  
26 procedures for providing participation in the evaluation of administrators above the Dean's level  
27 will be recommended to the Faculty Senate. Further it will maintain and publish a schedule for  
28 evaluation of academic administrators at and above the Dean's level and will recommend to the  
29 Senate changes in policies for the provision of faculty participation in the evaluation of  
30 administrators.

31 B. Membership - The committee will consist of seven (7) faculty members with rotating three- year  
32 terms. At least one member of the committee will be a member of the Faculty Senate. The  
33 Committee on Committees will recommend potential committee members with final  
34 appointments being made by the Faculty Senate.

35 C. Chair - The chair of the committee will be elected by the committee from among the members.  
36 The chair will serve a one-year term renewable by election for a maximum of three consecutive  
37 years. The chair is responsible for: facilitating committee meetings; conducting the election for  
38 chair in the Fall; and informing the Faculty Senate office of resignations of committee members  
39 and changes in the committee chair.

### 40 **GOV 3.4. Faculty Senate Committee on Assessment of Student Learning (FSCASL).**

41 A. Responsibilities - Coordinate assessment efforts including (but not limited to) assessment in  
42 verbal and quantitative areas; assessment of general education program; assessment of  
43 undergraduate major programs, assessment of graduate programs. Monitor assessment  
44 activity including publication of program goals in appropriate documents; integration of  
45 assessment into program review; connecting assessment to program improvement. Plan  
46 including the development of university assessment plan; the development of professional  
47 development opportunities related to assessment; and determining budget requirements and  
48 advocating budgetary support for assessment activities.

49 B. Membership - Twelve members. One faculty member (nominated by Committee on Committees  
50 and appointed by the Faculty Senate) from each of these constituencies: Fine and Performing  
51 Arts, Social Science, Math/Science, Humanities, Business Administration, Nursing, Education  
52 (total seven (7) members); one Faculty Senator appointed by the Senate to serve as liaison to  
53 the Senate; two students appointed by OSA; one member of instructional academic staff

## Faculty Senate Committees

1 appointed by the Senate of Academic Staff; one member appointed by the Provost and Vice  
2 Chancellor. The seven (7) faculty will serve three- year staggered terms. The Senate liaison  
3 term will be the same as the term as senator. Student terms will be decided by OSA. The  
4 academic staff term will be decided by the Senate of Academic Staff.

5 C. Chair - The Faculty Senate Executive Committee will select the chair from the membership. The  
6 term of chair shall be for one year. The chair may be reappointed up to three years.

### 7 **GOV 3.5. Budget Committee.**

8 A. Responsibilities - The Faculty Senate Budget Committee will gather and review information and  
9 provide advice and recommendations to the Faculty Senate on issues related to the budget.

10 B. Membership - The committee will have six (6) members with rotating three-year terms. At least  
11 one member of the committee will be a member of the Senate Executive Committee. The  
12 Committee on Committees will recommend potential committee members with final  
13 appointments being made by the Faculty Senate. No one may serve more than three  
14 consecutive terms on this committee.

15 C. Chair - The chair will be chosen by the members. The chair will serve a one-year term renewable  
16 by election for a maximum of three consecutive years. The chair is responsible for: facilitating  
17 committee meetings; conducting the election for chair in the Fall; and informing the Faculty  
18 Senate office of resignations of committee members and changes in the committee chair.

### 19 **GOV 3.6. Compensation Committee.**

20 A. Responsibilities - Members of the Faculty Senate Compensation Committee serve on the  
21 University Compensation Committee. The Faculty Senate Compensation Committee will  
22 provide advice and recommendations to the Faculty Senate on issues related to faculty  
23 compensation.

24 B. Membership - The committee will have eight (8) members with rotating three-year terms. At  
25 least one member of the committee will be a member of the Faculty Senate. The Committee on  
26 Committees will recommend potential committee members with final appointments being made  
27 by the Faculty Senate. No member may serve on this committee for more than three  
28 consecutive terms.

29 C. Chair - The chair of the committee will be elected by the committee from among the members.  
30 The chair will serve a one-year term renewable by election for a maximum of three consecutive  
31 years. The chair is responsible for: facilitating committee meetings; conducting the election for  
32 chair in the Fall; and informing the Faculty Senate office of resignations of committee members  
33 and changes in the committee chair.

### 34 **GOV 3.7. Conference Committee.**

35 A. Purpose - The purpose of the conference committee is to clarify and perhaps resolve differences  
36 in actions or decisions between the Senate of Academic Staff and Faculty Senate on issues  
37 deemed to have significant impact to these governance groups or the institution.

38  
39 The use of a conference committee is guided by the principle that efficient shared governance  
40 is accomplished, in part, by the timely collaborative resolution of differing actions or decisions.

#### 41 B. Procedure

42 1. When there is an action/decision upon which the Senates take differing positions, a  
43 representative from either Senate may request to form a conference committee. The  
44 request will be made to any member of the Senate's executive committee.

45 2. The request would be posed to each executive committee of the Senates and they would  
46 decide if they wish to form a conference committee regarding the action/decision in  
47 question. This assumes the executive committees have the authority from their Senates to  
48 determine and form a conference committee if necessary.

49 3. Representation from each Senate on the conference committee shall be equal with each  
50 member of the committee having one equal vote. Each Senate reserves the right to have

## Faculty Senate Committees

- 1 senator(s) in addition to or in replacement of any member(s) of its executive committee as  
2 deemed necessary for the conference committee to do its work.
- 3 4. Upon approval to form a conference committee, each Senate agrees to begin the process  
4 as quickly as possible to not delay generating a committee proposal.
- 5 5. The conference committee will be expected to meet and complete a proposal by the next  
6 regularly scheduled meeting of each Senate or within a reasonable time so as not to  
7 unnecessarily delay a vote on the proposal.
- 8 6. Each Senate will vote on the proposal of the conference committee. Each Senate has two  
9 options;
- 10 a. Vote to approve or not approve the proposal as presented by the conference  
11 committee.
- 12 b. Ask the conference committee for an amended proposal. The Senates may ask the  
13 conference committee only one time for an amendment. When the conference  
14 committee returns with an amended or the original proposal, each Senate will vote to  
15 approve or not approve.
- 16 7. The full senate vote after a. or b. above is final. If the conference committee proposal is not  
17 accepted, each Senate agrees to respect the other Senate's differing action/decision.

18 All final votes will be forwarded to the appropriate party(ies) as required.

### 19 **GOV 3.8. Faculty Advocacy Committee.**

- 20 A. Responsibilities – The Faculty Advocacy Committee works to increase understanding of the  
21 work and value of University faculty in the community, among businesses, and with the media  
22 and government. The committee addresses issues of representation and perception of the  
23 faculty and advocates on different levels for the needs and concerns of the faculty, in support  
24 of and in collaboration with the Faculty Senate.
- 25 B. Membership – The committee will have at least seven (7) faculty members with rotating three-  
26 year terms. Membership will normally include when possible one representative from each  
27 major constituency and at least one member of the faculty senate.
- 28 C. Chair – The chair will be elected from among the members. The chair will serve a two-year term  
29 by election for a maximum of three consecutive terms.

### 30 **GOV 3.9. Hearings Committee.**

31 Membership and responsibilities of the Hearings Committee are specified in Chapter 9 of the Faculty  
32 Personnel Materials in this handbook. All tenured faculty members. Hearing Subcommittees are drawn  
33 from the committee.

### 34 **GOV 3.10. Improvement of Instruction Committee.**

- 35 A. Responsibilities - The Faculty Senate Improvement of Instruction Committee will recommend  
36 university policies on instruction to the Faculty Senate. In cooperation with unit faculty and  
37 appropriate university officers, the committee makes recommendations for implementation of  
38 improvement and evaluation of teaching. It will maintain communication with appropriate  
39 committees and with appropriate university officers and agencies for the purpose of regularly  
40 reviewing and making recommendations to the Faculty Senate about matters related to  
41 teaching; such matters will include but not be limited to course scheduling, the calendar, use of  
42 university facilities, space for instruction, textbook orders, availability of library, computer, and  
43 other technological resources for instruction.
- 44 B. Membership - The committee will have five (5) faculty members with rotating two-year terms.  
45 (At least one member of the committee will be a member of the Faculty Senate) and one  
46 Instructional Academic Staff member. The Faculty Senate Committee on Committees will  
47 recommend potential committee members with final appointments being made by the Faculty  
48 Senate. Academic Staff membership shall be determined by the Academic Staff Committee on  
49 Committees. No one may serve more than three consecutive terms on this committee.

## Faculty Senate Committees

- 1 C. Chair - The chair of the committee will be elected by the committee from among the members.  
2 The chair will serve a one-year term renewable by election for a maximum of three consecutive  
3 years. The chair is responsible for: facilitating committee meetings; conducting the election for  
4 chair in the Fall; and informing the Faculty Senate office of resignations of committee members  
5 and changes in the committee chair.

### 6 **GOV 3.11. Nominations Committee.**

7 The method of selection and the duties of the Nominations Committee are described in Article III,  
8 Sections 1 & 4 of the Faculty Constitution.

### 9 **GOV 3.12. Personnel Policies Committee.**

- 10 A. Responsibilities - The Personnel Policies Committee is responsible for recommending to the  
11 Faculty Senate changes in the personnel rules in order to both improve the quality of the  
12 university's personnel management process and to assure that the rules conform with  
13 applicable university, system, state, and federal regulations. In addition the Personnel Policies  
14 Committee will provide interpretations of the rules in response to Faculty Senate requests.
- 15 B. Membership - The committee will consist of seven (7) faculty members with rotating three- year  
16 terms. No one may serve more than two consecutive terms on this committee. At least one  
17 member of the committee will be a member of the Faculty Senate. The Committee on  
18 Committees will recommend potential committee members with final appointments being made  
19 by the Faculty Senate. The Provost and Vice Chancellor will appoint an administrative  
20 representative as liaison to the committee.
- 21 C. Chair - The chair of the committee will be elected by the committee from among the members.  
22 The chair will serve a one-year term renewable by election for a maximum of three consecutive  
23 years. The chair is responsible for: facilitating committee meetings; conducting the election for  
24 chair in the Fall; and informing the Faculty Senate office of resignations of committee members  
25 and changes in the committee chair.

26

# Academic Staff Governance

## GOV 4. ACADEMIC STAFF GOVERNANCE.

### GOV 4.1. Academic Staff Governance Rights.

Academic staff members at the University of Wisconsin Oshkosh are granted institutional governance rights by state statute. These rights are specified in section 36.09(4m), of the *Wisconsin Statutes*, which reads as follows:

"36.09(4m) Academic Staff. The academic staff members of each institution, subject to the responsibilities and powers of the board, the president and the Chancellor and faculty of the institution, shall be active participants in the immediate governance of and policy development for the institution. The academic staff members have the primary responsibility for the formulation and review, and shall be represented in the development, of all policies and procedures concerning academic staff members, including academic staff personnel matters. The academic staff members of each institution shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance."

### GOV 4.2. Senate of Academic Staff Bylaws.

*Adopted May 1981*

*Bylaws Revised April 15, 1999*

*Bylaws Revised October 6, 2000*

*Bylaws Revised November 1, 2001*

*Bylaws Revised April 24, 2003*

*Bylaws Revised April 28, 2005*

*Bylaws Revised December 15, 2005*

*Bylaws Revised October 05, 2006*

*Bylaws Revised March 06, 2008*

### ARTICLE I. NAME.

The name of the organization is the Senate of Academic Staff, herein referred to as the Senate.

### ARTICLE II. PURPOSES.

The Senate shall (1) supervise and conduct the election of its members; (2) elect its own officers; (3) schedule and conduct its own meetings; (4) form and revise its own bylaws and rules of proceedings; (5) advise the Chancellor on matters pertaining to the *UW System Unclassified Personnel Guidelines No. 7* which deals with designating positions as "academic staff"; (6) advise the Chancellor on policies and procedures for the academic staff adopted pursuant to *UW System 9-14*, and prepare and propose for the Chancellor's approval needed changes in the policies and procedures; (7) serve as a hearing body (see *GOV 4.3.B*); and (8) perform such other tasks as it deems appropriate to its status as an active participant in the immediate governance of, and policy development for, the University of Wisconsin Oshkosh, subject to the responsibilities and powers of the Chancellor, the faculty and the students.

### ARTICLE III. MEMBERSHIP.

A. The Senate shall consist of fifteen (15) members, herein referred to as a Senator, selected from those eligible to serve. Those eligible to serve and to vote include all academic staff members (and faculty serving in academic staff positions which became academic staff positions under the definitions of faculty and academic staff in Chapter 36, Wisconsin Statutes).

B. To determine service eligibility for the Senate, all academic staff members will be placed in one of two categories: Instructional or Professional/Administrative. The Election Committee shall determine the composition of the Senate based on the most recent year FTE apportionments in the three constituent categories of Instructional, Professional/Administrative, and Student Services with Professional/Administrative and Student Services combined into one category.

C. All academic staff members who have a current contract at the time of the election, regardless of tenure in position, are eligible to participate in the election of members to the Senate.

### ARTICLE IV. TERM OF OFFICE.

**Senate of Academic Staff**

- 1 A. Senators are elected for a three-year term. The term of office begins at the first meeting in May  
2 immediately following election or re-election, and expires three years hence on April 30. No  
3 Senator can serve more than three consecutive terms.
- 4 B. The term of office for members of the Executive Committee is as follows: one year for the  
5 President, President-Elect, Secretary and Member-At-Large, and two years for the Vice  
6 President.
- 7 C. The President-Elect shall assume the presidency at the first meeting in May at the conclusion  
8 of a President's term of office. In the event the President-Elect cannot succeed to the  
9 presidency, a former officer who still has a term of service shall be the moderator for the May  
10 meeting in the following priority:
  - 11 1. President
  - 12 2. Vice President
  - 13 3. Secretary
  - 14 4. Member-At-Large
  - 15 5. Seniority of Senators
- 16 D. If a Senator is serving as President-Elect or Vice President and his or her Senator term of office  
17 expires, it shall be extended through the end of the President or Vice President term of office.  
18 Therefore, the conclusion of the Senator's term of office will coincide with the conclusion of his  
19 or her President or Vice President term of office.

**ARTICLE V. ELECTION PROCEDURES.**

- 21 A. Elections are to be held in the spring of each academic year and completed no later than April  
22 25.
- 23 B. The Elections Committee will determine apportionment of each academic staff constituent  
24 category via the following formula:

Academic Staff Constituent Category FTE	Divided by total FTE	Equals percentage of FTE	Times (number of senate seats)	15 of	Equals number of constituent seats to be apportioned
<i>Example:</i> 141.14 (Instr'l FTE)	<i>Example:</i> 439	<i>Example:</i> 32%	<i>Example:</i> 15		<i>Example:</i> 5

- 25
- 26 C. Calculation of apportionment will occur at the beginning of the spring semester in each odd-  
27 numbered year.
- 28 D. Election ballots will be collected and tabulated in the Senate office, with oversight by the Election  
29 Committee. The candidate or candidates, depending on the number of constituent seats on the  
30 ballot, who receive the highest number of votes, a plurality, within each constituent category,  
31 are elected to a term of office.
- 32 E. Senate vacancies: In the case of a Senate vacancy prior to the next election, the President will  
33 appoint the next highest vote getter in the appropriate category to fill the remainder of term. If  
34 no one is able to serve who had been on the ballot, the President may appoint any eligible  
35 academic staff member in the appropriate category.
- 36 F. Referendums: In order to place a referendum question on a Senate election ballot, the Senate  
37 must approve the referendum question by a simple majority vote.

**ARTICLE VI. OFFICERS AND EXECUTIVE COMMITTEE.**

39 The President, President-Elect, Vice President, Secretary, and Member-At-Large shall constitute the  
40 Executive Committee. The President, President-Elect, Vice President (when necessary), Secretary, and



## Senate of Academic Staff

1 Member-At-Large shall be elected by the Senate from the Senate at the first meeting in May. The order  
2 of presidential succession is as follows: President-Elect, Vice President, Secretary, Member-At-Large  
3 then Seniority of Senators. Officers shall assume responsibilities at that time, as follows:

- 4 A. *President* - Calls meetings of the Senate; presides over the Senate; coordinates activities; is a  
5 member of the University Compensation Committee, the Provost's Administrative Staff, and U-  
6 PLAN; communicates with the Chancellor, the Faculty Senate, and the Oshkosh Student  
7 Association and Classified Staff Advisory Council on a regular basis; and prepares an annual  
8 report of Senate activities for distribution to all academic staff at the end of his or her term. The  
9 President calls and presides over meetings of the Executive Committee and may act for the  
10 Executive Committee when it is not available.
- 11 B. *President-Elect* – Represents the Senate at meetings as designated by the President, and is a  
12 member of the University Compensation Committee and U-PLAN. The President-Elect takes  
13 the place of the President when the President is not available.
- 14 C. *Vice President* - Chairs the Committee on Committees and is a member of the University  
15 Compensation Committee.
- 16 D. *Secretary* - Keeps minutes of the Senate meetings, coordinates the Senate website with the  
17 Senate webmaster, maintains the Senate Bylaws and prepares communication as needed.
- 18 E. *Member-At-Large* - Chairs the Election Committee. A Senator serving his or her first term is  
19 preferred. It is preferred that the Member-At-Large serve as the Senate representative to the  
20 Faculty Senate, Oshkosh Student Association and/or the Classified Staff Advisory Council.
- 21 F. *The Executive Committee* - Acts for the Senate when the Senate is not in session or when  
22 emergency situations or special circumstances warrant such action, e.g., limited decision time  
23 or special requests.

### 24 **ARTICLE VII. MEETINGS.**

- 25 A. Regular and special meetings will be called by the President as deemed necessary.
- 26 B. A quorum for any meeting of the Senate shall be eight (8) members.
- 27 C. All official resolutions introduced in the Senate will be numbered according to the year and the  
28 order of the resolution, e.g., SAS0607-01 would be used to number the first resolution  
29 introduced in the 2006-2007 academic year.
- 30 D. Any dispute regarding meeting procedures shall be resolved by reference to Sturgis Standard  
31 Code of Parliamentary Procedure unless otherwise covered by the Senate Bylaws. The  
32 President will appoint a member of the Senate as Parliamentarian at the first meeting in May.
- 33 E. Attendance: Senators must attend at least 75% of the regularly scheduled meetings in a given  
34 academic year to retain their seat. The President may identify persons with a low attendance  
35 and the Senate may remove them from office by an affirmative, secret ballot vote of two-thirds  
36 of the membership of the Senate. The President will appoint the next highest vote getter from  
37 the most recent election in the appropriate category to fill the remainder of term. If no one is  
38 able to serve who had been on the ballot, the President may appoint any eligible academic staff  
39 member in the appropriate category. Proxy or absentee voting is not allowed.
- 40 F. Leave of absence: If a Senator knows he or she will not be able to attend meetings for a period  
41 of time, he or she may request a leave of absence from Senate duties. This request is acted  
42 upon by the Executive Committee. The President will appoint an eligible academic staff member  
43 to serve the Senate during the absence. Such a replacement has full voting rights and  
44 privileges. Leaves may be requested for up to one academic year. Senators expecting a longer  
45 leave are encouraged to resign their Senate seat.

### 46 **ARTICLE VIII. COMMITTEES.**

- 47 A. *Election Committee*: Comprised of the Member-At-Large (who will serve as chair) and two (2)  
48 Senators who serve for one election cycle and are recommended by the Senate and appointed  
49 by the President in the fall preceding the spring election. The committee's charge is to conduct  
50 general election of Senators and the internal Executive Committee election. This includes

## Senate of Academic Staff

1 recruitment of potential candidates, ballot creation, and vote counting. The committee will  
2 resolve conflicts concerning placement of academic staff in respective constituent categories.  
3 Members of this committee may not be on the ballot. If a committee member decides to run for  
4 the Executive Committee, he or she must resign from the committee prior to the Executive  
5 Committee election.

6 B. *Committee on Committees*: Comprised of the Vice President (who will serve as chair) and two  
7 (2) Senators, who serve for one year and are recommended by the Senate and appointed by  
8 the President. The committee shall screen qualified academic staff members and present  
9 recommendations to the Senate for the purpose of making needed internal and University  
10 committee appointments.

11 C. *Outstanding Service Award Committee*: Comprised of at least five (5) academic staff members  
12 recommended by the Senate and appointed by the President. The length of terms will be  
13 staggered to assure continuity. The committee will elect its own chair. The committee will solicit  
14 nominations, review credentials and forward recommendations to the Chancellor. See ACS 13.

15 D. *Professional Development Committee*: Comprised of four (4) academic staff members who  
16 serve for three years with a maximum 2 consecutive terms and are recommended by the Senate  
17 and appointed by the President; the Faculty Development Board chair (who will serve as chair);  
18 and the Director of Grants. The committee reviews and makes funding recommendations for  
19 the Academic Staff Professional Development component of the Faculty Development Board.  
20 Recommendations are forwarded by the Faculty Development Board to the Provost for action.

21 E. *Instructional Academic Staff Committee*: Comprised of the Senators from the Instructional  
22 Academic Staff category. The committee's charge is to examine and identify issues specific to  
23 Instructional Academic Staff and bring to the attention of the Senate those issues. The  
24 committee will elect its own chair.

25 F. *Conference Committee*: Comprised of equal members of Senators from the Senate of  
26 Academic Staff and Senators from the Faculty Senate for the purpose of clarifying and resolving  
27 differences in actions or decisions between the two governance groups on issues deemed to  
28 have a significant impact on the campus community.

29 G. *Special Subcommittees*: Recommended by the Senate and appointed by the President as  
30 needed.

### 31 **ARTICLE IX. REPRESENTATIVES TO OTHER LEADERSHIP GROUPS.**

32 The Senate will appoint representatives to the following:

33 A. Faculty Senate: a Senator, with preference for the Member-at-Large or other Executive  
34 Committee member.

35 B. Oshkosh Student Association: a Senator, with preference for the Member-at-Large or other  
36 Executive Committee member.

37 C. Classified Staff Advisory Council: a Senator, with preference for the Member-at-Large.

38 D. UW System Academic Staff Representatives Council: a current or former Senator is preferred,  
39 otherwise, an academic staff member eligible for election. Attends Executive Committee  
40 meetings as a non-voting member. If a non-Senator is appointed to this position, he or she will  
41 also attend Senate meetings, as necessary, as an ex-officio, non-voting member.

42 E. Academic Staff Professionals Representation Organization: an academic staff member who is  
43 a current member of ASPRO. If a non-Senator is appointed to this position, he or she will also  
44 attend Senate meetings, as necessary, as an ex-officio, non-voting member. This appointment  
45 will be made in coordination with ASPRO.

### 46 **ARTICLE X. CHANGING THE BYLAWS.**

47 The Bylaws of the Senate of Academic Staff may be changed by the affirmative vote of two-thirds of the  
48 membership of the Senate. Before such a vote will take place, members of the Senate must be given  
49 notice regarding the intent to vote on proposed changes to the Bylaws. All proposals must be discussed  
50 during at least one Senate meeting prior to a vote on the proposed changes. At a minimum, the Bylaws

## Senate of Academic Staff

1 shall be revisited and revised, if necessary, in the spring semester of every even-numbered calendar  
2 year.

### 3 **GOV 4.3. Senate of Academic Staff.**

#### 4 A. Election of Senate Members.

5 See Senate of Academic Staff Bylaws in GOV 4.2, Article III.

#### 6 B. Functions.

7 The Senate of Academic Staff shall have the following functions:

8 (1) to supervise and conduct the election of members to the Senate;

9 (2) to elect its president and other officers;

10 (3) to form and revise its own by-laws and rules of proceedings;

11 (4) to schedule and conduct its own meetings;

12 (5) to advise the Chancellor on matters pertaining to the UW System Unclassified Personnel  
13 Guideline No. 7 which deals with designating positions as "academic staff";

14 (6) to advise the Chancellor on policies and procedures for the academic staff adopted  
15 pursuant to Chapters UWS 9 through 14, and to prepare and propose for the Chancellor's  
16 approval needed changes in the policies and procedures;

17 (7) to serve as a hearing body (*see GOV 4.3.C below*); and

18 (8) to perform such other tasks as it deems appropriate to its status as an active participant in  
19 the immediate governance of and policy development for the University of Wisconsin  
20 Oshkosh, subject to the responsibilities and powers of the Chancellor, the faculty, and the  
21 students.

#### 22 C. Hearing Committee.

23 The Senate of Academic Staff shall be responsible for forming the hearing bodies required by  
24 the UW System and University of Wisconsin Oshkosh academic staff rules.

##### 25 (1) Membership.

26 When it becomes necessary to form a hearing body, the president of the Senate shall be  
27 responsible for forming a three-member hearing committee according to the following  
28 procedures:

29 (a) The three members shall be chosen from the Senate by the president, using random  
30 selection procedures. The chairperson of the hearing committee shall be appointed  
31 from among these three by the president.

32 (b) The president of the Senate shall not serve as a member of any hearing committee.

33 (c) No member of the Senate shall serve simultaneously on more than one committee  
34 hearing individual cases.

35 (d) The following are disqualified from service on a hearing committee: (1) any individual  
36 who participated in the initiation, formulation, investigation or filing of allegations or  
37 charges; (2) any individual who is a member of the concerned academic staff member's  
38 department or equivalent; and (3) any individual who is a material witness.

39 (e) If, in the opinion of the president of the Senate (and with concurrence of the Chancellor),  
40 members are needed to serve on additional hearing committees, they will be randomly  
41 selected by the president from academic staff in at least their third year of service at  
42 University of Wisconsin Oshkosh.

##### 43 (2) Procedures.

44 If a hearing is determined to be necessary, the committee shall operate consistent with the  
45 procedures in this section. Where appropriate, additional procedural requirements indicated

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1 in the other sections of these rules shall apply. Requirements guaranteeing due process  
2 and assuring procedural uniformity include the following:

- 3 (a) At the request of the president of the Senate, and with the concurrence of the  
4 Chancellor, the University shall provide legal counsel to a hearing committee. All parties  
5 shall be notified if legal counsel is to be provided.
- 6 (b) Academic staff members shall be assured of a fair hearing, which will include the right  
7 to present testimony in one's own behalf, the right to offer witnesses, the right to  
8 cross-examine adverse witnesses, and the right to counsel or representation.
- 9 (c) The department or functional equivalent of the academic staff member concerned shall  
10 be consulted and have the opportunity to present evidence or testimony through the  
11 unit Director or other representative(s), as appropriate.
- 12 (d) By a majority vote a hearing committee may, on the motion of one of the academic staff  
13 members involved, or on its own initiative, disqualify any one of its members for cause.  
14 In such case, the president of the Senate shall designate a replacement unless, in  
15 his/her opinion, the disqualification should occur after a significant portion of the hearing  
16 already has taken place. The same replacement procedures shall be followed in the  
17 event a member of the committee is not able to complete the assignment.
- 18 (e) Hearings shall be open or closed in accordance with the Wisconsin Open Meetings  
19 Law.
- 20 (f) A verbatim sound recording shall be made of all formal hearings. Upon written request,  
21 a copy of the recording shall be made available at no cost within a reasonable period  
22 of time to anyone involved in the hearing.
- 23 (g) The committee shall have access to documentary evidence it believes to be pertinent,  
24 including public records and official documents specifically requested by the committee,  
25 and shall have the right to summon witnesses necessary to assure a fair hearing.
- 26 (h) The Chancellor shall assist committees in obtaining witnesses and documents required  
27 for proper conduct of hearings.
- 28 (i) The hearing committee shall not be bound by common law or statutory rules of  
29 evidence; it may admit evidence having reasonable probative value, but shall exclude  
30 immaterial, irrelevant or unduly repetitious testimony, and shall allow the exercise of  
31 legal privileges. Members of the hearing committee who participate in discussion of the  
32 merits and decision-making shall be familiar with all testimony, all deliberations, and all  
33 evidence presented.

### 34 D. Modification or Amendment

35 These policies and procedures may be changed as follows:

- 36 (1) The Senate of Academic Staff must approve any change(s) by an affirmative vote of two-  
37 thirds of the membership of the Senate.
- 38 (2) The president shall transmit all modifications to the Chancellor. Once the Chancellor has  
39 completed his or her review of the proposed change(s), the Chancellor shall inform the  
40 president of his or her concurrence or nonconcurrence with each specific item. Prior to  
41 taking action on a change, the Chancellor may request that the president submit a  
42 statement of rationale in support of any proposed modifications.
- 43 (3) Once the Chancellor has completed his or her action of the proposed changes, he shall  
44 submit the revised rules to the Board of Regents of the University of Wisconsin System.  
45 The Board may undertake a review of these changes; any review must be completed within  
46 90 days. If the Board returns as disapproved any portion of the changes, that portion shall  
47 be suspended until reconsideration and resubmission has taken place.

# College Bylaws

## GOV 5. COLLEGE BYLAWS.

### GOV 5.1. College of Business Bylaws.

Approved May 30, 1985  
Amended February 6, 1986  
Amended September 3, 1986  
Amended September 3, 1991  
Amended February 6, 1992  
Amended June 2, 1995  
Amended September 2, 1997  
Amended May 29, 1998  
Amended March 2, 1999  
Amended April 6, 2001  
Amended May 3, 2002  
Amended April 2, 2004  
Amended November 3, 2006  
Amended March 26, 2007  
Amended October 30, 2007  
Amended March 5, 2010  
Approved by Faculty Senate December 14, 2010

#### Article 1 The College of Business Faculty

#### Article 2 Meetings of the College Faculty

#### Article 3 College of Business Council and Governance Structure

#### Article 4 Appeals and Grievances

#### Article 5 Rules and Amendments

### BYLAWS

All actions and decisions of the College will be made in accordance with the policies and rules of the University as established by United States Law, Wisconsin State Law, the Board of Regents of the Wisconsin System, the Chancellor, and the Faculty Constitution. The College's organizational structure is based on Departments.

#### Article 1 The College of Business Faculty

##### 1.01 Definition of Faculty

1. The College of Business faculty consists of all persons appointed full-time by the University in the rank of instructor or above with the majority of assigned responsibilities in the College of Business. Academic staff members will be automatically eligible to exercise faculty voting rights at the department level if they are working in an instructional assignment with an appointment of more than one-half time in the College and are in their fifth semester (or later). Academic staff working under a limited appointment are ineligible.
2. Voting Rights
  - a. Faculty members as defined in 1.01(1) may vote. Voting rights for instructional academic staff are restricted to department affairs excluding recruitment, tenure, appointment/reappointment and promotion.
  - b. Faculty members on leave of absence or lay-off may attend and vote at meetings.
  - c. Other staff of the College may attend meetings and speak.
  - d. Absentee ballots are not permitted.

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- 1 e. Administrators holding limited appointments do not have voting rights in the  
2 College or Departments.

### 3 1.02 Duties and Powers of the College Faculty

4 Subject to the general jurisdiction of the University of Wisconsin Oshkosh over all  
5 educational matters that concern more than one collegiate unit, the College of  
6 Business faculty has the following duties and powers within their collegiate unit:

- 7 1. Determine the structure, policies, and procedures for the immediate faculty  
8 governance of the College and determine faculty status and voting eligibility.
- 9 2. Form curriculum and long-range curriculum plans and coordinate curriculum  
10 within the College and with other Colleges.
- 11 3. Form College policies concerning the recruiting, evaluation, and appointment  
12 of persons to be assigned to teaching or professional duties in the College  
13 and determine other faculty personnel policies in the College such as tenure,  
14 promotion, salary, merit, faculty development and Compensation for Additional  
15 Service (CAS).
- 16 4. Control matters involving scholarship, including the advancement of students  
17 and dismissal of students for defective scholarship.
- 18 5. Recommend to the University of Wisconsin Oshkosh requirements for  
19 admission, courses of study, conditions of graduation, and the nature of the  
20 degrees conferred.
- 21 6. Administer the regulations for the admission of students to the College of  
22 Business.
- 23 7. Recommend to the Chancellor candidates for degrees in courses of study in  
24 the College.
- 25 8. Recommend students for fellowships, scholarships, and awards.
- 26 9. Establish research and field services and sponsor conferences, institutes,  
27 clinics, and short courses appropriate to the College.
- 28 10. Report to the appropriate Director cases of student misconduct requiring  
29 investigation.
- 30 11. Recommend citations recognizing outstanding achievements by faculty, by  
31 Wisconsin citizens, or by others who are connected with the University or the  
32 state.
- 33 12. Review and make recommendations to appropriate administrative officers  
34 concerning proposals affecting the administration or academic matters of the  
35 College.

### 36 **Article 2 Meetings of the College Faculty**

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### 1 2.01

2 At least three faculty meetings are held each year and these are normally scheduled  
3 for the first Friday of a month. Adjournment is automatic after 90 minutes, unless  
4 suspended by two-thirds vote of faculty in attendance. A quorum required to transact  
5 business consists of one-half of voting members in residence as defined in 1.01 (1).  
6 Additional meetings of the faculty are held at the call of the Dean, the College of  
7 Business Council (COB Council)\_or by petition of 25% of the faculty.

### 8 9 2.02

10 The Dean is the executive officer of the College and has immediate supervision of  
11 the affairs of the College. The Dean is the presiding officer of the faculty.

### 12 13 2.03

14 The Dean transmits to the appropriate body or office of the University of Wisconsin  
15 Oshkosh all actions that are within the concern of that body or office.

### 16 17 2.04

18 Notice and agenda for faculty meetings are prepared by the Dean in consultation  
19 with the COB Council and distributed to members of the College faculty at least five  
20 working days prior to each meeting. Individual faculty members may present items to  
21 the Dean to be placed on the agenda 10 working days prior to the faculty meeting.

## 22 **Article 3 College of Business Council and Governance Structure**

23 The College will have the following standing governance committees and a Council:

24 3.01 College of Business Council (COB Council)

25 3.02 Graduate Programs Committee

26 3.03 Undergraduate Programs Committee

27 3.04 Faculty Review Committee

28 3.05 Full Professor Committee

29 3.06 Task Forces

30 3.07 Departments

31 3.08 Globalization Committee

### 32 3.01 College of Business Council (COB Council)

33 1. Acting as the voice of the faculty, the COB Council provides input to the Dean  
34 concerning resource allocation, College plans, and priorities. It makes  
35 recommendations on policy guidelines relating to salary, merit point  
36 allocations, and other personnel matters consistent with the College policies  
37 and procedures for appointment, renewal, promotion, tenure, and merit. It also  
38 provides input on who should be responsible for those activities that have not  
39 been assigned to a position or group. It establishes election procedures for the  
40 College, solicits candidates from the faculty, and reports all self-nominated  
41 faculty in the agenda prior to the May College meeting. [Additional  
42 nominations may be made from the floor with the consent of the nominees.]  
43 The COB Council may make recommendations to the Dean and the College

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1 faculty. This Council receives recommendations from faculty and departments  
2 of the College.

3 2. The COB Council consists of the Dean (nonvoting) and the Chairs of each  
4 department. The Dean acts as Chair.

5 3. The Council acts as the standing bylaws committee for the College.

### 6 3.02 Graduate Programs Committee

7 1. The Graduate Programs Committee has responsibility to consider all graduate  
8 student programs policy and scholarship matters within the College of  
9 Business. It reports to the total college faculty on all academic matters relating  
10 to graduate program curricula, courses, and requirements. It recommends to  
11 faculty, for faculty approval, graduate curricula policy and makes  
12 recommendations to the Dean on the implementation of academic matters.  
13 This committee functions as the College's Academic Standing Review  
14 Committee for graduate students and acts on the academic matters of  
15 admissions appeals, probation and suspension decisions for graduate  
16 students.

17 2. The Graduate Programs Committee consists of Dean's representative, as a  
18 nonvoting member, and a member elected to a two year staggered term by  
19 each of the college's departments.

20 3. Each year the Chair of the committee is selected from among its voting  
21 members by majority vote at the organizational meeting following election of  
22 new members.

### 23 3.03 Undergraduate Programs Committee

24 1. The Undergraduate Programs Committee has responsibility to consider all  
25 undergraduate student programs policy and scholarship matters within the  
26 College of Business. It reports to the total college faculty on all academic  
27 matters relating to undergraduate program curricula, courses, and  
28 requirements. It recommends to faculty, for faculty approval, undergraduate  
29 curricula policy and makes recommendations to the Dean on the  
30 implementation of academic matters. This committee functions as the  
31 College's Academic Standing Review Committee for undergraduate students  
32 and acts on the academic matters of admissions appeals, probation and  
33 suspension decisions for undergraduate students.

34 2. The Undergraduate Programs Committee consists of the Dean's  
35 representative, as a nonvoting member, and a member elected to a two-year  
36 staggered term by each of the college's departments.

37 3. Each year the Chair of the committee is selected from among its voting  
38 members by majority vote at the organizational meeting following election of  
39 new members.



1 3.04 Faculty Review Committee

2 1. With the exception of the recommendation for promotion to full professor, the  
3 Faculty Review Committee makes recommendations to the Dean with respect  
4 to the renewal, promotion, and tenure of faculty in accordance with the Board  
5 of Regents, University, and College rules and practices governing these  
6 matters. It makes recommendations noted above following evaluation of  
7 credentials. The committee reports to individual faculty members the  
8 committee's recommendations on their renewal, promotion, and tenure. The  
9 committee will be the initial level of review for faculty renewal, promotion and  
10 tenure when department Personnel Committees fall below three members  
11 under the terms of 3.07 (8).

12 2. The Faculty Review Committee maintains, in the College office, minutes of its  
13 actions, including recorded votes on recommendations concerning renewal,  
14 tenure, and promotion. The recorded votes, together with reasons for the  
15 recommendation, are forwarded to the Dean. Written notice of the committee's  
16 recommendation is forwarded to the faculty member in question. Committee  
17 procedures will be consistent with University rules and procedures regarding  
18 personnel matters.

19  
20 3. The Faculty Review Committee consists of members elected to a three-year  
21 staggered term by each of the College's departments.

22  
23 4. The chair of the committee is selected from its membership by majority vote at  
24 the organizational meeting each year following election of new members.

25  
26 5. Members may not vote on promotion to a rank higher than the rank they hold.

27 3.05 Full Professor Committee

28 1. The Full Professor Committee makes recommendations to the Dean on  
29 promotions to the rank of professor following an evaluation of credentials and  
30 in accordance with the Board of Regents and University rules and practices  
31 governing these matters.

32 2. The Full Professor Committee maintains, in the College office, minutes of its  
33 actions including recorded votes on its promotion recommendations. The  
34 recorded votes, together with reasons for the recommendation, are forwarded  
35 to the Dean. Within three working days after its vote, the committee will  
36 provide a written notice of its recorded vote and reasons to the faculty member  
37 in question. A copy of the Dean's recommendations will be forwarded to the  
38 committee.

39 3. The Full Professor Committee consists of five tenured members of the College  
40 faculty as defined in 1.01 (1), who currently have the rank of professor or will  
41 have the rank of professor at the commencement of the member's elected  
42 term in this committee. Membership is elected by the faculty at large for two-

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1 year terms with three positions elected one year and two positions the  
2 succeeding year.

3 4. The chair of the committee is selected from its elected membership by  
4 majority vote at the organizational meeting each year following election of new  
5 members.

### 6 3.06 Task Forces

7 1. Task Forces may be appointed by the Dean in consultation with the College  
8 Council for specific purposes.

9 2. Terms to such task forces expire on completion of the work of the task force,  
10 usually within an academic year.

### 11 3.07 Departments

12 1. The College is organized by Departments. The Department is the fundamental  
13 unit of academic as well as administrative organization within the College. It  
14 exists to provide instruction and to conduct research in its respective fields of  
15 teaching and investigation. Changes to the departmental structure of the  
16 College shall be in accordance with 3.07(4).

17  
18 2. Each department will have responsibility for making recommendations to the  
19 faculty on policies and procedures affecting its major(s), its courses, its  
20 students and its faculty. The areas of responsibility include curriculum  
21 development, managing its major(s), program reviews, conducting  
22 assessments of its major(s), assisting in course scheduling, advising student  
23 clubs, advising students about discipline-related careers, monitoring the  
24 external environment related to its discipline(s), recruiting new faculty, and  
25 making decisions on renewal, promotion and tenure of faculty within the  
26 department. Each faculty member in the College will be a voting member of  
27 only one department. Faculty will be a member of the department where they  
28 can best contribute to the goals and objectives of the department and the  
29 College.

30  
31 3. Questions concerning appropriate department membership shall be resolved  
32 by the Faculty Review Committee. Faculty desiring to change departments  
33 shall file a written request with the Faculty Review Committee. The Faculty  
34 Review Committee will consult with all affected departments and will rule in  
35 favor of the change if it is necessary for the professional and scholarly growth  
36 of the faculty member filing the request and if the change is consistent with the  
37 goals and objectives of the College.

38  
39 4. Proposals for changes to departments in the College may be made by the  
40 Chancellor, the Dean, the COB Council, or the majority of the eligible voting  
41 faculty in the affected department(s). The proposal and accompanying  
42 rationale will be made in writing to the Dean and the COB Council and  
43 distributed to the faculty. There will be subsequent consultation between the

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1 Dean and faculty of the department(s) involved. Upon the recommendation of  
2 a majority of the eligible voting faculty of each department involved, the COB  
3 Council will make its recommendation to the faculty and the Dean. Upon the  
4 recommendation of a majority of the eligible voting faculty within the College,  
5 the Chancellor shall be notified and consulted as per Article VIII, Section 2 of  
6 the Faculty Constitution.

7

8 5. Each department shall establish a personnel committee. All tenured members  
9 of the department shall be members of the personnel committee unless  
10 discipline-based personnel committees have been approved by the  
11 department and the Faculty Review Committee. The personnel committees  
12 will make decisions on the renewal and tenure of eligible department faculty  
13 and make recommendations on the promotion of department faculty.

14

15 6. A minimum of three eligible personnel committee members must participate in  
16 all personnel decisions (tenure, renewal, promotion). If the personnel  
17 committee is unable to meet this requirement in the allowable time frame, the  
18 committee chair should so inform the appropriate College committee chair, at  
19 which time section 3.07 (8) will take effect.

20

21 7. In cases where for a particular decision (tenure, renewal, promotion), the size  
22 of the personnel committee is three or more, the personnel committee  
23 conducts the initial level of review. For renewal, if the vote is for renewal,  
24 subsequent actions are taken by the College committee, Dean, Provost and  
25 Vice Chancellor, and Chancellor.

26

27 8. In cases where for a particular decision (tenure, renewal, promotion), the size  
28 of the personnel committee is two or less, the initial level of review becomes  
29 the appropriate College committee. For actions on renewal and tenure, the  
30 Faculty Review Committee is then the decision-making body. The eligible  
31 members of the personnel committee will be added to the Faculty Review  
32 Committee as voting members for those decisions as specified under  
33 University guidelines.

34

35 9. Each department shall conduct periodic reviews of faculty performance within  
36 the department as allowed by University guidelines, and make  
37 recommendations to the Dean. These recommendations shall be reported to  
38 individual faculty members.

39

40 10. Each department shall have a department chair. Department chairs are  
41 responsible for the development and implementation of departmental strategic  
42 plans and for addressing personnel issues within the department. Department  
43 chairs shall conduct post-tenure review of faculty within the department and  
44 make recommendations to the Dean. These recommendations shall be  
45 reported to individual faculty members. Department chairs are responsible for  
46 developing and implementing self improvement plans in accordance with  
47 University guidelines.

48

## College Bylaws – College of Business

- 1 11. The department chair shall be nominated by a majority of the eligible voters  
2 who cast ballots and shall be appointed by the Chancellor. Tie votes will be  
3 broken by one succeeding ballot. If a tie vote continues, it will be broken by  
4 the drawing of lots. The department chair shall be elected for a three-year  
5 term during March and appointed as soon thereafter as possible, and shall  
6 assume office July 1. No person can hold a position as department chair for  
7 more than two consecutive three-year terms, unless no other eligible faculty  
8 member applies for the position and the person continuing in the role is  
9 accepted by all relevant parties.
- 10  
11 12. If a vacancy occurs before the term of a department chair expires, a special  
12 election shall occur at the next department meeting to elect an interim  
13 department chair.
  - 14 a. The interim department chair shall be elected in the same manner as the  
15 regular department chair.
  - 16 b. The interim department chair shall hold office for the remainder of the term.
- 17  
18 13. Department chairs shall be evaluated in accordance with the policies of the  
19 College. A department chair may be removed for good and sufficient reasons  
20 in accordance with the Faculty Constitution.
- 21

### 22 3.08 Globalization Committee

- 23 1. The Globalization Committee: a) facilitates development of initiatives for  
24 globalizing the students, the faculty, and the curriculum and make  
25 recommendations to the Dean; (b) establishes strategy, procedures and  
26 criteria for and overseeing implementation of globalization initiatives; and (c)  
27 periodically evaluates programs, against set goals of the College and makes  
28 recommendations concerning specific programs and program leaders toward  
29 future progress; and (d) maintains an effective, ongoing communication with  
30 the Dean. It acts as liaison with the Office of the Provost and other Colleges  
31 and Units across the university in furthering the objectives of globalization.
- 32 2. The Globalization Committee maintains, in the College office, minutes of its  
33 actions including recorded votes on its globalization recommendations. The  
34 recorded votes, together with reasons for the recommendation, are sent to the  
35 Dean.
- 36 3. The Globalization Committee consists of four faculty members, to be elected  
37 at large, for two-year staggered terms. In addition, the Dean's representatives  
38 to the Undergraduate and Graduate Programs committees, as voting  
39 members, will serve on the committee. The Dean may designate up to three  
40 additional ex-officio members to serve on the committee.

### 41 **Article 4 Appeals and Grievances**

42 Refer to the University of Wisconsin Oshkosh Faculty Handbook Chapter Ten, Part  
43 C. for appeals, Chapter Ten, Part E. for grievances, or the University of Wisconsin

1 Oshkosh Academic Staff Handbook Part III, Section B for instructional academic staff  
2 policies.

3 **Article 5 Rules and Amendments**

4 5.01

5 The most current edition of STURGIS' STANDARD CODE OF PARLIAMENTARY  
6 PROCEDURES, by A. Sturgis, determines conduct and proceedings of the faculty  
7 and standing governance committees.

8 5.02

9 Five members of the faculty may recommend an amendment to the Dean and the  
10 College faculty in writing. The Dean will hold a vote as indicated in 5.03.

11

12 5.03

13 These bylaws may be amended by a two-thirds affirmative vote of the faculty of the  
14 College as defined in 1.01 (1), who vote either "yes" or "no". Voting will be conducted  
15 by paper ballot, after at least two weeks' notice of proposed amendments, at a  
16 regularly scheduled meeting of the college faculty, or by referendum. A vote taken  
17 during a faculty meeting assumes a quorum is present, and a vote by referendum  
18 assumes a quorum votes either yes/no/abstain.

19 5.04 College Committees

20 1. Election

21 Election to college committees will be by a majority vote of those members  
22 eligible to vote as defined in 1.01 (1) who vote. Tie votes will be broken by one  
23 succeeding ballot administered by the College Council. If a tie vote continues,  
24 it will be broken by the drawing of lots.

25

26 2. Vacancies

27 Vacancies will be filled for the balance of the term by the person receiving the  
28 next highest vote for the office at the most recent election. In the event the  
29 vacancy cannot be filled in this manner, a special election will be held.

30

31 3. Empowerment and Limits

32 College Committees are empowered to make decisions within their purview. If  
33 the Committee believes an item should be taken to the full faculty for a vote it  
34 will be placed on the agenda for the next faculty meeting. (Only items that  
35 have a significant college wide effect should be taken to the full faculty.) If the  
36 Committee believes a full faculty vote is not necessary it makes the decision  
37 and informs the full faculty of that decision. If the College Council, the Dean or  
38 at least 25% of the faculty (through a petition) believe the item should be  
39 taken to the full faculty then the item will be placed on the agenda for the next  
40 faculty meeting and the committee decision is stayed.

41

42 Approved May 30, 1985

43 Amended February 6, 1986

**College Bylaws – College of Business**

- 1 Amended September 3, 1986
- 2 Amended September 3, 1991
- 3 Amended February 6, 1992
- 4 Amended June 2, 1995
- 5 Amended September 2, 1997
- 6 Amended May 29, 1998
- 7 Amended March 2, 1999
- 8 Amended April 6, 2001
- 9 Amended May 3, 2002
- 10 Amended April 2, 2004
- 11 Amended November 3, 2006
- 12 Amended March 26, 2007
- 13 Amended October 30, 2007
- 14 Amended March 5, 2010
- 15 Approved by Faculty Senate December 14, 2010

College Bylaws – College of Education and Human Services

**GOV 5.2. College of Education and Human Services Bylaws.**

Approved by Faculty Senate April 8, 2003  
Revisions approved by Faculty Senate September 27, 2005  
Revisions approved by Faculty Senate December 20, 2005  
Revisions approved by Faculty Senate December 11, 2007

**ARTICLE I. The College of Education and Human Services Faculty.**

**1.01 Definition of Faculty.**

- (1) The College of Education and Human Services Faculty consists of all tenured and tenure track faculty who are appointed full-time by the Chancellor of the University with the greatest part of their assigned responsibilities in the College of Education and Human Services.
- (2) Voting Rights at College Faculty Meetings
  - (a) Faculty members as defined in 1.01 (1) may vote on all matters.
  - (b) Faculty members on leaves of absence and lay-off are accorded full rights and privileges and may vote on all matters provided they are present.
  - (c) Academic staff and shared academic staff, with the greatest part of their assigned responsibilities in Colleges or units other than the College of Education and Human Services, may attend meetings and participate in discussions.

**1.02 Rights and Responsibilities of the College of Education and Human Services Faculty.**

Subject to the general policies and jurisdiction of the University of Wisconsin Oshkosh over all educational matters which concern more than one collegiate unit, the College of Education and Human Services Faculty has the following rights and responsibilities:

- (1) To recommend policy in matters involving scholarship, including the advancement of students and dismissal for less than satisfactory scholarship and/or field experiences.
- (2) To recommend to the University of Wisconsin Oshkosh requirements for admission, courses of study, conditions for licensure and graduation and the nature of the degrees conferred.
- (3) To recommend policy relative to regulations for the admission of students to the College of Education and Human Services.
- (4) To recommend to the Chancellor candidates for degrees in education and human services.
- (5) To recommend students for graduate assistantships, fellowships, scholarships, and awards.
- (6) To sponsor outreach activities such as conferences, workshops, institutes, clinics, and short courses appropriate to the College of Education and Human Services.
- (7) To make appropriate citations recognizing outstanding achievements by faculty and others.
- (8) To review and to make recommendations to appropriate administrative offices concerning proposals affecting the administration or academic matters of the College.

**1.03 Meetings of the College of Education and Human Services Faculty.**

The Dean, as the executive officer of the College, is the presiding officer of the faculty.

- (1) There shall be a minimum of four college meetings in each academic year (two per semester), with the first being Opening Day of the fall semester. The dates and times of faculty meetings shall be established by the Dean during the first month of each semester. Additional meetings of the faculty may be held at the call of the Dean or upon petition to the Dean by ten percent of the faculty, as defined in 1.01 (1).
- (2) A quorum required to transact business consists of the majority of the faculty, as defined in 1.01 (1), excepting only that a majority of those present may approve a motion for a referendum to be placed before the College per section 1.03 (4). A majority vote shall be required to carry a motion.
- (3) Items may be placed on the agenda by the Dean, the Administrative Council or by a petition signed by ten percent of the faculty, as defined in 1.01 (1). It is the responsibility of the Dean to

## College Bylaws – College of Education and Human Services

1 publish the agenda five working days prior to the meeting.

2  
3 Additional discussion items may be added during faculty meetings upon a call for new business.  
4 A motion on an item of new business introduced during the meeting shall not come to a vote in  
5 that meeting unless the quorum of faculty votes by a two-thirds majority to act on that motion.

6 (4) A referendum on an issue can be called by a majority vote. The referendum will be conducted  
7 within ten working days with voting by written ballot in the Office of the Dean. A majority vote of  
8 the faculty as defined in 1.01 (1) is required for approval.

9 (5) A recording secretary is elected by the faculty for a three-year term. New elections are held in  
10 the spring semester and prior to the end of fourteenth week.

11  
12 The secretary records and prepares the minutes of the meetings and submits them to the Office  
13 of the Dean for distribution to all College faculty. Copies of the minutes are also filed in the  
14 Office of the Dean.

15 (6) The Dean may appoint a parliamentarian.

### 16 **1.04 Administrative Review.**

17 When faculty decisions or recommendations are transmitted in writing to the Dean, the Dean,  
18 recognizing the academic tradition of concurring with a clear faculty judgment in matters of primary  
19 faculty responsibility, shall as a matter of collegiality respond to decisions and recommendations in  
20 writing, giving reasons, providing that such communication shall not be prohibited by law or System  
21 policy. Nothing in these bylaws shall impede the authority of the Dean, established by law and System  
22 policy, to review faculty decisions on such matters and to make independent judgments regarding them;  
23 and nothing in these bylaws shall prohibit appropriate consultation.

## 24 **ARTICLE 2. College of Education and Human Services Organizational and Administrative** 25 **Structure.**

26 The Dean has immediate supervision of the affairs of the College. At the beginning of the fall semester  
27 the Dean, or appointed designee, will facilitate the initial meetings of the Councils and Standing  
28 Committees.

### 29 **2.01 Departments.**

- 30 (1) Counselor Education
- 31 (2) Curriculum and Instruction
- 32 (3) Educational Foundations
- 33 (4) Human Services and Professional Leadership
- 34 (5) Reading Education
- 35 (6) Special Education

### 36 **2.02 Councils, Standing Committees and Units of the College.**

- 37 (1) Councils
  - 38 (a) The Administrative Council
- 39 (2) Standing Committees
  - 40 (a) The Curriculum Committee
  - 41 (b) The Personnel Committee
  - 42 (c) The Professional Education Program Committee
  - 43 (d) The Culture and Diversity Committee
  - 44 (e) The Elections Committee
  - 45 (f) The Student Appeals Committee



## College Bylaws – College of Education and Human Services

- 1 (g) The Technology Committee
- 2 (h) Committee on Graduate Studies
- 3 (i) Special Committees
- 4 (3) Divisions
- 5 (a) Reading Study Center
- 6 (b) Project Success
- 7 (c) Externally Funded Units

### 8 **2.03 College, Departmental, Council and Standing Committee Elections.**

9 Faculty as a whole elect chairpersons, as indicated, for Standing Committees. Departments elect  
10 department chairs and department representatives to Standing Committees. Department chairpersons  
11 also serve on the Administrative Council.

12 (1) During any given academic year faculty members as defined in 1.01 (1), will hold voting  
13 privileges in that Department in which they have the greatest part of their responsibilities for that  
14 year. At the beginning of each academic year faculty members whose responsibilities are evenly  
15 divided across Departments for that year will declare their voting rights to one of those  
16 Departments. The choice is to be communicated by the faculty member to the appropriate  
17 Department Chairpersons, the Associate Dean(s), the Dean, and the Executive Committee of  
18 the Faculty Senate.

19 (2) Academic staff members will be automatically eligible to exercise faculty voting rights in  
20 departments if they are working in an instructional assignment with an appointment of more  
21 than one-half time in that department and are past their fourth semester with that department.  
22 Academic staff working under a limited appointment are ineligible. Academic staff voting  
23 privileges are restricted to department affairs excluding recruitment, merit, tenure, appointment,  
24 reappointment, promotion and election of Department Chair and Alternate Chair.

25 (3) Every three years during the spring semester and prior to the end of March, faculty members  
26 with voting rights in a Department as defined in 2.03 (1) will elect a nominee and recommend  
27 to the Dean, a member who has at least one-half of his/her responsibilities in that Department  
28 for the position of Chairperson. Subsequently, the Dean will forward his/her recommendation to  
29 the Chancellor for review and approval. The term of office will normally be for three years. Each  
30 COEHS department will determine the new chair's start date. There are three options available  
31 to each COEHS Department. The new chair could (a) begin at the end of the 17<sup>th</sup> week of the  
32 spring semester in which the election was held, or (b) on the first day of the fall semester of the  
33 following academic year, or (c) the previous chair and the new chair could decide to split the  
34 administrative duties over the summer. The Department Chairperson will function in accord with  
35 Article 8, Sec. 5 of the Faculty Constitution

36 (4) Annually, during the spring semester and prior to the end of the fourteen-week term, faculty  
37 members with voting rights in a Department as defined in 2.03 (1) will elect a nominee and  
38 recommend to the Dean, a member who has at least one-half of his/her responsibilities in that  
39 Department as Alternate Chairperson. The Alternate Chairperson will be responsible for  
40 departmental operations in the absence of the elected Chairperson.

41 (5) During the spring semester and prior to the end of the fourteen-week term, faculty members  
42 with voting rights in a Department as defined in 2.03 (1) will elect a representative from their  
43 voting membership to each Standing Committee unless a term has not expired or representation  
44 is not required. Terms for Department representatives on the Standing Committees will be for  
45 three years and no more than two new three-year terms will commence in a given year. All  
46 elected terms begin on the first day of the following fall semester.

47 (a) Terms of initial election for new Standing Committees will be for one, two, or three years  
48 unless otherwise determined by the faculty. The Administrative Council through the use of  
49 a lottery system will identify two departments for a one-year term, two for a two-year term,  
50 and two for a three-year term. Thereafter, elections will be held by the appropriate  
51 Departments and terms will be for a period of three years.

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- 1 (b) All terms will begin on the first day of the following fall semester.
- 2 (c) Procedures for all Department elections will be established by department bylaws.

### 3 **2.04 Department Bylaws.**

4 College of Education and Human Services Departments are responsible for the development and  
5 administration of their own operational bylaws and subsequent revisions. Bylaws shall be reviewed at  
6 least every five years with changes subject to approval by the Dean and acceptance by the Faculty  
7 Senate.

- 8 (1) Each department will include in its bylaws a method of making personnel recommendations  
9 concerning renewal, tenure and promotion when the department has less than three department  
10 members eligible to vote on the personnel matter. This method shall ensure all personnel  
11 recommendations at the initial level of review concerning renewal, tenure and promotion are  
12 made by committees composed of three or more voting members.

### 13 **2.05 Councils and Standing Committees of the College.**

#### 14 (1) Administrative Council

15 (a) The Administrative Council has the responsibility to advise the Dean on matters affecting  
16 operations, budgets, planning, policies, and programs within the jurisdiction of the College  
17 and its relationships with other units within the University and other Colleges of Education  
18 within the UW System. The Council may make recommendations to the Dean and the  
19 College faculty. The Council receives recommendations from faculty and from other  
20 councils and committees of the College. It will assist the Dean in determining agenda items  
21 and the order of business for College faculty meetings.

22 (b) The Administrative Council consists of: the Dean; the Associate Dean(s); the Department  
23 Chairpersons; and, others as appointed by the Dean.

#### 24 (2) The Curriculum Committee

25 (a) The Curriculum Committee consists of a chairperson--who is elected by the College faculty  
26 (the chairperson may not concurrently be a member of the Administrative Council), an  
27 elected representative from each Department, an undergraduate student, a graduate  
28 student, and the Associate Dean(s) (non-voting).

29 (b) The Committee will facilitate coordination and evaluation of curriculum experimentation,  
30 innovations, additions, deletions, and interprogram articulation. The Committee will inform  
31 the Dean of its decision(s) on curricular policy.

32 (c) The Curriculum Committee will consider recommendations from Departments and in turn  
33 may recommend curriculum changes to Departments for action.

34 (d) The Committee may create ad hoc task forces for specific analytical purposes.

35 (e) The Dean may suggest agenda items for inclusion in Committee discussions and actions.

36 (f) The Curriculum Committee members may assist faculty in preparing proposals for  
37 curriculum change.

38 (g) The Curriculum Committee will evaluate and make decisions on all matters relating to  
39 curricular activities affecting the College of Education and Human Services. These include,  
40 but are not limited to course approval, program changes, development, and review; and  
41 new emphases. The Committee may submit to the faculty as a whole for discussion/action,  
42 any proposed changes, additions or deletions which could impact two or more departments.  
43 The result of any discussion/action will be incorporated by the Committee in its subsequent  
44 decision(s). The Committee will inform the Dean of its decision(s) on all curricular activities.

45 (h) The Curriculum Committee will keep minutes of all meetings and circulate agendas and  
46 minutes to all College of Education and Human Services faculty and staff.

#### 47 (3) The Personnel Committee

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- 1 (a) The Personnel Committee consists of a chairperson, who is elected by the College of  
2 Education and Human Services faculty (the chairperson may not be a member of the  
3 Administrative Council), and an elected representative from each Department.
- 4 (b) The Personnel Committee will review information submitted by the Departments, and will  
5 make recommendations to the Dean on matters related to promotion, tenure, post tenure  
6 review, appointment, reappointment, merit evaluation, grievances, and other personnel  
7 concerns.
- 8 (c) The Personnel Committee actions will conform to University of Wisconsin Oshkosh  
9 administrative policies and procedures and the UW Oshkosh Faculty Constitution.
- 10 (d) The Personnel Committee will establish uniform procedures for evaluation of faculty. These  
11 procedures will include the development of instruments and processes for assessing faculty  
12 performance.
- 13 (e) The Personnel Committee will keep minutes of the open meeting portion of its meetings  
14 and circulate them to all COEHS faculty and staff.
- 15 (f) In situations where there are not three COEHS Personnel Committee members eligible to  
16 vote on a renewal, tenure or promotion recommendation, a special college committee will  
17 be constituted. This committee will be composed of three individuals eligible to vote on the  
18 personnel issue. It will include all COEHS Personnel Committee members eligible to vote,  
19 plus additional voting members will be randomly selected from a volunteer pool of all eligible  
20 faculty. The COEHS Personnel Committee chairperson (whether voting or not voting) will  
21 develop the volunteer pool, randomly select the needed number of committee members,  
22 and convene all meetings. This special committee will act in lieu of the COEHS Personnel  
23 Committee and will have the same power and responsibility to review the information  
24 submitted and to make recommendations to the Dean.
- 25 (4) The Professional Education Program Committee
- 26 (a) The purpose of the Professional Education Program Committee is to ensure that all  
27 undergraduate licensure programs are in compliance with (1) Wisconsin Dept. of Public  
28 Instruction (DPI) rules and regulations and (2) all other accreditation and program review  
29 requirements as they relate to undergraduate program licensure issues.
- 30 (b) The membership of the Professional Education Program Committee shall be as follows:
- 31 1. Faculty members eligible for voting membership on the Committee shall be those who  
32 teach one or more courses in the Professional Education Program (PEP). Membership  
33 shall include: one member from the Curriculum and Instruction Department, one  
34 member from the Department of Special Education, one member from the Department  
35 of Educational Foundations, one member from the Department of Human Services and  
36 Professional Leadership, and one member from the Department of Reading Education.  
37 Members will be elected by their departments and serve for three-year terms. A  
38 chairperson shall be elected annually at the beginning of the Fall semester from the  
39 committee's elected membership.
- 40 2. Non-voting members will include the COEHS Director of Professional Education, the  
41 COEHS Director of Field Experience, the COEHS Data Management & Assessment  
42 Director, the Associate Dean or Dean's designee, and one College of Letters and  
43 Science faculty representative who teaches one or more courses per year in the  
44 Professional Education Program (PEP) to be appointed by the Dean of the College of  
45 Letters and Science.
- 46 (c) The responsibilities of the Professional Education Program Committee shall be as follows:
- 47 1. Engage in continuous review of Wisconsin state teacher licensure requirements to  
48 ensure compliance in all programs with DPI rules and regulations.
- 49 2. In order to ensure program alignment with DPI licensure requirements, the committee  
50 shall review and make recommendations on all proposed curricular changes that have

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- 1 implications for licensure prior to submission of proposed curricular changes to the  
2 COEHS Curriculum Committee.
- 3 3. Reviews field experience requirements, policies and procedures as they relate to DPI  
4 licensure requirements and shall make recommendations on proposed modifications  
5 and/or changes.
- 6 4. Receives, shares and discusses reports from UW System Deans and Directors  
7 Meetings, Wisconsin Association of Colleges of Teacher Education (WACTE), DPI and  
8 other professional organizations so as to stay informed about state licensure issues.
- 9 5. Recommends to departments and the Dean such college actions as deemed necessary  
10 to address current and emerging licensure issues
- 11 6. Oversees the analysis, interpretation and use of data related to COEHS licensure  
12 programs, including interfacing with accreditation and program review requirements.
- 13 7. Makes recommendations for program improvement to departments based on analysis  
14 and interpretation of program evaluation data.
- 15 (5) The Culture and Diversity Committee
- 16 (a) The Culture and Diversity Committee (CDC), composed of an elected representative from  
17 each department, a graduate and an undergraduate student, and the Director of the Office  
18 of Field Experiences and the Director of the Professional Education Programs will meet  
19 regularly to initiate and review and advise the COEHS on issues related to culture and  
20 diversity.
- 21 (b) The chairperson of CDC shall be a member elected by the Committee.
- 22 (c) The CDC is responsible for overseeing candidate assessment decisions related to  
23 exemption requests based on cultural and diversity issues.
- 24 (d) The CDC will make recommendations, regarding policies and procedures as they relate to  
25 issues of culture and diversity, to the Director of Office of Field Experience, the Curriculum  
26 Committee, and to appropriate internal and external groups.
- 27 (e) The CDC will keep minutes of all meetings and will circulate them to all COEHS faculty and  
28 staff.
- 29 (6) The Elections Committee
- 30 (a) The Elections Committee consists of three faculty members of the College as defined in  
31 1.01 (1). Members are elected by the faculty during the spring semester and prior to the  
32 end of the fourteen-week term for a three-year term which will begin on the first day of the  
33 following fall semester.
- 34 (b) The Elections Committee establishes the nomination and election procedures for all College  
35 of Education and Human Services elections which will be held during the spring semester  
36 and prior to the end of the fourteen-week term. Position criteria and nomination-election  
37 procedures will conform to University of Wisconsin Oshkosh Administrative Policies and the  
38 Faculty Constitution.
- 39 (c) The Elections Committee will conduct elections for the following positions as needed:
- 40 1. Chairperson - Curriculum Committee (3-year term)
- 41 2. Chairperson - Personnel Committee (3-year term)
- 42 3. Chairperson - Planning and Budget Committee (3-year term)
- 43 4. Advisory Council - One representative for a three-year term.
- 44 5. Recording Secretary of COEHS (3-year term)
- 45 6. Elections Committee - Three members (3-year terms)

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- 1 Elections shall be by a majority of the legal votes cast or by a plurality if there are more  
2 than two candidates. In case of ties, repeated elections shall be conducted until all  
3 positions are filled.
- 4 (d) The chairperson of the Elections Committee is elected by its members at its first  
5 organizational meeting.
- 6 (e) Voting for Committee chairpersons, Advisory Council representatives and the College  
7 recording secretary will be accomplished under the supervision of the College Elections  
8 Committee.
- 9 (f) The Elections Committee has the responsibility to: review all College and University  
10 committees and councils for election needs and inform faculty of vacancies.
- 11 (g) The Elections Committee counts the ballots and interprets the results. The incumbent  
12 Recording Secretary of the College receives the ballots and announces the results.
- 13 (h) The Elections Committee, at the request of the Dean, will conduct special elections and  
14 supervise referenda as the need arises.
- 15 (i) The Elections Committee will provide absentee ballots to faculty as defined in 1.01(1), for  
16 college wide elections, as described in 2.05(8)(e); for referenda, as determined in 1.03(4);  
17 and for amending or revising the bylaws as stipulated in 4.02 and 4.03.
- 18 (7) The Student Appeals Committee
- 19 (a) The Student Appeals Committee is composed of an elected representative from each  
20 department, an undergraduate student, and a graduate student. The chairperson of the  
21 Committee is elected by its membership at its first organizational meeting.
- 22 (b) The Student Appeals Committee makes recommendations regarding student grievances  
23 which have not been resolved at the departmental level.
- 24 (c) The Student Appeals Committee follows established College guidelines and procedures  
25 which have been developed and distributed.
- 26 (8) The Technology Committee
- 27 (a) The Technology Committee will engage in planning and coordinating technology initiatives  
28 and policies that involve College courses and programs. These include but are not limited  
29 to technology acquisition, the creation of modern classrooms with technology, College web  
30 pages and other matters that involve technology in the College.
- 31 (b) The committee consists of an elected representative from each Department, an  
32 undergraduate student, a graduate student, a committee selected faculty member who  
33 teaches instructional technology or a related course, and non-voting members who include  
34 the Associate Dean, College Computer Technician, and representatives from Academic  
35 Computing and Media Services. The chairperson will be a committee member elected by  
36 the Technology Committee.
- 37 (c) The Technology Committee may create ad hoc task forces for specific purposes.
- 38 (d) The Dean may suggest agenda items for inclusion in Committee discussions and actions.
- 39 (e) The Technology Committee will keep minutes of all meetings and circulate agendas and  
40 minutes to all College of Education and Human Services faculty and staff.
- 41 (9) Committee on Graduate Studies
- 42 (a) The purposes of the Committee on Graduate Studies are:
- 43 1. Assist all graduate programs in the COEHS in finalizing the development of graduate  
44 program assessment plans for internal use and in support of college and/or department  
45 accreditation. Review and report annually the results of COEHS graduate program  
46 assessment.
- 47 2. In response to the dramatic change in the post-baccalaureate educational environment  
48 in Wisconsin for teachers, administrators and pupil services in Wisconsin due to PI-34,

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1 to develop COEHS graduate programs to respond in new ways to service our K-12  
2 constituencies.

3 3. To work collaboratively to develop a sense of cross-departmental graduate identity in  
4 the COEHS, to enhance program interconnectivity and articulation across all of the  
5 college graduate areas, and to increase COEHS graduate programs' outreach and  
6 development.

7 4. To work with UW Oshkosh Graduate Office to coordinate marketing efforts and  
8 resources on behalf of graduate programs.

9 (b) The membership of the committee shall be all department graduate program coordinators.  
10 The committee shall elect a chair in its first fall meeting.

### 11 (10) Special Committees

12 (a) Special committees and other appointments may be appointed by the Dean for specific  
13 purposes. Terms of such committees expire upon completion of the work of the committee,  
14 usually within an academic year.

15 (b) The chairperson for the special committee may be appointed by the Dean or at the Dean's  
16 discretion may be elected by its members at the first organizational meeting.

17 (c) Faculty with common interests may organize and be recognized by the Dean as special  
18 committees. Organization of such groups is encouraged at the beginning of each academic  
19 year to promote discussion, study and research in areas of professional interest, to give  
20 counsel to the standing committees, and to advise the Office of the Dean on operational  
21 matters.

22 (d) Special committees report to the Dean of the College.

## 23 **ARTICLE 3. Appeals and Grievances.**

24 **3.01** Any professional or administrative grievance that is not resolved between the concerned parties  
25 may be filed by the aggrieved faculty member with the College Personnel Committee,  
26 whereupon it is referred for investigation and recommendation to a three-person special  
27 committee appointed by the chairperson whose members may or may not be members of the  
28 College Personnel Committee. Appointment is contingent upon their individual acceptance by  
29 both the aggrieved and the party or parties against whom the grievance is made.

30 **3.02** The special committee will report its findings and recommendations to the College Personnel  
31 Committee as a whole. The College Personnel Committee will notify the concerned parties of  
32 their final recommendation. If dissolution or dismissal of the grievance or satisfactory  
33 compromise is not achieved at this juncture, the aggrieved party has the option to request a  
34 decision on the issue by the Dean after presentation by the special committee of its findings  
35 and recommendations to the Dean in the presence of the aggrieved and the other concerned  
36 parties.

37 **3.03** Further appeal is available through the University of Wisconsin Oshkosh grievance procedures.

## 38 **ARTICLE 4. Rules and Amendments.**

### 39 **4.01 Procedures for adoption of the original bylaws.**

40 (1) During an all College of Education and Human Services faculty meeting the Dean, as presiding  
41 officer, will call for questions, discussion and proposed amendments to the bylaws.

42 (2) If an amendment to a section is proposed, the Dean will read the amendment and after  
43 discussion a vote will be taken. A majority vote is required for approval of the amendment.

44 (3) When all amendments of the bylaws have been completed, the Dean will call for any further  
45 amendments, questions or discussion.

46 (4) A referendum on the amended bylaws will be conducted within two weeks following the all  
47 College of Education and Human Services faculty meeting. Voting will be by written ballot in the  
48 Office of the Dean.

## College Bylaws – College of Education and Human Services

- 1 (5) A majority vote is required for faculty approval of the bylaws. The bylaws will go into effect  
2 following a positive vote and subsequent acceptance by the Faculty Senate.

### 3 **4.02 Procedures for amending the bylaws.**

- 4 (1) During an all College of Education and Human Services faculty meeting, a faculty member as  
5 defined in 1.01 (1) may give notice of a proposed amendment while new business is being  
6 considered.

- 7 (2) The faculty member will read the proposed amendment and give a copy of it to the College of  
8 Education and Human Services recording secretary.

- 9 (3) The faculty member will circulate the proposed amendment to all College of Education and  
10 Human Services faculty members as defined in 1.01 (1). The amendment should be stated in  
11 such language that, if adopted, it may be incorporated directly into the bylaws.

- 12 (4) During the following all College of Education and Human Services faculty meeting, the Dean or  
13 his/her designee will read the proposed amendment and will call for a motion to adopt the  
14 amendment. Upon hearing a motion and second, the Dean will call for discussion, questions  
15 and amendments to the proposed amendment. (Since a proposal to amend the bylaws is a  
16 main motion, amendments to the proposed amendment are in order.) A majority vote is required  
17 to amend the proposed amendment. Upon hearing no further amendments to the amendment,  
18 the Dean will call for a referendum.

- 19 (5) A referendum on the amendment will be held within two weeks of the all College of Education  
20 and Human Services faculty meeting where the amendment was considered. Voting will be by  
21 written ballot in the Office of the Dean.

- 22 (6) A majority vote is required for the faculty approval of amendments to the bylaws.

### 23 **4.03 Revision of the bylaws.**

- 24 (1) Upon the request of the faculty, or the department chairs, or on the Dean's own volition or  
25 periodically no less than every five years, the Dean shall appoint a special committee made up  
26 of one faculty member from each department to review the college's By-Laws and make  
27 recommendations for any revisions to the college. The committee shall elect its own chair and  
28 deliver any recommendations within one year of appointment.

- 29 (2) A copy of the proposed revision will be sent to all College of Education and Human Services  
30 faculty with notice of the dates when it will be considered and voted on.

- 31 (3) The removal, elimination, transfer, or reorganization of existing departments, or the addition of  
32 new ones to the College of Education and Human Services shall be addressed in conjunction  
33 with input from the Chancellor, University procedures where applicable, the Dean and the  
34 faculty of the College. The decision of the faculty will be determined by referendum and the  
35 results conveyed to the Dean.

- 36 (4) Adoption of the revised bylaws will follow the same procedures as outlined in section 4.01.

- 37 **4.04** The College of Education and Human Services bylaws shall be reviewed at least every five  
38 years.

- 39 **4.05** The current edition of Sturgis' *Standard Code of Parliamentary Procedure* governs this  
40 organization in all parliamentary situations that are not provided for in the law or in its charter,  
41 bylaws, or adopted rules.

## 42 **ARTICLE 5. Affirmative Action.**

- 43 **5.01** The College of Education and Human Services subscribes to and conforms to the affirmative  
44 action compliance program as published by the University of Wisconsin Oshkosh.

## College Bylaws – College of Letters and Science

### 1 GOV 5.3. College of Letters and Science Bylaws.

2 Approved by Faculty Senate October 24, 2000  
3 Revisions Approved by Faculty Committee Spring 2006  
4 Approved by Faculty Senate October 24, 2006  
5 Approved by Faculty Senate May 12, 2009  
6 Revisions Approved by Faculty Committee December 2010  
7 Approved by Faculty Senate March 15, 2011  
8 Approved by Faculty Senate March 18, 2014  
9 Revisions approved by Faculty Senate April 9, 2015

10  
11 The faculty of the College of Letters and Science establishes these bylaws under the provisions of the  
12 Faculty Constitution in order to provide the organization and procedures by which the faculty may  
13 exercise its responsibilities for the immediate governance of the College and for the College's academic  
14 and faculty personnel matters, and through which faculty members may participate actively at all levels  
15 of College decision making.

#### 16 ARTICLE I. The Faculty.

##### 17 A. Definition of Faculty and Voting Rights

- 18 1. The voting faculty of the College shall consist of those ranked faculty members assigned to  
19 College departments (or equivalent units) who have the majority of their annual  
20 responsibilities within the College, or for those faculty members with equally split  
21 assignments who have chosen voting membership in the College.
- 22 2. Faculty members teaching in the College who have declared voting membership in another  
23 college may participate fully in discussions in College faculty meetings.

##### 24 B. Powers and Responsibilities of the Faculty

- 25 1. The powers and responsibilities of the faculty, subject to those of the Chancellor, and  
26 exercised with appropriate consultation with the Dean and with due recognition of student  
27 and academic staff rights and University policies, include, but are not limited to, the  
28 following:
- 29 a. Determination of the structure, policies, and procedures for the immediate faculty  
30 governance of the College; determination of faculty status and voting eligibility.
- 31 b. Formulation of curriculum and long-range curriculum plans, and the coordination of  
32 curriculum within the College and with other colleges; determination of the programs,  
33 majors and minors, and courses to be offered by the College, and changes in or policies  
34 related to these; formulation of other academic policies within the College.
- 35 c. Active participation in the formulation of College budget and staffing policies and of  
36 policies concerning the utilization of space and physical resources; recommendations  
37 concerning the application of these policies.
- 38 d. Formulation of College policies concerning the retention and academic standing of its  
39 students, and degree requirements; the preparation of student complaint procedures;  
40 recommendations concerning the application of these policies and procedures.
- 41 e. Formulation of College policies concerning the recruitment, evaluation, and  
42 appointment of persons to be assigned to teaching or professional duties in the College;  
43 determination of tenure and promotion policies, salary and merit policies, travel policies,  
44 and Faculty Development and CAS policies; recommendations concerning the  
45 application of these policies.
- 46 2. The powers and responsibilities of the faculty of departments will be exercised in  
47 accordance with the bylaws adopted by each department and accepted according to Article  
48 IX, Section 3 of the Faculty Constitution. Department bylaws will be consonant with College  
49 bylaws.
- 50 3. The powers and responsibilities of the faculty of the College will customarily be exercised  
51 through the elected faculty committees of the College. Decisions which impact the College  
52 as a whole may also be made by referendum.



## College Bylaws – College of Letters and Science

- 1           4. In matters of primary faculty responsibility, policy decisions of the Faculty Committee or of  
2 the faculty in referendum will be College policy. If the Dean, after exercising his or her  
3 consultative role provided in the bylaws, cannot accept the Faculty Committee policy  
4 decision or the decision reached by the faculty in referendum, he or she will inform the  
5 faculty or the College, in writing, why he or she is unable to accept the decision. Either the  
6 Faculty Committee or the Dean may declare an impasse and enter the negotiations to  
7 resolve the impasse.

8           The Faculty Committee will negotiate on behalf of the faculty of the College. The Faculty  
9 Committee will report regularly to the faculty on the progress of negotiations.

### 10 **ARTICLE II. Meetings of the Faculty.**

- 11           A. Meetings of the College faculty may be called by the Faculty Committee on its own initiative,  
12 upon receipt of a petition signed by ten percent of the faculty or at the request of the Dean. All  
13 such meetings will be only for discussion, dissemination or collection of information, or debate  
14 of issues. The Chair of the Faculty Committee is to preside at all meetings.
- 15           B. It is the responsibility of the Faculty Committee to publish the agenda of such a meeting at least  
16 one week in advance. Items may be placed on the agenda by the Faculty Committee, the Dean,  
17 or by a petition signed by ten percent of the faculty.

### 18 **ARTICLE III. Divisions, Departments and Programs.**

#### 19 A. Structure

- 20           1. A division is composed of one or more academic departments and non-departmental  
21 programs.
- 22           2. College faculty are organized by subject matter disciplines into academic departments and  
23 non-departmental programs.
- 24           3. Non-departmental programs (NDPs) report to the Dean. Faculty members who participate  
25 in NDPs must establish bylaws for their programs. These faculty members will recommend  
26 to the Faculty Committee, for approval, a list of faculty members who will draft and vote on  
27 the bylaws for the program. NDP bylaws will define the program faculty and the governance  
28 structure for the program. Each September until its bylaws are approved, the NDPs will  
29 report to the Faculty Committee the names of faculty members participating in the NDP who  
30 have voting rights for that year. New and existing NDPs will have three years to submit  
31 bylaws for approval. Prior to the submission of bylaws, the program director/coordinator  
32 will be nominated to the Dean by the Faculty Committee. Only those NDPs comprised of  
33 at least one full-time faculty or continuing instructional academic staff member who is not  
34 assigned to or housed in a department will have divisional voting rights.
- 35           4. See Appendix B. (below) for the bylaws governing NDPs, as authorized under section  
36 III.A.3., immediately above.

#### 37 B. Proposals for Change

##### 38 1. Changes of Divisions

39           Proposals for changes to divisions of the College (e.g. the creation of a division, the deletion  
40 of a division, the movement of a department from one division to another) may be made by  
41 the Chancellor, by the Dean, or by a majority of the faculty members of one or more  
42 departments.

43           Such proposals and accompanying rationale will be made in writing and distributed to the  
44 entire College faculty. There will be subsequent consultation between the Dean and the  
45 faculty of the division(s) involved.

46           The faculty involved (i.e. the faculty of the division being created, the faculty of the division  
47 being deleted, or the faculty of the division to which the department is moving or from which  
48 the department is moving) will have the opportunity to make formal recommendations  
49 concerning such changes, addressed to the Curriculum Committee. The Curriculum

## College Bylaws – College of Letters and Science

1 Committee will evaluate and make recommendations to the Faculty Committee concerning  
2 the proposed change.

3 The Faculty Committee will assist in implementing the procedures for consultations,  
4 hearings, and voting. All proposals for the change to divisional organization of the College  
5 will require a college-wide referendum.

### 6 2. Changes of Departments

7 Proposals for changes to departments in the College (e.g. the creation of a department, the  
8 deletion of a department, the splitting of a department into two departments, or combining  
9 two or more departments) may be made by the Chancellor, by the Dean, or by faculty of  
10 one or more departments.

11 Such proposals and accompanying rationale will be made in writing and distributed to the  
12 faculty of the affected division(s). There will be subsequent consultation between the Dean  
13 and the faculty of the department(s) involved.

14 The faculty involved (i.e. the faculty of the department being created, the faculty of the  
15 department being deleted, or the faculty of the department being split, or the faculty of the  
16 departments being combined) will have the opportunity to make formal recommendations  
17 concerning such changes, addressed to the Program Review Committee. The Program  
18 Review Committee will evaluate and make recommendations to the Faculty Committee  
19 concerning the proposed change.

20 The Faculty Committee will assist in implementing the procedures for consultations,  
21 hearings, and voting. All proposals for the change to departmental organization of the  
22 College will require a referendum across the division or divisions where the change is  
23 occurring.

### 24 3. Changes of Programs

25 Proposals for changes to programs of the College (e.g. the creation of a program, the  
26 deletion of a program, the movement of a program from one department to another) may  
27 be made by the Chancellor, by the Dean, or by faculty of one or more departments.

28 Such proposals and accompanying rationale will be made in writing and distributed to the  
29 faculty of the departments affected. There will be subsequent consultation between the  
30 Dean and the faculty of the department(s) involved.

31 The faculty involved (i.e. the faculty of the program being created, the faculty of the program  
32 being deleted, or the faculty of the department to which the program is moving or from which  
33 the program is moving) will have the opportunity to make formal recommendations  
34 concerning such changes.

35 a. Proposals which involve creation of a program shall be addressed to the Curriculum  
36 Committee. The Curriculum Committee will evaluate the proposal and make  
37 recommendations to the Faculty Committee concerning the proposed program. The  
38 Faculty Committee will, 1) determine the voting constituency and, 2) provide for the  
39 voting by faculty.

40 b. Proposals which involve the temporary relocation of a program may be made directly  
41 to the Faculty Committee provided the most recent program review recommendations  
42 from the Provost and Vice Chancellor include relocation; otherwise the proposal must  
43 be made to the Program Review Committee. The maximum amount of time that the  
44 program will be relocated must be specified in the proposal if a program is to be  
45 relocated in a department. A majority of the faculty members of the department  
46 temporarily receiving the program must approve the proposal to temporarily relocate  
47 the program and staff in their department; the Faculty Committee will provide for the  
48 voting.

49 c. Proposals which involve the permanent relocation of a program should be addressed  
50 to the Program Review Committee. The Program Review Committee will evaluate and  
51 make recommendations to the Faculty Committee concerning the proposed change.

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1 The Faculty Committee will hold hearings if a program is joining a department and  
2 provide for the voting. The proposal must be approved by a majority of the faculty  
3 members of the program being relocated. If the proposal calls for the relocation of the  
4 program to a department, then the proposal must also be approved by a majority of the  
5 faculty members in that department.

- 6 d. Proposals which involve deletion of a program shall be addressed to the Curriculum  
7 Committee. The Curriculum Committee will evaluate the proposal and make  
8 recommendations to the Faculty Committee concerning the impact on the College and  
9 University of deleting the program. The Faculty Committee will hold college-wide  
10 hearings. The proposal to delete the program will be approved if a majority of  
11 appropriate faculty support the proposal.

### 12 **ARTICLE IV. Governance and Procedures.**

#### 13 A. Letters and Science Council and Standing Governance Committees

14 The College will have a Letters and Science Council, and the following standing governance  
15 committees:

- 16 1. Letters and Science Faculty Committee
- 17 2. Tenure and Renewal Committee
- 18 3. Promotion Committee
- 19 4. Curriculum Committee
- 20 5. Program Review Committee
- 21 6. Student Academic Committee
- 22 7. Academic Council for Interdisciplinary Studies
- 23 8. Equity, Diversity, and Inclusive Climate Committee

#### 24 B. Letters and Science Council

- 25 1. The Letters and Science Council will be composed of the department chairs, non-  
26 departmental program directors/coordinators, and the Dean. Ex officio non-voting members  
27 will include the Assistant Deans, Associate Deans and the Faculty Committee. It will be  
28 chaired by the Dean or the Dean's designee.
- 29 2. The Council may identify and review matters of concern to the College. It will forward its  
30 recommendations for consideration to the Faculty Committee. The Council further serves  
31 as a communication link to all faculty in the College.
- 32 3. The department chairs and non-departmental program directors/coordinators of each  
33 division will meet as necessary with the appropriate associate dean to discuss and facilitate  
34 action on issues of concern to the division. Each division will elect a chair from among its  
35 members to conduct deliberations affecting curricular matters. Recommendations on  
36 curricular matters will be sent to the Curriculum Committee.

#### 37 C. The Letters and Science Faculty Committee

- 38 1. The Faculty Committee will be the major policy-making body of the College. It may initiate  
39 policy recommendations and will receive the recommendations of the Letters and Science  
40 Council and faculty governance committees for review, acceptance, revision, or return to  
41 committee, prior to their transmission to the Dean. It will keep the faculty informed of all  
42 matters of concern to it and shall call for faculty referenda on any such matters, including  
43 proposals for change in departmental or divisional organization. It will determine the  
44 appropriate constituencies for these referenda. In addition, it will formulate College faculty  
45 personnel policies and procedures, as needed, and recommend these to the faculty for  
46 adoption. It will participate in the budget process and in the formulation of College budget  
47 and staffing policies and policies concerning the utilization of space and physical resources  
48 and will make recommendations concerning the application of these policies. In addition,  
49 its duties will include the following:

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- 1 a. It will prepare College election and voting procedures and determine faculty status and  
2 voting eligibility. It will arrange for and oversee all College voting including faculty  
3 referenda.
- 4 b. It will receive and act on faculty petitions directed to its attention. The Faculty  
5 Committee shall call a meeting of faculty when it receives a petition requesting such a  
6 meeting signed by ten percent of the faculty. The Faculty Committee shall provide for  
7 hearings and schedule a referendum when it receives a petition requesting a  
8 referendum signed by twenty percent of the faculty.
- 9 c. It will arrange for the periodic review of these bylaws; make rulings in interpretation of  
10 the bylaws; provide for liaison between College committees and committees created by  
11 the Faculty Senate.
- 12 d. It will oversee the creation of ad hoc committees and assist in the preparation of their  
13 charges; call all committees into session as required; and maintain a file of the minutes  
14 and reports of all College committees and of the adopted policies of the College.
- 15 e. At the request of the Chancellor, it will arrange for the election of faculty members to  
16 search and screen committees, maintaining proportionate divisional representation on  
17 these committees.
- 18 f. It will meet with the Provost and Vice Chancellor as soon as possible following the  
19 appointment of a dean to discuss the role and responsibility of the dean and to provide  
20 for faculty input and reaction. It will provide for the election of an Ad Hoc Committee to  
21 provide faculty input in the administrative evaluation of the dean at least once every  
22 three years.
- 23 2. The Faculty Committee will be the consultative committee for the consideration of  
24 declarations of financial emergency affecting the College or any of its departments or  
25 programs. It will provide liaison between the College and the University consultative  
26 committee in such actions.
- 27 3. The Faculty Committee will report to the faculty at meetings or through written  
28 communications.
- 29 4. Any action of The Faculty Committee is subject to review by the faculty of the College as a  
30 whole according to Article IV.C.1.b.
- 31 D. Tenure and Renewal Committee  
32 The College Tenure and Renewal Committee will review the credentials of candidates for tenure  
33 or renewal in accordance with department, College and University personnel policies and  
34 forward its recommendations to the Dean.
- 35 E. Promotion and Post-Tenure Review Committee  
36 1. The College Promotion and Post-Tenure Review Committee will review the credentials of  
37 candidates for promotion in accordance with department, College and University personnel  
38 policies and forward its recommendations to the Dean.
- 39 2. The committee will normally serve as the second level of review for post-tenure reviews,  
40 but serve as the initial level of review in cases when a department cannot serve as such.
- 41 F. Curriculum Committee  
42 1. The College Curriculum Committee will formulate and act on the long-range curriculum  
43 plans of the College including: mission statements, objectives, emphases, programs and  
44 curricula. It will base its work on the recommendations of the faculty, consult with the Dean,  
45 and transmit its decision to the Faculty Committee.
- 46 2. The Curriculum Committee will review and approve or disapprove the program and course  
47 proposals submitted to it, and will transmit its decisions concerning these to the Dean.
- 48 G. Program Review Committee

## College Bylaws – College of Letters and Science

1 The College Program Review Committee will review and evaluate the academic programs of  
2 the College and proposals for change. Its review and recommendations will be transmitted to  
3 the Faculty Committee and the Dean.

### 4 H. Student Academic Committee

5 1. The College Student Academic Committee will make recommendations to the Dean  
6 concerning the retention and academic standing of students in the College, following the  
7 progress and academic standards set forth by the College and in the University  
8 Undergraduate Bulletin.

9 2. The Committee will act on student complaints and appeals.

10 3. The Committee will recommend revision of the Student Appeals Policy as needed.

### 11 I. Academic Council for Interdisciplinary Studies

12 1. The Academic Council for Interdisciplinary Studies will formulate policy concerning the  
13 substance and process of Interdisciplinary Studies, as well as the evaluation of  
14 Interdisciplinary Studies courses. The Academic Council for Interdisciplinary Studies will  
15 forward its recommendations that fall under the purview of the Curriculum Committee to  
16 that committee and all other recommendations will be forwarded to the Faculty Committee  
17 prior to their transmission to the Dean.

18 2. The Council will review and implement policy pertaining to the Interdisciplinary Studies  
19 curriculum.

20 3. The Council will monitor the academic quality and effectiveness of the Interdisciplinary  
21 Studies curriculum.

22 4. The Council will act as the initial level of review in the curriculum development process.

### 23 J. Equity, Diversity and Inclusive Climate Committee

24 The Equity, Diversity, and Inclusive Climate Committee will provide leadership, education,  
25 and advocacy that will cultivate an equitable, inclusive, diverse, and supportive climate for  
26 people traditionally marginalized from and within the campus community.

### 27 K. Standing Committee Membership, Elections, Terms, Vacancies

#### 28 1. Membership

29 Except for the Equity, Diversity, and Inclusive Climate Committee, all College standing  
30 committees will be composed of faculty members selected in division elections. If a division  
31 has fewer than 53.5 FTE (Full Time Equivalent faculty), it is entitled to one representative  
32 on each committee. If a division has more than 53.5 FTE, it is entitled to two representatives.  
33 Two members of the same department shall not serve on the same standing committee.

34 Only faculty members with tenure may serve on the Faculty Committee, and the Tenure  
35 and Renewal Committee. Only those with rank of Professor may serve on the Promotion  
36 Committee. The Dean is a non-voting consultant to the Faculty Committee.

37 The Equity, Diversity, and Inclusive Climate Committee will be composed of 12 to 16  
38 members, appointed by the Dean with the approval of the Faculty Committee. Membership  
39 on this committee may include faculty, staff, and students.

#### 40 2. Elections, Terms

41 Elections of members of standing committees will normally be concluded by the end of April.  
42 The new two-year terms begin at the start of the Fall semester.

43 a. Terms will be staggered within divisions so that approximately one-half of each  
44 committee will be elected each year. In years when divisional representation may need  
45 to be changed, one- and two-year terms will be determined by the number of votes  
46 received. The candidates with the higher number of votes will receive the longer terms.

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- 1           b. Committee members are limited to two full consecutive terms. The Faculty Committee  
2           will appoint a convener for each standing committee at the beginning of each year.  
3           Committee chairs will be elected for one-year terms by the committee.
- 4           c. Election to Letters & Science standing committees will be by a majority of votes cast. If  
5           no candidate receives a majority on the first ballot, the second ballot will list the names  
6           of the two candidates receiving the top number of votes. Any tied result on the second  
7           ballot will be broken by the Faculty Committee
- 8           3. Vacancies
- 9           a. Vacancies on the Faculty Committee, Program Review Committee, Tenure/Renewal  
10           Committee of more than sixty days will be filled for the balance of the term by a special  
11           election.
- 12           b. Vacancies on other committees will be filled for the balance of the term by the persons  
13           receiving the next highest number of votes, if they had 20% of the votes of those eligible  
14           to vote for the offices at the most recent election. In the event a vacancy cannot be filled  
15           in this manner, a special election will be held.
- 16           4. Members of the Faculty Committee may be recalled by the members of the division they  
17           represent. A recall petition, signed by more than one-third of those eligible to vote in the  
18           division, will be addressed to the Faculty Committee, which will schedule a meeting of the  
19           division faculty within 10 working days of the receipt of the petition to discuss the matter.  
20           This meeting will be chaired by the Faculty Committee chair (or another member of the  
21           committee, selected by the Faculty Committee, should the petition involve the chair). The  
22           member of the Faculty Committee named in a recall petition may not vote in any Faculty  
23           Committee action related to the recall. Within 5 working days after the meeting the  
24           committee will schedule and conduct a recall vote. The member will be recalled if two thirds  
25           of the eligible voters of the division support the recall. A person recalled from office will be  
26           ineligible to serve on the Faculty Committee for two years following the recall.
- 27           L. Meetings
- 28           1. The first meeting of the Faculty Committee will be held no later than the second week of the  
29           Fall semester. It will be convened by the previous chair or a convener selected by the  
30           committee. The committee will elect a chair at that first meeting.
- 31           2. During the spring semester following the committee elections, the Faculty Committee will  
32           appoint a convener for each of the standing committees and provide the committees with  
33           any special charges or information necessary.
- 34           3. Special meetings of standing committees may be called by the Faculty Committee, by the  
35           chair or by two members of the standing committee or the Dean.
- 36           4. College standing committees will inform the Faculty Committee and the Dean of their  
37           regular and special meetings, keep minutes of all meetings, and file copies of their minutes  
38           with the Faculty Committee and the Dean.
- 39           5. A quorum for all College standing committees will consist of a majority of the committee  
40           members eligible to vote.
- 41           M. Representation
- 42           The number of division representatives on each College standing committee will be reviewed  
43           by the Faculty Committee following Faculty Senate reapportionment, using the membership  
44           formula described in Article IV.I.1.
- 45           N. Ad Hoc Committees
- 46           Ad hoc committees may be established by the Faculty Committee to deal with specific College  
47           needs outside the charge of standing committees according to the provision of these Bylaws.  
48           The formation (by election, or by appointment by the Faculty Committee), composition,  
49           appropriate electorate, term of office, and charge will be determined at the time of their creation.  
50           The Faculty Committee will appoint the convener for each ad hoc committee and provide the

## College Bylaws – College of Letters and Science

1 charge to the committee. The committee will elect a chairperson. Each committee is to keep  
2 minutes of all meetings and file copies of minutes and final reports with the Faculty Committee  
3 and the Dean.

### 4 **ARTICLE V. Voting Procedures and Definitions.**

- 5 A. Balloting for COLS elections, COLS referenda, and COLS bylaws revisions will be conducted  
6 in department offices, under procedure established by the Faculty Committee. Absentee ballots  
7 may be cast for these elections if the eligible faculty member is off campus due to leave,  
8 sabbatical, or for other approved reasons. The faculty member must designate another faculty  
9 member to cast his/her ballot in the usual manner on behalf of the absent faculty member. The  
10 absent faculty member shall notify the Chair of the Faculty Committee of the identity of the  
11 designee in writing at least one day prior to the election. The results of balloting will be certified  
12 by the Faculty Committee and announced to the faculty.
- 13 B. In all voting in the College, the words majority and two-thirds will be defined in terms of the  
14 number of legal votes cast. The word plurality will be defined as one more than the number of  
15 legal votes cast for any other candidate.
- 16 C. If a single ballot is used to fill several positions on a single committee, then all candidates  
17 receiving exactly the same number of votes will all be elected or none of them will be elected.
- 18 D. When another ballot is required, a candidate's name shall appear if all other candidates with the  
19 same or a greater number of votes appear and, if the candidate's name were not to appear, too  
20 few names would appear.
- 21 E. If the procedures prescribed in these bylaws do not fill a position then the Faculty Committee  
22 shall fill the position(s) by lot from among those candidates receiving the greatest number of  
23 votes.
- 24 F. If a procedural question concerning voting should arise which these bylaws do not answer, the  
25 Faculty Committee shall determine a procedure for resolving the question.

### 26 **ARTICLE VI. Department Chairs or Non-Departmental Program Coordinators.**

- 27 A. Nomination of Chairs
- 28 Candidates for chair must be tenured and hold the rank of assistant, associate or full professor.  
29 The chairpersons of departments will be nominated to the Chancellor by the eligible faculty of  
30 the department; nominations will require a majority of the legal votes cast. Voting will be  
31 conducted at the time specified in the Faculty Constitution; the term will be for three years,  
32 beginning at the end of the 17<sup>th</sup> week of the spring semester. Should the Chancellor not accept  
33 a nomination, subsequent nominations will be made under the same procedures.
- 34 B. Ballot for Chairs
- 35 The names of all eligible department members will appear on the first ballot unless department  
36 bylaws specify otherwise. Election of the department chair will be by a majority of the legal votes  
37 cast. If no candidate receives a majority on the first ballot, the second ballot will list only the  
38 names of those receiving the three highest number of votes; if necessary, subsequent ballots  
39 will list only those receiving the two highest number of votes on the previous ballot.
- 40 C. Chair Vacancies
- 41 1. Vacancies will be filled for the unexpired term by a special nominating election under the  
42 appropriate procedures in A. and B. above.
- 43 2. Temporary vacancies will be filled according to procedures established in the department  
44 in consultation with the Dean.
- 45 D. Recall of Chair
- 46 Should more than half of eligible voters of a department petition the Dean for a recall vote, the  
47 Dean will schedule and preside at a special meeting of the department within ten working days  
48 of the receipt of the petition. The Faculty Committee will schedule and conduct the recall vote

## College Bylaws – College of Letters and Science

1 within five working days of this meeting. Recall will require two-thirds of the legal votes cast to  
2 become effective. The result will be transmitted to the Chancellor.

### 3 E. Nomination of Non-Departmental Program Directors/Coordinators

4 The program director/coordinator of a non-departmental program will be nominated for a three-  
5 year term to the Dean by a majority of the faculty members meeting the criteria specified in its  
6 bylaws. If the Dean does not accept a nomination, subsequent nominations shall be made  
7 under the same procedures.

## 8 **ARTICLE VII. Parliamentary Authority.**

9 A. The current edition of Sturgis' *Standard Code of Parliamentary Procedure* will govern the  
10 College in the conduct of all faculty business, except as Sturgis is superseded by Article X,  
11 "Sources of Parliamentary Rules Governing the Faculty," in the Faculty Constitution or the  
12 provisions of these bylaws.

## 13 **ARTICLE VIII. Bylaws.**

14 A. The bylaws will be reviewed at least every five years by the Faculty Committee or by a bylaws  
15 committee elected according to procedures established by the Faculty Committee.

16 B. Proposals for amendment or revision may be made by the Faculty Committee, by an elected  
17 bylaws committee, or in a petition to the Faculty Committee from at least ten percent of the  
18 voting members of the College. Proposed amendments or revisions will be in the form in which  
19 they are to be voted on and will be accompanied by a rationale for the change; they will be  
20 distributed to the entire faculty.

21 C. Hearings will be held for the consideration of all amendments or revisions to the bylaws. The  
22 Faculty Committee will schedule and conduct such hearings.

23 D. Amendment or revision of these bylaws will require a majority of the legal votes cast by the  
24 voting members of the College.

25 E. Amendments and revisions will go into effect when approved by the faculty of the College and  
26 accepted according to Article IX, Section 3 of the Faculty Constitution.

## 27 **APPENDIX A. Divisions of the College of Letters and Science**

28 Current: April 2015

### 29 1. FINE AND PERFORMING ARTS

30 Art, Music, Theatre

### 31 2. HUMANITIES

32 Communications Studies, English, Foreign Languages and Literatures, Journalism, Philosophy,  
33 Radio-TV-Film, Religious Studies and Anthropology, Women's Studies\*\*.

### 34 3. MATH-SCIENCE

35 Biology and Microbiology, Chemistry, Computer Science, Environmental Studies, Geography  
36 and Urban Planning\*, Geology, Kinesiology and Health, Mathematics, Physics and Astronomy,  
37 Psychology\*, Medical Technology\*\*.

### 38 4. SOCIAL SCIENCE

39 Geography and Urban Planning, History, Interdisciplinary Studies\*\*, Military Science, Political  
40 Science, Psychology, Public Affairs, Religious Studies and Anthropology\*, Social Work,  
41 Sociology, Women's Studies\* \*\*.

## 42 **APPENDIX B. Bylaws Pertaining to Non-Departmental Programs (NDPs).**

43  
44 1. Divisional Voting Rights for NDPs. NDPs shall be afforded divisional voting rights, if all of the  
45 following criteria are met: (a) the NDP is not housed within a department; (b) the NDP possesses



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1 a director; and (c) the NDP is comprised of at least one half-time faculty or continuing academic staff  
2 member.

3 2. Recognition of NDP as Department Equivalent. Requests to be recognized as a Department  
4 Equivalent will be reviewed by the Faculty Committee of COLS and approved by the Dean of COLS  
5 and by the Provost.

6 3. NDP as Department Equivalent for Tenure Purposes. NDPs will be considered the equivalent of a  
7 department for purposes of having a tenure home, the renewal and promotion process, bylaws, and  
8 merit if all the following five criteria are met: (a) satisfaction of the criteria for divisional voting (see  
9 section 1, above); (b) the unit or entity has a budget within the university's financial and accounting  
10 framework; (c) the unit or entity can assert a successful claim of two or more faculty FTE; (d) the unit  
11 or entity offers an academic major; and (e) the unit or entity has approved bylaws (which must  
12 stipulate the procedure used for selecting a director).

13 4. Requests to Change Tenure Home. Requests by an individual to change the designated  
14 department/unit holding the individual's tenured faculty appointment requires written approval: (a) by  
15 both programs (i.e., the NDP and the department); (b) by the concerned individual; (c) by the Dean  
16 of COLS and (d) by the Provost.

17 5. New Faculty Appointments. When members of the faculty are to have either a split appointment or  
18 dual appointment, there must be a written memorandum of understanding to effectuate and formalize  
19 those conditions. This memorandum should summarize: (a) the tenure home; (b) the merit home  
20 and/or proportion to be assigned from the participating units; and (c) the membership of the  
21 committee that will serve as the initial level of review for renewal and tenure. This document must be  
22 approved by both programs (i.e., the NDP and the department), the concerned individual, by the  
23 Dean of COLS, and by the Provost.

24 \* = Secondary Membership

25 \*\* = Non-department Membership

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1 **GOV 5.4. College of Nursing Bylaws.**

2 Revisions approved by CON faculty November 21, 1997  
3 Approved by CON faculty December 12, 1997  
4 Approved by Faculty Senate February 1998  
5 Revisions approved by CON faculty February 12, 1999  
6 Approved by Faculty Senate May 4, 1999  
7 Approved by College of Nursing Faculty September 21, 2001  
8 Approved by Faculty Senate December 12, 2001  
9 Approved by CON Faculty February 18, 2005  
10 Approved by Faculty Senate December 20, 2005  
11 Approved by Faculty Senate April 6, 2010  
12 Revisions approved by CON faculty May 19, 2011  
13 Approved by Faculty Senate January 17, 2012  
14

15 **ARTICLE I. The College of Nursing Faculty/Instructional Academic Staff (IAS).**

16 1.01(1) Faculty

17 (a) The faculty consists of all persons appointed to the College of Nursing by the  
18 Chancellor of the University in the rank of professor, associate professor,  
19 assistant professor, and instructor.

20 (b) Graduate faculty are those faculty as defined in Chapter 3, 3.8, A-C, *Faculty*  
21 *and Academic Staff Handbook*.

22 (2) Instructional Academic Staff (IAS) shall consist of all persons appointed to the  
23 College of Nursing by the Chancellor of the University in the position of associate  
24 lecturer, lecturer, senior lecturer, clinical instructor, clinical assistant professor,  
25 clinical associate professor, and clinical professor.

26 (3) Voting rights:

27 (a) Faculty as defined in 1.01(1)(a) may vote and IAS with an appointment of  
28 more than one-half time in an academic department or equivalent unit and  
29 are in their fifth semester (or later) with that department or unit may vote.  
30 Academic staff working under a limited appointment are ineligible to vote.

31 (b) Voting rights for IAS are restricted to department (or their equivalent) affairs  
32 excluding recruitment, tenure, appointment/reappointment, merit, and  
33 promotion.

34 (c) If present, faculty and IAS with voting rights on leave of absence and lay-off  
35 are accorded full rights and privileges and may vote.

36 (d) Administrators who hold a limited appointment shall not be voting members  
37 of the College of Nursing.

38 (e) Departments (or equivalent units) must inform the senate each year of the  
39 IAS persons eligible for voting rights in the unit.  
40

41 1.02 Responsibilities and Powers of the College of Nursing Faculty and IAS

42 (1) The powers and responsibilities of faculty and IAS, subject to those of the  
43 Chancellor, Dean, the University of Wisconsin Policies and Procedures, and  
44 recognized student rights include:

45 (a) Recommend the structure, policies and procedures for the shared  
46 governance of the College and determine IAS rank/title and voting eligibility.

47 (b) Formulate curriculum and procedures regarding curriculum. Make long-  
48 range curriculum plans; coordinate curriculum within College and with other  
49 colleges. Recommend programs, majors and minors, course offerings, and  
50 formulate academic policies within the College. Maintain primary  
51 responsibility for curricular matters within the College.

52 (c) Establish College policies concerning admission, retention and academic  
53 standing, student complaints and appeals, and recommendations concerning  
54 the application of these policies.

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- 1 (d) Faculty formulate College policies concerning recruitment, evaluation, and  
2 appointment and reappointment of faculty and IAS and teaching staff (not  
3 limited to full-time personnel) to be assigned to teaching or professional  
4 duties in the College; participate in recruitment and evaluation of prospective  
5 faculty and IAS members; provide input in hiring of faculty and IAS, IAS  
6 rank/title and voting eligibility and recommendations concerning the  
7 application of these policies.
- 8 (e) Participate in research, scholarly activity, professional service and continuing  
9 education.
- 10 (f) Sponsor conferences, institutes and continuing education courses  
11 appropriate to the College and related fields.
- 12 (g) Pursue excellence in clinical practice and the teaching of nursing.
- 13 (h) Participate in formulating College policies related to budget, staffing,  
14 space utilization and physical resources, and make recommendations  
15 concerning the application of these policies.
- 16 (i) Only IAS with voting rights are eligible to serve on standing committees.  
17

18 (2) The powers and responsibilities of faculty and IAS of the College of Nursing will  
19 be exercised in accordance with the bylaws and accepted according to Article  
20 VIII, Sections 4 and 5 of the Faculty Constitution, University of Wisconsin  
21 Oshkosh *Faculty and Staff Handbook*, Chapter 1, Part A. These powers and  
22 responsibilities are exercised through elected faculty and IAS committees of the  
23 College, or are made by referendum.

24

25 (3) In matters of primary faculty and IAS responsibility, the policy decisions of the  
26 faculty and IAS will be considered College policy. If the Dean is unable to accept  
27 the decisions of the faculty and IAS in matters of primary responsibility, or its  
28 recommendation in other matters, the Dean will inform the faculty and IAS in  
29 writing or the reasons for such action in a timely manner acceptable to both  
30 parties.

### 31

## 32 ARTICLE II. MEETINGS OF THE COLLEGE FACULTY and IAS

### 33

34 2.01 The dates of faculty and IAS meetings shall be established at the beginning of each  
35 academic year. The order of business is determined by the College Committee. The  
36 quorum required to transact business consists of a majority of faculty and IAS as  
37 defined in 1.01, excluding those on leave of absence unless present to vote. A  
38 majority of those present and eligible to vote shall be required to carry a motion. The  
39 annual meeting will be held in May. Additional meetings of faculty and IAS are held at  
40 the call of the Dean or on petition of six faculty and IAS members to the Dean or the  
41 College Committee. Academic staff without voting rights are encouraged to attend  
42 meetings and participate.

43

44 2.02 Minutes are recorded, distributed, and retained for the archives.

45

46 2.03 The Dean transmits to the appropriate administrator or office of the University of  
47 Wisconsin Oshkosh, notice of actions, which are taken by faculty and IAS that are of  
48 concern to that administrator or office.

49

50 2.04 Agendas for faculty meetings are prepared by the chair of the College Committee in  
51 consultation with that committee and distributed to the College faculty and IAS at least

## College Bylaws – College of Nursing

1 five days prior to each meeting. Individual faculty and IAS may present items to the  
2 College Committee to be placed on the agenda. Individual faculty and IAS members  
3 will be informed if the item will not be on the agenda and given reason for disposal of  
4 the item. Should a petition item by six faculty and IAS members be received by the  
5 Chair, it will be placed on the agenda of the next possible faculty and IAS meeting.  
6

### 7 ARTICLE III. COLLEGE OF NURSING PROGRAM AND SUPPORT AREAS, 8 STRUCTURE AND ORGANIZATION 9

10 The Personnel, Promotions and Search and Screen committees make recommendations to  
11 the Dean. All other committees submit their recommendations for ratification to the faculty  
12 and IAS of the College of Nursing.  
13

#### 14 3.01 Purpose

15 The bylaws shall establish the framework and specific policies and procedures by  
16 which programs can maintain stability, strength and growth. Such bylaws shall  
17 establish policies and procedures by which members shall participate in program  
18 affairs and by which faculty and IAS shall exercise their responsibility for College  
19 governance and their responsibility for academic and faculty and IAS personnel  
20 matters.  
21

#### 22 3.02 Structure

- 23 (1) The Dean is the executive officer of the College.
- 24 (2) There are three directors/ assistant deans who oversee the overall responsibilities  
25 of the College of Nursing. (In this document, the term directors will be used  
26 throughout to denote directors/ assistant deans).
- 27 (3) The College consists of two programs: undergraduate and graduate. Each  
28 program has a director who is responsible for curricular and other aspects of that  
29 program.
- 30 (4) College faculty and IAS may have responsibilities across programs, depending  
31 on the needs of the College. Each program may have one or more curricular  
32 options or emphases which are overseen by an appointed assistant director,  
33 coordinator or facilitator.
- 34 (5) The College supports a research center overseen by a director of research and  
35 evaluation.
- 36 (6) The College undergraduate program supports student academic affairs services  
37 overseen by an assistant director, student academic affairs.
- 38 (7) The College collaboratively manages a nurse-based community clinic.  
39  
40

#### 41 3.03 Rights and Responsibilities of Program faculty and IAS

42 The faculty and IAS of a program, recognizing students' role and the Chancellor's  
43 responsibilities and authority in formulating University policy, shall have primary  
44 responsibility for the program's academic and educational policy, and immediate  
45 governance in accordance with Article 1.02. Each voting member in the program shall  
46 have an equal voice in governance. Unless specifically prohibited elsewhere in this  
47 constitution or in the University policies as defined in Article VIII, Sections 4 & 5 of the  
48 constitution, the decisions of the majority of those present and eligible to vote shall be  
49 the decisions of the program.  
50

#### 51 3.04 Responsibilities of Program Director

- 52 (1) The director is responsible for seeing that provisions of the College bylaws, those  
53 policies, procedures, and decisions made by faculty and IAS in unit meetings, and

## College Bylaws – College of Nursing

1 University policies are discharged. The director shall keep faculty and IAS of the  
2 program informed about all curricular and academic matters as specified in  
3 Section 5 A, B, C of the Faculty Constitution (*Faculty and Academic Staff*  
4 *Handbook*). If the director acts without consultation with members of the  
5 program, he or she shall inform all members of the reason for said actions.  
6 These actions shall be subject to review by the members.

- 7 (2) The director consults with members of the program in matters involving curricular  
8 and academic changes.  
9

### 10 3.05 Selection and Evaluation of Undergraduate and Graduate Program Directors

11 The program director shall be nominated by a majority of eligible voters in each  
12 program of the College who cast ballots and shall be appointed by the Chancellor. If a  
13 nominee is not accepted by the Chancellor, another nominee shall be selected until  
14 the appointment is made.

- 15 (1) The nominees for program director are preferably tenured faculty.  
16 In the absence of tenured faculty, tenure-track faculty may be nominated. Nominations will be  
17 completed by secret ballot by March 1. The name of the person receiving a simple majority will  
18 be forwarded to the Chancellor. An appointment will be made by the Chancellor by May 1, to  
19 take office July 1. Should the office of chairperson or equivalent become vacant before the term  
20 expires, the office shall be filled for the remainder of the unexpired term by a  
21 chairperson/equivalent chosen by special nomination/ballot, which shall be held within 10 days  
22 after the vacancy occurs. The name of the person receiving a simple majority will be forwarded  
23 to the Chancellor. Should the vacancy occur in summer when the legal voters of the unit are  
24 not required to be on campus for professional or teaching responsibilities, the College of Nursing  
25 Personnel Committee will forward to the Chancellor one name for an interim program director  
26 to fill the term.
- 27 (2) The term of office of program director shall be 3 years.
- 28 (3) Eligible voters in the program may remove a director for good and sufficient  
29 reasons by vote of a two-thirds majority. A written petition by the program faculty  
30 and IAS or by the Chancellor shall be submitted to request that the program  
31 conduct such a vote. The vote shall be conducted by the College Committee.  
32 The outcome of the vote shall be forwarded as a recommendation to the  
33 Chancellor.
- 34 (4) The program directors' performance will be reviewed and evaluated at least  
35 biennially by faculty and IAS from the respective programs and the Dean. The  
36 performance review and evaluation process will be conducted by the Chair of the  
37 Personnel Committee of the College. A written evaluation will be provided to  
38 each program director and to the Dean. The Dean shall request a meeting to  
39 discuss the evaluation.  
40

### 41 3.06 Selection of Research & Evaluation Director

42 The Research & Evaluation Director shall be appointed by the Dean of the  
43 College of Nursing.

- 44 (1) The appointee is preferably tenured faculty. In the absence of tenured  
45 faculty, tenure-track faculty may be appointed.
- 46 (2) The term of office shall be 3 years.
- 47 (3). The Dean may remove the director for good and sufficient reasons.
- 48 (4) The Research and Evaluation Director's performance will be reviewed and  
49 evaluated at least biennially by the Dean.  
50

### 51 3.07 Proposals for Change

- 52 (1) Should major organizational change be proposed, consultation will occur among  
53 faculty and IAS, the Dean, and Provost and Vice Chancellor.
- 54 (2) Such proposals and accompanying rationale will be made in writing and  
55 distributed to the entire faculty and IAS. There will be subsequent consultation

## College Bylaws – College of Nursing

1 between the Dean and faculty and IAS of the program/unit involved and later with  
2 the entire faculty and IAS.

### 3 4 ARTICLE IV. COLLEGE OF NURSING COMMITTEE STRUCTURE

5  
6 The Personnel, Promotions, and Search and Screen committees make recommendations to  
7 the Dean. All other committees are responsible to faculty and IAS of the College of Nursing.  
8 Copies of the agendas and proceedings of the graduate program, undergraduate program  
9 and College Committee shall be distributed or posted on faculty and IAS bulletin board in the  
10 College. Copies of the minutes of all standing committee proceedings will also be kept in the  
11 appropriate office. .

12  
13 The organizational meeting of standing committees will be called at the beginning of the  
14 academic year by the first person on the alphabetical listing for the committee. The chair will  
15 be elected for a 1-year term at this meeting. Each committee shall submit an annual written  
16 summary to faculty and IAS. Faculty and IAS committee members will be elected in the  
17 spring term and will take office in the fall term. College of Nursing students are selected by  
18 the Oshkosh Student Nurses Association (OSNA) for representation on standing committees  
19 in which they have membership.

20  
21 Faculty and IAS should be present at committee meetings to vote unless otherwise  
22 specified. Faculty and IAS who hold committee membership and are granted a leave of  
23 absence shall notify the chair of the committee and the College Committee of his/her  
24 decision concerning participation in each committee membership during his/her absence.

#### 25 26 4.01 College Committee

27 (1) The College Committee consists of 4 elected faculty as defined in 1.01(1)(a) of  
28 which 2 shall be tenured and 2 on tenure track with at least 2 years of service  
29 when accepting office, and one (1) elected IAS with voting rights for a 1-year term  
30 with option for re-election. Elected faculty shall serve staggered 2-year terms.  
31 The undergraduate and graduate program directors, and Research and  
32 Evaluation Director shall also be members of the College Committee. The Dean  
33 of the College will be a member without vote.

34 (2) A chair will be elected from among the tenured faculty members.

35 A member of the committee will be the recorder for the meetings.

36 (3) The College Committee has the responsibility to:

- 37 (a) Act in advisory capacity to the Dean.  
38 (b) Develop policies related to the College of Nursing for faculty and IAS  
39 consideration.  
40 (c) Plan agenda for faculty meetings.  
41 (d) Appoint members to ad hoc committees.  
42 (e) Appoint an ad hoc committee to oversee yearly faculty and IAS elections.  
43 (f) Appoint an ad hoc committee to review College bylaws every 3 years.  
44 (g) Advise in planning and review of the annual budget for College.  
45 (h) Participate in long-range planning for College including any innovative or  
46 entrepreneurial endeavors. .  
47 (i) Oversee and implement the master evaluation plan for the College.  
48 (j) Oversee and implement the strategic plan for the College.

#### 49 50 4.02 Graduate Program Committee

51 (1) The Graduate Program Committee shall consist of the graduate program director;  
52 the assistant director, advanced practice nursing; four elected graduate faculty as  
53 defined in 1.01(1) (b), and two appointed graduate students representing the

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1 Master of Science in Nursing (MSN) and Doctor of Nursing Practice (DNP)  
2 programs. The faculty shall serve for staggered 2-year terms and the student for a  
3 1-year term.

4 (2) The chair shall be elected from among the elected tenured/tenure track  
5 committee members. It is preferred that the program director not serve as chair.

6 (3) The Graduate Program Committee has the responsibility to:

7 (a) Develop and revise policies for the graduate program for faculty and IAS  
8 consideration as needed.

9 (b) Engage in systematic review and evaluation of the graduate curriculum,  
10 outcomes and objectives of the curriculum, and recommend revisions as  
11 needed.

12 (c) Participate in long-range planning to meet College of Nursing goals.

13 (d) Recommend admission, readmission, retention and progression of graduate  
14 students to graduate program director.

15 (e) Maintain articulation between the graduate and undergraduate programs.

16 (f) Make recommendations to the Dean regarding student awards and  
17 scholarships.

18 (g) Coordinate recruitment efforts of a diverse student body with appropriate  
19 University services and offices.

20 (h) Participate in enrollment management activities for the graduate program.

21 (i) Monitor and update, on a periodic basis, the currency of holdings related to  
22 nursing in Polk Library.

23 (j) Review and process requests for books and other learning resource  
24 materials and coordinate review activities.

### 25 26 4.03 Undergraduate Program Committee

27 (1) The Undergraduate Program Committee shall consist of the director of the  
28 undergraduate program; option coordinators; assistant director, student academic  
29 affairs, assistant director, ACCEL option, level facilitators; two elected  
30 undergraduate faculty or IAS as defined in 1.01, and two appointed students (one  
31 junior level and one senior level). The undergraduate faculty and IAS are elected  
32 for staggered 2-year terms and the students for a 1-year term. Three of the  
33 positions on the committee shall be tenured or tenure track.

34 (2) The chair shall be elected for a 1-year term from among the tenured/tenure track  
35 committee members. It is preferred that the program director not serve as chair.

36 (3) The Undergraduate Program Committee has the responsibility to:

37 (a) Develop and revise policies for the undergraduate program for  
38 faculty and IAS consideration as needed.

39 (b) Engage in systematic review and evaluation of the undergraduate curriculum,  
40 outcomes/objectives of the curriculum, and recommend revisions as needed.

41 (c) Participate in long-range planning to meet College of Nursing goals.

42 (d) Recommend admission, readmission, retention and progression of  
43 undergraduate students to undergraduate program director.

44 (e) Maintain articulation between undergraduate and graduate programs.

45 (f) Coordinate recruitment efforts of a diverse student body with appropriate  
46 University services and offices.

47 (g) Participate in enrollment management activities for the undergraduate  
48 program.

49 (h) Monitor and update, on a periodic basis, the currency of holdings related  
50 to nursing in Polk Library.

51 (i) Review and process requests for books and other learning resource  
52 materials and coordinate all review activities.  
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### 4.04 Research and Professional Development Committee

(1) The Research and Professional Development Committee shall consist of the Research and Evaluation Director and two elected faculty or IAS one of whom must be tenured or tenure track faculty as defined in 1.01(1). Faculty and IAS shall serve staggered 2-year terms.

(2) The Research and Evaluation Director shall serve as chair .

(3) The Research and Professional Development Committee has the responsibility to:

- (a) Review, develop and evaluate research and professional development policies, programs and activities.
- (b) Facilitate inservice and research efforts within the interests/needs of the College.
- (c) Advise and consult with the Dean regarding needs, content and resources for research and professional development activities for the College of Nursing and area clinical agencies.
- (d) Review and recommend allocation of research and travel funds.

### 4.05 Undergraduate Academic Standing Committee

(1) The Undergraduate Academic Standing Committee shall consist of the director of the undergraduate program; assistant director, ACCEL option; assistant director, student academic affairs; three elected faculty or IAS as defined in 1.01, and two appointed undergraduate students (one junior and one senior level). Student members serve on the committee without vote. Faculty and IAS are elected for staggered 2-year terms, and students for a 1-year term.

(2) The chair is elected for a 1-year term from among the members of the committee.

(3) The Undergraduate Academic Standing Committee has the responsibility to:

- (a) Review academic policies and Student Handbook at minimum, every two years and recommend revisions to the faculty and IAS .
- (b) Make recommendations to the program director and the Dean regarding admission, readmission, progression and retention of undergraduate students, while maintaining overall academic standards of the College of Nursing.
- (c) Recommend to the Dean undergraduate students for scholarships and awards.

### 4.06 Evaluation Committee

(1) The Evaluation committee shall consist of the research and evaluation director; the undergraduate and graduate program directors; assistant director, advanced practice nursing, graduate program, and a faculty or IAS representative from ACCEL and RN to BSN Outreach options.

(2) The research and evaluation director shall serve as the chair.

(3) The Evaluation Committee has the responsibility to:

- (a) Coordinate all evaluation activities in the undergraduate and graduate programs.
- (b) Engage in systematic review and analysis of evaluation methods and recommend revisions every two years as appropriate.
- (c) Collect and analyze evaluation data, and share the results with the respective program directors, program committees, and faculty as appropriate.
- (d) Establish benchmarks for student/alumni/employer outcomes in collaboration with the undergraduate and graduate programs.
- (e) Recommend revisions for program improvement and effectiveness to



## College Bylaws – College of Nursing

- 1 appropriate committees based on outcome data.  
2 (f) Participate in long range planning to meet the CON vision, mission, and  
3 goals.  
4

### 5 4.07 Personnel Committee

- 6 (1) The Personnel Committee shall consist of all tenured faculty.  
7 (2) The chair shall be elected for a 1-year term by the committee members.  
8 (3) The Personnel Committee, in accordance with University policies, has the following  
9 responsibilities:  
10 (a) Develop criteria and guidelines for faculty and IAS appointment, renewal, and  
11 merit; faculty tenure, promotion, and post-tenure review.  
12 (b) Develop criteria and guidelines for IAS clinical track promotion.  
13 (c) Review and submit merit criteria for faculty approval a minimum of every 3  
14 years.  
15 (d) Recommend tenure and promotion policies, and salary and merit policies.  
16 (e) Serve as initial level of review and implement procedures for, appointment,  
17 renewal, merit, tenure, and promotion. This includes tenure decisions in  
18 which promotion to Associate Professor is automatic.  
19 (f) Make recommendations for appointment, renewal, merit, tenure, and  
20 promotion to the Dean.  
21

### 22 4.08 Promotions Committee

- 23 (1) The Promotions Committee shall consist of all tenured faculty members as defined in  
24 1.01 who hold the rank of Professor.  
25 (2) The chair shall be elected for a 1-year term by the committee members.  
26 (3) The Promotions Committee, in accordance with University policies, has the following  
27 responsibilities:  
28 (a) Serve as initial level of review for promotion decisions except those  
29 promotions to Associate Professor which are combined with tenure decisions  
30 (*UW Oshkosh Faculty and Academic Staff Handbook*, Section 5. A.2).  
31 (b) Assume responsibility for recommendations for rank of Professor at time of  
32 hire.  
33 (c) Evaluate faculty for promotion. Faculty who hold the rank of Professor shall  
34 participate in the discussion and voting of candidates for promotion to the  
35 rank of Professor.  
36 (d) Make recommendation concerning promotion to the Dean.  
37

### 38 4.09 Faculty Search and Screen Committee

- 39 (1) The Faculty Search and Screen Committee shall consist of the graduate program  
40 director, the undergraduate program director and two elected tenured faculty as  
41 defined in 1.01 (1). The faculty shall serve for staggered 2-year terms.  
42 (2) The chair shall be elected for a 1-year term.  
43 (3) The Faculty Search and Screen Committee has the responsibility to:  
44 (a) Act in advisory capacity to the Dean.  
45 (b) Develop and implement procedures relating to faculty recruitment.  
46 (c) Screen applicants/application materials and make recommendations to the  
47 Dean regarding candidates to be interviewed.  
48 (d) Coordinate recruitment activities with the Office of Equity and Affirmative  
49 Action.  
50

### 51 4.10 Ad Hoc Committees

- 52 (1) Ad hoc committees may be appointed for a limited term when deemed necessary by  
53 the Dean and/or the College Committee for special purposes.

## College Bylaws – College of Nursing

- 1 (2) The formation, composition, appropriate electorate, term of office and charge will be  
2 determined at the time of the committee creation.
- 3 (3) The Dean and/or College Committee will appoint a chair of any ad hoc committee.
- 4 (4) Each ad hoc committee is to keep minutes of all meetings and file copies of minutes  
5 and final reports with the appropriate office. .
- 6 (5) A final written report shall be filed by the committee chair when the limited term  
7 expires.

### 8 9 4.11 Faculty and IAS Appeals and Grievances

10 See procedures in *University of Wisconsin Oshkosh College of Nursing Faculty*  
11 *Handbook* and *University Faculty and Academic Staff Handbook*.

## 12 13 ARTICLE V. BYLAWS

14  
15 5.01 The most current edition of *Sturgis' Standard Code for Parliamentary Procedure*  
16 determines conduct and proceedings of faculty and IAS and standing committees  
17 unless otherwise specified by College of Nursing policy or procedure.

18  
19 5.02 The bylaws will be reviewed at least every 3 years.

- 20 (1) These bylaws may be amended by a two-thirds affirmative vote of the faculty of the  
21 College as defined in 1.01 (1), who vote either "yes" or "no." A vote of  
22 "present" or abstention from voting is not counted as a "no" vote. Voting will be  
23 conducted by paper ballot, after at least two weeks' notice of proposed  
24 amendments, at a regularly scheduled meeting of the college faculty, or by  
25 referendum.
- 26 (2) Hearings will be held for consideration of all amendments or revisions to the bylaws.  
27 The Bylaws Ad Hoc committee will schedule and conduct such hearings.
- 28 (3) Bylaws are amended by two-thirds majority vote of faculty and IAS of the College as  
29 defined in 1.01 and will go into effect when approved by the College faculty and  
30 IAS and Faculty Senate of the University.

31  
32 Revisions approved by CON faculty November 21, 1997

33 Approved by CON faculty December 12, 1997

34 Approved by Faculty Senate February 1998

35 Revisions approved by CON faculty February 12, 1999

36 Approved by Faculty Senate May 4, 1999

37 Approved by College of Nursing Faculty September 21, 2001

38 Approved by Faculty Senate December 12, 2001

39 Approved by CON faculty February 18, 2005

40 Approved by Faculty Senate December 2005

41 Revised Fall 2006

42 Approved by CON faculty, January 12, 2007

43 Revisions approved by CON faculty, January 22, 2010

44 Revisions approved by CON faculty, March 19, 2010

45 Approved by Faculty Senate April 10, 2010

46 Revisions approved by CON faculty May 19, 2011

47 Approved by Faculty Senate January 17, 2012

48

## College Bylaws – Polk Library

### 1 **GOV 5.5. Polk Library Bylaws.**

2 The purpose of these bylaws is to establish policy and procedures to ensure the Faculty participation in  
3 faculty matters.

### 4 **ARTICLE I. Membership.**

5 Membership in the Unit is defined in the Faculty Constitution, Article I, Section 1, and Article VIII, Section  
6 3.

### 7 **ARTICLE II. Rights and Responsibilities of Members.**

#### 8 **Section 1. Rights and Responsibilities.**

9 Faculty have the rights and responsibilities defined in Article VIII, Section 4, of the Faculty Constitution.

#### 10 **Section 2. Voting.**

11 A quorum consists of the majority of the Faculty eligible to vote. A majority vote is defined to be more  
12 than half of those voting. The decisions of the majority of voting members at a meeting shall be the  
13 decisions of the Unit.

#### 14 **Section 3. Faculty Meetings.**

15 The sources of parliamentary rules governing the Faculty are described in Article X of the Faculty  
16 Constitution.

17 A. Regular meetings will be held during the academic year and there will be a minimum of two  
18 meetings per semester. In addition, the Chair will call a special meeting when an issue arises  
19 that cannot wait for a regular meeting or when it is requested by at least 2 members of the  
20 Faculty.

21 B. At least two-thirds of the Faculty must be present at a meeting that calls for a decision on any  
22 issue. Each such issue will be decided by a simple majority of the members present except  
23 where a different vote is required in these bylaws, the Faculty Constitution, or the current  
24 parliamentary authority.

25 C. The agenda shall be decided by the Chair and distributed to all Faculty at least 2 working days  
26 in advance of the meeting. Agenda items may be submitted by any member for inclusion on the  
27 agenda. The agenda may be modified or amended by action at a meeting.

### 28 **ARTICLE III. Offices.**

#### 29 **Section 1. Chair.**

30 The responsibilities of the Chair are defined in Article VIII, Section 5, of the Faculty Constitution.

#### 31 • Selection of Chair

32 The procedure for selection of the Chair is described in Article VIII, Section 6, of the Faculty  
33 Constitution. If the office becomes vacant, a replacement will be selected according to the  
34 procedure in Article VIII, Section 6, of the Faculty Constitution.

#### 35 • Recall of Chair

36 The procedure for removal of a Chair is described in Article VIII, Section 6, of the Faculty  
37 Constitution.

### 38 **ARTICLE IV. Committees.**

#### 39 **Section 1. Personnel Committee.**

40 The Personnel Committee consists of all Faculty of the Unit. Decisions are made by a majority vote.  
41 The duties of this Committee shall be to make all decisions on renewal/nonrenewal/tenure, promotion,  
42 peer evaluation and post-tenure review. Such decisions require that evaluation be made in the area of  
43 librarianship, professional and scholarly growth, and service and are based on Section IV: LLR  
44 Renewal/Tenure/Promotion Guidelines in the LLR Faculty Handbook. Peer evaluation shall be done on  
45 a biennial basis and the results used for merit pay recommendations and post-tenure review. There is  
46 no form or special format required. Recommendations shall be forwarded to the Assistant Vice

## College Bylaws – Polk Library

1 Chancellor for Information Technology. Subcommittees may be appointed for specific responsibilities,  
2 for example, tenured faculty for renewal/non-renewal/tenure decisions. The Chair shall be responsible  
3 for providing all appropriate forms to each individual. It shall be the responsibility of the individual  
4 seeking renewal/tenure to submit a complete file of evidence. It shall be the responsibility of the  
5 individual seeking promotion to initiate the procedure and to submit a complete file.

### 6 **Section 2. Collection Development Committee.**

7 All members shall serve on the Collection Development Committee and have responsibilities for specific  
8 academic departments as assigned. The faculty will elect a chair and forward the recommendation to  
9 the Assistant Vice Chancellor for Information Technology.

### 10 **Section 3. Ad Hoc Committee.**

11 Ad hoc committees serve at the pleasure of the Faculty and are appointed as needed; for example, a  
12 bylaws review committee.

## 13 **ARTICLE V. Amendments, Rules, Ratification**

### 14 **Section 1. Amendments.**

15 These Bylaws may be amended at any time by a two-thirds majority vote of eligible voters. Proposed  
16 amendments will be discussed at a faculty meeting and then voted on at a meeting scheduled within  
17 two weeks.

### 18 **Section 2. Rules.**

19 The most current edition of Sturgis' *Standard Code of Parliamentary Procedure* will determine conduct  
20 and proceedings unless overridden by statute, UW System or UW Oshkosh rules, or these Bylaws.

### 21 **Section 3. Ratification.**

22 These Bylaws shall be considered ratified and shall become effective when they have been approved  
23 by a two-thirds majority of eligible voters and have been accepted by the Faculty Senate.

24

1 **GOV 5.6. Graduate Council.**

- 2 Originally passed by the Graduate Faculty, December 10, 1982
- 3 Revisions passed by the Graduate Council, February 13, 1990
- 4 Revisions passed by the Graduate Faculty, March 9, 1990
- 5 Revisions passed by the Graduate Council, March 1, 1994
- 6 Revisions passed by the Graduate Faculty, April 15, 1994
- 7 Revisions passed by the Faculty Senate, March 28, 1995
- 8 Revisions passed by the Graduate Council, July 11, 1997
- 9 Revisions passed by the Graduate Faculty, September 1, 1997
- 10 Revisions passed by the Faculty Senate, December 2, 1997
- 11 Revisions passed by the Graduate Council, 10/10/2001, 10/29/2001
- 12 Revisions passed by the Graduate Faculty, 11/30/2001
- 13 Revisions passed by the Graduate Council, 3/13/2002
- 14 Revisions passed by the Graduate Faculty, 4/15/2002
- 15 Revisions passed by the Faculty Senate, 4/23/2002
- 16 Revisions passed by the Graduate Council, 3/7/3003
- 17 Revisions passed by the Graduate Faculty, 4/11/2003
- 18 Revisions passed by the Faculty Senate, 5/7/2003
- 19 Revisions passed by the Graduate Council, 12/1/2006
- 20 Revisions passed by the Graduate Faculty, 1/3/2007
- 21 Revisions passed by the Faculty Senate, 12/11/2007
- 22 Revisions passed by the Faculty Senate, May 17, 2011
- 23 Revisions passed by the Faculty Senate May 14, 2013

24 **Article I. Graduate Faculty**

25 **Section 1. Definition.** Graduate Faculty members shall include those persons of the  
26 University of Wisconsin Oshkosh who are eligible to teach graduate courses and engage in  
27 graduate-level activities.

28 **Section 2. Membership. The Graduate Faculty shall consist of two groups:**

29 **A. Ranked Faculty**

30 Qualifications for Ranked Faculty

- 31 1. The earned doctorate or the appropriate terminal degree in the professional field or
- 32 discipline and rank of assistant professor, associate professor, or professor
- 33 2. A record of productive scholarship, creative endeavor or achievement in practice
- 34 commensurate with doctoral expectations
- 35 3. Ability for graduate-level teaching

37 **B. Instructional Academic Staff**

38 Qualifications for masters-level Instructional Academic Staff

- 39 1. A minimum of a masters degree in the professional field or discipline
- 40 2. Equivalent experience as defined by college or unit
- 41 3. Ability for graduate-level teaching

42 Qualifications for doctoral or terminal degree-level Instructional Academic Staff

- 43 1. A doctorate or terminal degree in the professional field or discipline
- 44 2. A record of productive scholarship, creative endeavor or achievement in practice
- 45 commensurate with doctoral expectations
- 46 3. Ability for graduate-level teaching

47 **Section 3. Appointment and Renewal Process**

48 A. Assignment to teach graduate-level courses and participate in graduate-level activities will  
49 follow standard University and College personnel and administrative protocols.

51 B. On an annual basis by October 1<sup>st</sup>, each college/unit shall provide the Dean of Graduate  
52 Studies a list of new nominees, continuing members, and deleted members of the  
53 Graduate Faculty.

54 **Section 4: Responsibilities.** Responsibilities may include but are not confined to:  
55 assignment to graduate classroom instruction; graduate curricular oversight and assessment;  
56 graduate admissions decisions and recommendations; graduate student academic  
57 advisement; facilitation of graduate student growth and development; Graduate Council  
58 and/or departmental graduate committee activities; candidacy and comprehensive

College Bylaws – Polk Library

1 examination responsibilities; involvement with field projects, theses, seminar or clinical  
2 papers.

3  
4  
5 **Article II. Graduate Council**

6 **Section 1. Membership and Leadership.** The Graduate Council is a body representative of  
7 the University’s graduate programs. The Council consists of:

8 A. Coordinators of active graduate degree programs (or a substitute from that program who  
9 is designated by the coordinator for that meeting which the designee attends) will serve  
10 on the Graduate Council as a voting member. “Active program” is defined as having over  
11 the last three years, on average at least five students taking classes within that program.  
12 The term for all Graduate Council members is indefinite concurrent with their term as  
13 coordinator for their respective program. The term is September 1 through August 31.

14  
15 Each Graduate Program Coordinator shall identify an alternate who may serve in lieu of  
16 the Graduate Council member on the Council and on committees.

17  
18 B. Two graduate students who shall be nominated by the Graduate Council and appointed  
19 by the Oshkosh Student Association (OSA) to serve as voting members for a one-year  
20 term that begins each year on September 1.

21  
22 Each Graduate Student Representative shall identify an alternate who may serve in lieu of  
23 the Graduate Council member on the Council and on committees.

24  
25 C. One graduate faculty member or administrative appointee who holds graduate faculty  
26 status from each college shall be chosen by the College Dean. The term for a Council  
27 appointee shall be one year from September 1 through August 31.

28  
29 Each Dean’s Representative shall identify an alternate who may serve in lieu of the  
30 Graduate Council member on the Council and on committees.

31  
32 D. Dean of Graduate Studies and the Director of Graduate Studies, who are ex officio non-  
33 voting members.

34  
35 E. A Chairperson who is elected by a majority of the Graduate Council to a 3-year term.  
36 Elections will be held during the spring semester in the last year of a Chairperson’s term.  
37 A term for the Chairperson shall be September 1 through August 31 at the end of the third  
38 year. The Chairperson will represent the Council, assist in developing agendas for  
39 meetings, preside over meetings, and lead the Executive Committee. The Chairperson is  
40 a voting member of the Council.

41 **Section 2. Rights and Responsibilities.** The Council is responsible for formulating the  
42 policies concerning the graduate programs of the University of Wisconsin Oshkosh, and it  
43 serves as an advisory body to the Provost and Vice Chancellor and the Dean of Graduate  
44 Studies concerning the implementation of these policies. The Council has the function and  
45 power to:

46 A. Establish goals and directions at the University of Wisconsin Oshkosh that are supportive  
47 of program quality including overall consistency of standards for graduate education.

48  
49 B. Provide oversight regarding developing, executing or implementing the strategic plan for  
50 graduate studies and initiatives, action steps or activities necessary to achieve the goals  
51 of the strategic plan.

52  
53 C. Advise the Provost and Vice Chancellor and the Dean of Graduate Studies on matters  
54 related to planning and coordinating graduate education.  
55

**College Bylaws – Polk Library**

- 1 D. Request that the Provost and Vice Chancellor and the Dean of Graduate Studies direct  
2 specific activities to be undertaken on matters of concern to the Council.
- 3
- 4 E. Review and approve new program proposals, revised programs, and program reviews.
- 5
- 6 F. Serve as an appellate body for exceptions to the Office of Graduate Studies' policies.
- 7

8 **Section 3. Meetings**

- 9
- 10 A. The Council shall meet once per month during each semester or at the discretion of  
11 Council members, the Chair, or the Dean of Graduate Studies.
- 12
- 13 B. As a public agency, the Graduate Council at the University of Wisconsin Oshkosh is  
14 subject to the state's open meeting law (19.81 et seq., Wis. Stats.). This law requires  
15 advance notice of meetings of the governance organizations and certain University  
16 committees; the law also restricts and limits the circumstances under which these  
17 "governmental bodies" may meet in closed session.
- 18
- 19 C. Minutes of the proceedings of the Graduate Council shall be recorded, maintained, and  
20 distributed through the Office of Graduate Studies.
- 21
- 22 D. In order to conduct business, a quorum, which consists of a majority of voting members,  
23 must be present.
- 24

25 **Article III. Committees**

26 Members of the Graduate Council or their alternates shall serve on Graduate Council standing  
27 and special committees when duly selected or by procedures established by these bylaws, by  
28 the Graduate Council, by the Dean of Graduate Studies, or by the committees.

29 **Section 1. Executive Committee**

- 30 A. The Executive Committee shall be composed of a representative from each College  
31 approved annually by the Council at its first fall meeting, a student member, the  
32 Chairperson, and the Dean of Graduate Studies as ex-officio.  
33  
34 The term for an Executive Committee member shall be from September 1 through August  
35 31.  
36  
37
- 38
- 39 B. The Executive Committee shall:
  - 40 1. Serve as a planning and advisory resource to the Graduate Council Chairperson and  
41 Dean of Graduate Studies regarding administrative policies and procedures,  
42 programs, and current issues facing the Office of Graduate Studies.
  - 43 2. Ensure a biennial review and subsequent amending of the Graduate Council bylaws.
  - 44 3. Oversee the completion of an annual report for the Office of Graduate Studies.
  - 45 4. Meet at the call of the Chairperson, and when a time-sensitive matter needs  
46 resolution before the full Council meets, the Executive Committee may act on time-  
47 sensitive matters. The decisions are subject to the review of the full Council.
  - 48
- 49 C. The Chairperson of the committee or designee shall make an oral report on the  
50 committee's most recent actions to the Graduate Council at the Council's first meeting  
51 after the committee meeting.

52 **Section 2. Curriculum Approval Committee**

- 53 A. The Curriculum Approval Committee shall be composed of a Graduate Council member  
54 from each College and one graduate student Council member selected annually at the  
55 first fall meeting by the Graduate Council. The Chairperson of the committee shall be  
56 elected by the committee members.
- 57

**College Bylaws – Polk Library**

1 B. The committee shall have the authority and responsibility to approve or not approve  
2 changes in curricula, program reviews, program credit requirements, and admissions  
3 criteria; make decisions that support program quality and consistency of standards in the  
4 graduate programs and review other curricular matters; and report actions to the  
5 Graduate Council.

6  
7 The committee shall meet at the call of the Chairperson and may conduct business in  
8 person or electronically.

9  
10 C. The Chairperson or designee shall make an oral report on the committee's most recent  
11 actions to the Graduate Council at the Council's first meeting after the committee meeting.

12  
13 D. If the committee cannot reach a decision regarding any action, the full Council will review  
14 the action and vote to come to a decision.

15 **Section 3. Distinguished Research Award Review Committee**

16 A. The Distinguished Research Award Review Committee shall be composed of a Graduate  
17 Council member from each College and selected annually at the first fall meeting by the  
18 Graduate Council. The Chairperson of the committee shall be elected by the committee  
19 members.

20  
21 B. The committee shall have the authority and responsibility to:  
22 1. Select annually the University's most distinguished thesis, clinical paper or field report  
23 2. Select annually the University's most distinguished scholarship by graduate students  
24 who did not complete a thesis, clinical paper or field project  
25 3. Review graduate student nominees for the Midwest Association of Graduate Schools  
26 (MAGS) annual competition  
27 4. Meet at the call of the Chairperson and may conduct business in person or  
28 electronically.

29  
30 C. The Chairperson or designee shall make an oral report on the committee's most recent  
31 actions to the Graduate Council at the Council's first meeting after the committee meeting.

32 **Section 4. Graduate Studies Travel Fund Review Committee**

33 A. The Graduate Studies Travel Fund (GSTF) Review Committee shall be composed of one  
34 Graduate Council member from each College and selected annually at the first fall  
35 meeting by the Graduate Council. The Chairperson of the committee shall be elected by  
36 the committee members.

37  
38 B. The committee has the authority and responsibility to establish criteria for use of the  
39 funds, to develop the process for submitting requests and to approve/disprove requests  
40 for use of the GSTF.

41  
42 The committee shall meet at the call of the Chairperson and may conduct business in  
43 person or electronically.

44  
45 C. The Chairperson or designee shall make an oral report on the committee's most recent  
46 actions to the Graduate Council at the Council's first meeting after the committee meeting.

47 **Section 5. Graduate Studies Initiatives Program**

48 A. The Graduate Studies Initiatives Program (GSIP) shall be composed of a Graduate  
49 Council member from each College and one graduate student member selected annually  
50 at the first fall meeting by the Graduate Council. The Chairperson of the committee shall  
51 be elected by the committee members.

52  
53 B. The committee shall have the authority and responsibility to review proposals for more  
54 than \$2000, make a recommendation, with rationale, to the Graduate Council regarding



**College Bylaws – Polk Library**

1 funding. The Dean of Graduate Studies will approve items \$2000 and under.  
2

3 C. The committee shall meet at the call of the Chairperson and may conduct business in  
4 person or electronically.  
5

6 D. The Chairperson or designee shall make an oral report on the committee's most recent  
7 actions to the Graduate Council at the Council's first meeting after the committee meeting.

8 **Section 6. Other Committees.** Ad hoc committees may be established for limited terms by  
9 the Graduate Council.  
10

11 **Article IV. Reviewing and Amending the Bylaws**

12 The bylaws are reviewed biennially by the Executive Committee and subsequently amended  
13 by a majority vote of all eligible voting members of the Graduate Council. Standard practice  
14 shall be that this vote occur after at least one reading or discussion of the proposed  
15 amendment(s) during at least one meeting of the full Council at which the bylaws change(s)  
16 are discussed. However, the Graduate Council Chairperson may request a waiver of one  
17 reading/discussion and/or one meeting. A majority vote of all eligible members of the  
18 Graduate Council is needed to grant the waiver. The final vote for any amendment(s) may be  
19 held at a meeting or through written or electronic ballot.  
20

21 **Article V. Parliamentary Authority**

22 The current edition of the *Sturgis Standard Code of Parliamentary Procedure* governs this  
23 organization in all parliamentary situations that are not provided for in the law or in the charter,  
24 bylaws, or adopted rules.  
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**Other Governance Documents**

**GOV 6. GOVERNANCE DOCUMENTS.**

**GOV 6.1. Faculty Voting Rights for Instructional Academic Staff.**

History: This document was originally approved by the Faculty Senate in November 1986 and by the Chancellor in December 1986. After consultation with the Faculty Senate and the Senate of Academic Staff, the following amendments were approved by Chancellor Kerrigan in December 1992. Revisions were made to the document and approved by the Faculty Senate on May 3, 1994 and, after consultation with the Senate of Academic Staff, approved by Chancellor Kerrigan on June 6, 1994. Section II was revised and received final approval on April 14, 1998.

**I. Criteria for Eligibility for Faculty Voting Rights.**

Academic staff members will be automatically eligible to exercise faculty voting rights if they are working in an instructional assignment with an appointment of more than one-half time in an academic department or equivalent unit and are in their fifth semester with that department or unit. Academic staff working under a limited appointment are ineligible.

**II. Conditions Under Which Voting Rights Are Extended.**

Faculty voting rights for Instructional Academic Staff are restricted to departments (or their equivalent) affairs excluding recruitment, tenure, appointment/reappointment and promotion. Instructional Academic Staff who are in their departments' (or equivalent) merit pool may vote on merit recommendations; all others are excluded. Departments (or equivalent) can determine whether or not Administrative/Professional Academic Staff be given the same voting rights as Instructional Academic Staff.

**III. Procedures.**

Departments (or equivalent units) must inform the senate each year of the instructional academic staff persons eligible for voting rights in the unit.

**Principles Concerning All-University or Joint Committees and Related Governance Structures**

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**Other Governance Documents**

**GOV 6.2. Principles Concerning All-University or Joint Committees and Related Governance Structures.**

Revised 12/93

1. Consistent with the principles of shared governance, where there is a clear need, the Chancellor (or designee) may establish all-University or joint committees comprised of representatives selected or nominated by the University's three governance organizations (i.e., the Faculty Senate, the Senate of Academic Staff, and the Oshkosh Student Association).
  - A. Temporary or emerging issues should be addressed through the establishment of ad hoc all-University or joint committees, rather than the creation of another standing committee. Ad hoc committees are generally formed for the purpose of reviewing or addressing a specific issue or problem. Once an ad hoc committee has completed its assignment, it shall be disbanded.
  - B. Requests for nominations of committee members shall be sent to the Presidents of the three governance groups and the representative members of the committees will be nominated by those governance organizations. Unless an exception is stated below for a given committee, the governance group representatives shall serve no more than two consecutive three-year terms on any given committee. [Note: In preparing these materials, we recognize the value of a decision made at the time of merger by former Chancellor Birnbaum that significant student participation on all-University committees is a desired goal, and that we should strive for a minimum student representation level of 20 percent of each committee.] All committee members, regardless of how appointed, will continue to serve as full members until a replacement name has been submitted by the appointing authority. In addition to the identified members, please note that additional persons may regularly or periodically attend meetings in resource or liaison roles.
    - (1) Whenever reference is made to participation by academic staff, requests for appointment shall be presented to the President of the Senate of Academic Staff.
    - (2) Whenever reference is made to participation by faculty, requests for appointment shall be presented to the President of the Faculty Senate.
    - (3) Whenever reference is made to participation by students representing the Oshkosh Student Association, requests for appointment shall be presented to the President of the Oshkosh Student Association.
      - (a) Given the annual change in student government leadership, student terms will be for the duration of the academic year.
    - (4) Whenever reference is made to participation by represented classified staff personnel, requests for appointment shall be presented to the President of the WSEU local union.
    - (5) Whenever reference is made to participation by nonrepresented classified staff personnel, requests for appointment shall be presented to the Director of Human Resources, as liaison to those nonrepresented employees. Please note: The formation of committees, the appointment of classified staff to serve on committees, and the scope of issues addressed by committees impacting on subjects of collective bargaining negotiations with the Wisconsin State Employees Union (WSEU) shall be done in a manner consistent with the contractual requirements pertaining to those employees.
    - (6) Whenever reference is made to participation by administrative representatives, the appointment shall be made by the Chancellor (or designee) or Provost and Vice Chancellor (or designee).
  - C. Committee appointments shall begin effective July 1 and continue through to June 30 of the year of expiration. It is anticipated that most committees will regularly meet during the academic year (September to May) with some committees on occasion meeting during the summer months, provided that suitable and appropriate arrangements have been made to facilitate faculty and student participation and involvement.
2. At the time of their formation, all committees shall receive a written statement of their charge (or of the issue or topic to be addressed). The statement of charge should also be included in the listing

## Principles Concerning All-University or Joint Committees and Related Governance Structures

1 of materials that are included in the section that follows in the Faculty and Academic Staff Handbook.  
2 Committees should also be informed of any deadlines for the completion of work by the committee.

3 A. Unless another method of selection is stated at the time the committee is charged, the  
4 committee chair or co-chair, if any, shall be elected by the members of committee at the  
5 committee's organizational meeting.

6 B. Each committee should make suitable arrangements to prepare minutes or a summary of  
7 proceedings from committee meetings.

8 C. All committees shall operate in accordance with their charge or any other applicable organizing  
9 documents. Committees shall utilize Sturgis as the source of parliamentary authority.

10 D. After the end of a given academic year, the last sitting chair of the committee shall assume  
11 responsibility to be the convener of the next committee meeting, unless other suitable  
12 arrangements have been made. The administrative representative on a committee shall assist  
13 in convening the committee early in the fall should there be a break in the continuity of the  
14 committee's meeting schedule.

15 3. The charge of all-University committees, and their rationale for continued existence, shall be  
16 reviewed cooperatively by the administration and the governance groups at least once every three  
17 to five years.

18 4. The Provost and Vice Chancellor's Office shall serve in a resource role to facilitate the dissemination  
19 of all committee-related information. The Faculty and Academic Staff Handbook shall identify all  
20 existing all-University committees and the applicable information concerning organizational  
21 structure. Rosters of committee members and other materials shall be filed with and maintained by  
22 the Provost and Vice Chancellor's Office.

23 5. All University committees shall prepare a written annual report for the Provost and Vice Chancellor  
24 and the governance groups that includes, at a minimum, the following items: (1) the committee  
25 charge; (2) the roster of committee members; (3) the dates of all committee meetings (including the  
26 total number of hours spent in those meetings); and (4) a brief description of committee activities  
27 (e.g., the formation of sub-committees and/or a listing of committee projects and activities). Note:  
28 Some of the committees have established or mandated lines of reportage to functional area  
29 administrators or offices (e.g., Intercollegiate Athletic Committee and the Segregated Fee  
30 Committee).

31 A. Committee reports may, as appropriate, include a discussion of the importance of committee  
32 projects or activities to the goals and mission of the University. The report may identify  
33 resources or information necessary for the committee to be more effective in accomplishing  
34 objectives or fulfilling its charge. The report may also propose modifications to, or a restatement  
35 of, committee charges. Further, if the members of the committee do not believe that the  
36 committee is fulfilling an important role or function, the report can recommend disbanding the  
37 committee or the consolidation or reorganization of two or more committees.

38 B. Copies of the report shall be sent to the Chancellor and to the Presidents of the Faculty Senate,  
39 the Senate of Academic Staff, and the Oshkosh Student Association.

40 C. Unless a committee is mandated by a source of external authority, committees shall be  
41 dissolved if one of the governance groups submits such a request to the Chancellor and the  
42 other governance groups concur.

43 In August 2005, the committees listed in this document were modified to reflect those known to be  
44 currently in existence. Committee rosters and updated copies of this information are available upon  
45 request from the Office of the Provost and Vice Chancellor. Proposals to create new committees or to  
46 modify existing charges, composition levels, or provisions relating to the chair should be presented to  
47 the Provost/Vice Chancellor.

## Principles Concerning All-University or Joint Committees and Related Governance Structures

### 1 Academic Computer Users Group

2 Charge: To serve as an advisory group to the Chief Information Officer to address issues regarding the use of  
3 technology for instruction, research, and support services.

4 Composition: Faculty or Instructional Academic Staff – 11 (two each from COB, COEHS, CON and five from  
5 COLS); Governance – 5 (two from the Faculty Senate, one each from Senate of Academic Staff, Classified  
6 Staff Council, and OSA); Residence Life Staff – 1; Information Technology Staff – 4 (one each from Media  
7 Services, Polk Library, Academic Computing, and Networking, Telecommunications, & Administrative  
8 Programming); Ex Officio – 1 (Chief Information Officer).

9 Chair: Director of Academic Computing.

### 10 Advisory Council for Academic Advising

11 Charge: To provide guidance and support to the Director of Advising and to provide the university community  
12 information and support around issue of academic advising.

13 Composition: Faculty – 7 (one from each professional college and four from Letters & Science/each division);  
14 Academic Staff – 2 (one instructional academic staff member and one administrative/professional  
15 administrative/professional staff member to be drawn from the areas of Career Services, Counseling Center,  
16 Student Support Services, Residence Life, Registration, Student Health Center and Undergraduate Advising  
17 Resource Center (UARC); Students – 2; Classified Staff – 1; Ex Officio – 1 (Director of UARC).

18 Chair: Chosen by committee.

### 19 Allocations Committee.

20 Charge: To review funding requests and make recommendations to the Chancellor on the disbursement of the  
21 allocatable portion of student segregated fees.

22 Composition: Faculty -- 2; Academic Staff -- 2; Students -- 7 (5 voting, 2 non-voting); Advisor (ex officio and  
23 non-voting) -- 1.

24 Chair: A student elected by the committee.

### 25 American Disabilities Act Advisory Committee

26 Charge: To evaluate existing programs, investigate unmet needs, and make recommendations to the  
27 Coordinator of Services to Students with Disabilities and the administration of the University in accordance with  
28 Board of Regents' policy 96-6 (nondiscrimination on basis of disability). The committee will have specific  
29 responsibility for hearing disability-related student grievances.

30 Composition: Faculty – 4 (one from each college); Academic Staff – 2; Classified Staff – 2; Students – 2;  
31 Administration – 1; the Coordinator of Services for Students with Disabilities.

32 Chair: The Coordinator of Services for Students with Disabilities.

### 33 Compensation Committee.

34 Charge: To review state or system compensation guidelines and other information, and develop policies and  
35 procedures to administer faculty and academic staff compensation. Serves as the salary review committee.

36 Composition: Faculty -- 8; Academic Staff -- 4; Ex Officio -- 2 -- Provost and Vice Chancellor and Associate  
37 Vice Chancellor; Ex Officio and non-voting -- 2 -- Budget Director and Director of Equity & Affirmative Action.

38 Chair: Provost and Vice Chancellor co-chairs with a member chosen by the committee.

39

### 40 Distinguished Teaching Award Committee.

41 Charge: To oversee the nomination and selection process for the Distinguished Teaching Award.

42 Composition: Faculty – 7 (1 from each professional college, and 4 from Letters and Science/each division,  
43 including, if possible, a prior award recipient); Instructional Academic Staff -- 3 (including, if possible, a prior  
44 award recipient); Administration -- 1 (appointed by the Provost and Vice Chancellor as an ex officio non-voting  
45 member); Students – 3; Alumni Board -- 1 (the Chancellor should make this appointment based upon the joint  
46 recommendation from the Director of University Relations and the Director of Alumni Affairs).

47 Chair: Chosen by committee.

48

### 49 Employee Assistance Program Advisory Board.

## Principles Concerning All-University or Joint Committees and Related Governance Structures

1 Charge: To advise the Director of the Employee Assistance Program regarding the offering of services intended  
2 to assist faculty, academic staff, and classified staff whose job performance is being adversely affected by  
3 cultural, physical, social or psychological problems.

4 Composition: Faculty -- 3; Academic Staff -- 3; Represented Classified Staff -- 1; Nonrepresented Classified  
5 Staff -- 1; Ex Officio -- 2 to 5 -- Represented Classified Staff, WSEU Local 579; representative(s) from the  
6 following designated areas (one person may represent more than one area) -- Chancellor's Office; Human  
7 Resources Office; Office of Equity and Affirmative Action; Associate Vice Chancellor.

8 Chair: Chosen by committee.

### 9 Ethics Code Committee.

10 Charge: To provide consultation and advice for unclassified staff members on the application of Chapter UWS  
11 8, Administrative Code ("Unclassified Staff Code of Ethics"). Each member of this committee shall review  
12 Chapter UWS 8 prior to taking any action. (This is a mandated committee.) Created under section UWS 8.035.

13 Composition: Ex Officio -- 5 --Faculty -- 2 (Senate President and President-Elect); Academic Staff -- 2 (Senate  
14 President and President-Elect); Administration -- 1 (Associate Vice Chancellor).

15 Chair: The Associate Vice Chancellor.

### 16 Faculty Development Board.

17 Charge: To make recommendations to the Provost and Vice Chancellor on proposed faculty development  
18 projects and administers the Faculty Development Program. The Board monitors program budgets,  
19 administrative procedures, drafts changes in program policy, and organizes the program evaluation efforts.

20 Composition: Faculty -- 10 (two from each college and two at-large members); Ex Officio -- 3 --(designee of  
21 the Provost and Vice Chancellor; designee of the Provost and Vice Chancellor for the Office of Graduate  
22 Studies; Director of Grants). No more than four members of all the same college.

23 Chair: Elected from among the faculty members on the Board.

### 24 Gender Equity Council.

25 Charge: To act in consultation with the Chancellor to: 1) oversee the development of programs that support  
26 goals, objectives and initiatives of the Ten-Year Plan addressing women's Issues; 2) identify persons  
27 responsible for implementing this plan; 3) evaluate the effectiveness of programs designed to accomplish this  
28 plan.

29 Composition: Faculty--4 representing the College of Letters and Science, College of Business Administration,  
30 College of Nursing, College of Education and Human Services; Academic Staff--2 representing  
31 administrative/professional and instructional; Classified Staff--2 representing represented staff and non-  
32 represented staff; and representatives from each of the following: Council for Equity and Affirmative Action,  
33 Diversity Council, Women's Studies, Employee Assistance Program, Students (2), Administration (1).

34 Chair: Council members elect Chair.

### 35 Graduate Council.

36 Charge: To formulate policies concerning the graduate programs of the University of Wisconsin Oshkosh, and  
37 to serve as an advisory body to the Office of Graduate Studies concerning the implementation of these policies.  
38 (The specific responsibility of the Graduate Council are outlined in Article II., Section 4., of the Graduate Studies  
39 Bylaws.)

40 Composition: Faculty -- 12 (with 8 members of the graduate faculty from units offering graduate programs, two  
41 elected by the graduate faculty of each college and 4 members, each appointed by the applicable college  
42 deans with approval by the Provost and Vice Chancellor); Students -- 2 (graduate students who represent each  
43 of the four colleges on an alternating basis); Ex Officio -- 1 (Director of Graduate Services.)

44 Chair: A graduate faculty member.

### 45 Health and Safety Committee.

46 Charge: To review health and safety concerns, work to resolve issues or problems informally where possible,  
47 and provide recommendations to the administration. (Note: The Committee shall not address any issues which  
48 are or may be matters of negotiation with the Wisconsin State Employees Union.)

49 Composition: Faculty -- 2; Academic Staff -- 2; Represented Classified Staff -- 3; Nonrepresented Classified  
50 Staff -- 2; Students -- 2; Administration -- 1; Ex Officio -- 2 -- Director of Risk Management, Director of Student  
51 Health Center.

52 Chair: The Director of Risk Management co-chairs with a member chosen by the committee.

## Principles Concerning All-University or Joint Committees and Related Governance Structures

### 1 Honorary University Degrees Committee.

2 Charge: To review, consider and recommend candidates for honorary degrees.

3 Composition: Faculty -- 4 (one from each college, with staggered 3 year terms); Academic Staff -- 1 (3 year  
4 term); Student -- 1 (2 year term); Administration -- 1.

5 Chair: The Chancellor will appoint the chair from among the members of the committee.

### 6 Institutional Animal Care and Use Committee.

7 Charge: To oversee compliance with all conditions and requirements established and imposed under federal  
8 or state law, regulations and rules. This committee shall promote the purpose of exercising self-monitoring,  
9 providing adequate veterinary care (including a program of occupational health and sound animal husbandry  
10 practices), and ensuring appropriate maintenance of facilities for housing animals. (This is a mandated  
11 committee; the membership is defined by the U.S. Department of Health and Human Services.)

12 Composition: The committee shall be comprised of at least five members, appointed by the Provost and Vice  
13 Chancellor, to include: a veterinarian with program responsibilities, a scientist experienced in laboratory  
14 research, a non-scientist, and an individual who has no other affiliation with the University (except for service  
15 on the committee).

16 Chair: A member selected by the Provost and Vice Chancellor.

### 17 Institutional Review Board.

18 Charge: To safeguard the rights and welfare of human subjects in compliance with current policies issued by  
19 the Office of Protection from Research Risks, National Institute of Health. (This is a mandated committee  
20 National Institute of Health.)

21 Composition: Faculty -- 8 as recommended by the Faculty Senate (one from each division of the College of  
22 Letters and Science, one from each college and graduate studies); Non-University Representative -- 1;  
23 Academic Staff -- 1; Ex Officio and non-voting -- 1 -- Grants Officer.

24 Chair: Appointed by the Provost and Vice Chancellor to serve a three-year term.

### 25 Intercollegiate Athletic Committee.

26 Charge: To establish policies and make policy recommendations to the administration and governance groups  
27 concerning intercollegiate athletics. The Intercollegiate Athletic Committee will also act as an advisor to the  
28 Director of Intercollegiate Athletics.

29 Composition: Faculty -- 3; Academic Staff -- 2; Students -- 2; Ex Officio -- 2 -- Faculty Representatives to the  
30 WIAC conference; Ex Officio and non-voting -- 1 -- the Director of Intercollegiate Athletics.

31 Chair: Chosen by committee.

### 32 Lesbian, Gay, Bisexual, Trans, Queer Education & Advocacy Council (LGBTQ)

33 Charge: To provide visionary leadership, education, and advocacy necessary to cultivate an equitable,  
34 inclusive, and supportive climate for the UW Oshkosh community members of all sexual identities. More  
35 specifically, the council will meet four community needs: 1) educate the University community members about  
36 challenges and issues faced by LGBTQ faculty, staff, and students; 2) affirm the lives, experiences, and  
37 presence of LGBTQ faculty, staff, and students at the University; 3) advocate to ensure an environment of  
38 safety, equity, and respect for individuals of all sexual and gender identities; and 4) evaluate the UW Oshkosh  
39 members' efforts toward these ends including an assessment of the effectiveness, impact, and outcomes of  
40 the LGBTQ Education and Advocacy Council.

41 Composition: 15 members: Administration – 1, Faculty Advisor, Rainbow Alliance of HOPE – 1, Faculty – 6,  
42 Academic Staff – 3, Classified Staff – 2, Students – 2. Student representation will be determined in the  
43 beginning of the fall semester; students will serve a one-year term with the possibility of re-appointment. Ideally,  
44 the council will have members representing the following groups: (a) all colleges, (b) Dean of Students Office,  
45 (c) Counseling Center, (d) Women's Center, (e) Residence Hall Leadership, (f) Reeve Union Board, (g)  
46 Rainbow Alliance for HOPE, (h) Oshkosh Student Association, and (i) Multicultural Education Center.

47 Chair: Co-chairs chosen by the committee to serve staggered two-year terms.

### 48 Libraries and Learning Resources Advisory Council.

49 Charge: To make recommendations to the Faculty Senate on issues related to learning resources and to  
50 provide advice to the Director of Forrest R. Polk Library regarding library collections, services, policies and new  
51 directions. The council will facilitate reciprocal communication between the library, faculty, students, and staff.

## Principles Concerning All-University or Joint Committees and Related Governance Structures

1 Composition: The committee will include 15 members. Those include four (4) of the Library's department  
2 Heads; one (1) Library Director; one (1) Coordinator, Management Information Office; one (1) Representative  
3 for Information Technology; four (4) Faculty members, one from each college; one (1) Academic Staff member;  
4 one (1) Classified Staff member (academic department rep if possible); and one or two (1-2) members from  
5 the Oshkosh Student Association.

6 Co-chairs: Polk Library Director and a Faculty Representative.

### 7 8 Parking Appeals Board.

9 Charge: To assess and make decisions regarding the legitimacy and acceptability of all appeals presented in  
10 a timely manner by violators.

11 Composition: Students -- 2; Academic Staff -- 2; Represented Classified Staff -- 2 (one plus one alternate).  
12 {Note: The representation will be expanded to include 1 faculty, if so requested by the Faculty Senate.} (Note:  
13 The Committee shall not address any issues which are or may be matters of negotiation with the Wisconsin  
14 State Employees Union.)

15 Chair: Chosen by committee.

### 16 Parking Policy Advisory Committee.

17 Charge: To review parking policies and make appropriate recommendations to the Director of Parking and/or  
18 the Vice Chancellor for Student Affairs.

19 Composition: Faculty – 2; Academic Staff – 2; Classified Staff – 2 (appointed by Wisconsin State Employees  
20 Union Local 579; Students – 2 appointed by Oshkosh Student Association (preferably one of the students will  
21 be recommended by United Students in Residence Halls); Ex Officio and non-voting will consist of the Director  
22 of Parking and the Parking Manager.

23 Chair: Elected by committee from the voting membership.

### 24 25 Race and Ethnicity Council

26  
27 Charge: The Race and Ethnicity Council will provide visionary leadership that is strongly supportive of the  
28 University's Inclusive Excellence Plan. The Council will promote awareness and serve as a platform for issues  
29 of race and ethnicity. It will explore educational opportunities to improve the campus climate for African  
30 American, Native American, Southeast Asian/Asian American and Hispanic/Latino American students, faculty  
31 and staff. The Council will ensure that there are opportunities for educational access and success by culturally  
32 diverse, traditionally underrepresented populations. It will also make recommendations to the Inclusive  
33 Excellence Board, serve as an advocate and a voice, and facilitate communication with various constituent  
34 groups to improve campus racial and ethnic relations.

35  
36 Composition: Faculty – 4; Academic Staff – 2 [one instructional and one administrative/ professional]; Classified  
37 Staff – 2; Students – 3; Administration – 2 [appointed by the Chancellor]; Director of the Office of Equity and  
38 Affirmative Action; Representative from Multicultural Retention Programs; and a Diversity Recruitment  
39 specialist from the Admissions Office. Governance group representatives shall serve no more than two  
40 consecutive three-year terms.

41  
42 Chair: Appointed by the Chancellor for a three-year term.

### 43 44 Radiation Safety Committee.

45 Charge: To act as a regulatory body with the objective to ensure optimal health standards and to prevent  
46 overexposure of personnel to radioactive material by ensuring appropriate supervision of the uses of all  
47 radioactive material. The committee is concerned with the qualifications of the users and the uses of radioactive  
48 material on a University-wide basis. (This is a mandated committee by the U.S. Nuclear Regulatory  
49 Commission. This committee is advisory to the Chancellor.)

50 Composition: The committee consists of the Radiation Safety Officer; at least one faculty member from each  
51 department which uses radioactive material (as confirmed by the Faculty Senate); the Dean of the College of



## Principles Concerning All-University or Joint Committees and Related Governance Structures

- 1 Letters and Science (or designee); the University's Risk Manager; and the Executive Director of Administrative  
2 Services.
- 3 Chair: Chosen by committee.
- 4 Reeve Advisory Council.
- 5 Charge: To seek to represent the interests of University students, faculty, staff, and alumni in advising the  
6 Director of Reeve Memorial Union on policy matters relating to the operation, use, and improvement of Reeve  
7 Memorial Union.
- 8 Composition: Faculty – 1; Academic Staff – 1; one alumni appointed by the University of Wisconsin Oshkosh  
9 Alumni board; two students appointed by the Oshkosh Student Association; two students appointed by the  
10 Multicultural Education Center; and two students appointed by the United Students in Residence halls; two  
11 student representatives from RUB – Programming Council; two student representatives from the RMU student  
12 staff, two student-at-large positions; and the director of Reeve Memorial Union will serve as the *ex-officio*  
13 members. All appointments are for a term of a maximum of three years, with the exception of one on-going  
14 appointment: The Director to Reeve Memorial Union.
- 15 Chair: Officers of the council shall be chair and vice chair (also to be considered chair-elect).
- 16
- 17 Rosebush Professor Review Committee.
- 18 Charge: To oversee the nomination and selection process for the John McNaughton Rosebush Professorship.
- 19 Composition: Faculty – 7, one each College of Letters and Science division, and one from each professional  
20 college; Academic Staff -- 3; Students -- 3.
- 21 Chair: Chosen by committee.
- 22 Segregated Fee Committee.
- 23 Charge: To provide advice to the Vice Chancellor for Student Affairs on the disbursement of segregated fees.
- 24 Composition: Faculty -- 2; Academic Staff – 2 (Due to possible conflict of interest, the following areas should  
25 be excluded from A/S representation on this committee: Health Center, Reeve Union, Children's Learning &  
26 Care Center, Athletics, Intramurals.); Students -- 7; Ex Officio and non-voting -- Vice Chancellor for Student  
27 Affairs (or designee).
- 28 Chair: Student chair chosen by committee.
- 29 Student Conduct Panel (formerly Student Discipline Committee).
- 30 Charge: To serve on panel which provides members for various student disciplinary hearings. The work of the  
31 committee, including training and selection to serve on various panels, is coordinated by the Office of the Dean  
32 of Students.
- 33 Composition: Faculty -- 12; Academic Staff -- 8; Students -- 40.
- 34 Chair: The presiding officer of the appeal board is selected by the members of the board. The Dean of Students  
35 appoints the presiding office for all other boards to conduct hearings relating to suspensions or academic  
36 dishonesty.
- 37 Student Scholarly and Creative Activities Board
- 38
- 39 Charge: 1) To champion and support a wide range of student research and creative activities and  
40 facilitate student collaboration with faculty and instructional academic staff in scholarly and creative  
41 activities. 2) To exercise program oversight and manage the student/faculty collaborative research  
42 grant programs.
- 43
- 44 Composition: One representative each from Colleges of Nursing, Education and Human Services,  
45 and Business ; one representative from each division of the College of Letters and Science ; one  
46 representative from the Graduate Council; one undergraduate student representative; and two ex-  
47 officio members, the *Oshkosh Scholar* faculty advisor and a representative from the Office of Grants &  
48 Faculty Development.
- 49
- 50 Chair: At-large member appointed by the Provost.
- 51



## Limited Appointments and Other Appointments

1 compensated at a salary rate consistent with other faculty members of the same rank in the department  
2 while considering years of service, previous salary as a faculty member, length of time served as an  
3 administrator and other factors normally considered when setting faculty salaries. UWS 4.04 (5) Faculty  
4 Member in an Administrative Position and Return to Faculty position.

5 Regent Resolution #9058 (adopted September 9, 2005) further directs that limited appointees returning  
6 to the faculty with transition time for teaching preparation must develop the equivalent of a sabbatical  
7 proposal clearly outlining the work to be accomplished during the transition time. At the conclusion of  
8 the transition period, the faculty member must prepare a report of work accomplished during the  
9 transition period. The transition period should be no longer than one academic semester unless the  
10 person has served in a limited position for five or more years, whereby two academic semesters may  
11 be allowed. UW System approval of the transition plan is not required. However, the transition plan  
12 and subsequent report of work accomplished should be maintained in the institution's files and be  
13 available if there should be an audit of compliance with this policy.

### 14 15 **CHANCELLORS (UW SYSTEM)**

16 The Chancellor is the chief executive officer and is appointed by the Board of Regents. An appointment  
17 as Chancellor is a limited appointment which may include either an academic staff or faculty  
18 appointment.

### 19 **LIMITED APPOINTMENTS (University of Wisconsin Oshkosh)**

#### 20 **1.01 Definition.**

21 A limited appointment is a special appointment to a designated administrative position. A person in this  
22 type of appointment serves at the pleasure of the Chancellor based on recommendations of the limited  
23 appointee's supervisor(s).

#### 24 **1.02 Coverage.**

25 Limited appointments apply to the following positions at University of Wisconsin Oshkosh: Chancellor,  
26 Provost and Vice Chancellor, Assistant to the Chancellor, Vice Chancellor, Associate Vice Chancellor,  
27 Assistant Vice Chancellor, Assistant Chancellor, Dean, Associate Dean, Assistant Dean, all other  
28 positions that require a faculty appointment, and those academic staff titles stipulated in the 1993  
29 Memorandum of Agreement with the Office of State Employment Relations (OSER) found in UWS UPG  
30 #7, Attachment 2, section II.A.I.

#### 31 **1.03 Concurrent Appointments.**

32 All limited appointees, as defined in UWS 15, UWS UPG #2 and #7, shall not lose existing rights to  
33 either a concurrent academic staff appointment or a faculty appointment. A current member of the  
34 academic staff who accepts a limited appointment at University of Wisconsin Oshkosh does not lose  
35 existing rights under a, probationary, or fixed-term academic staff appointment.

36 For individuals employed by University of Wisconsin Oshkosh on limited appointments who must be  
37 granted a concurrent appointment according to Regent Resolution #9091, the appointment is one of the  
38 following:

- 39 A. Faculty - A concurrent appointment as a faculty member will need to be confirmed by members  
40 of a department, the chairperson, the dean, the Provost and Vice Chancellor, and Chancellor.  
41 Concurrent appointments as faculty are generally considered for Vice Chancellors, deans,  
42 associate deans and assistant deans.
- 43 B. Academic Staff - A concurrent appointment as an academic staff member will need to be  
44 confirmed by supervisors, the Provost and Vice Chancellor, and Chancellor. For individuals  
45 employed by the University of Wisconsin Oshkosh on limited appointments who cannot be  
46 granted a concurrent appointment according to Regent Resolution #9191, the appointment may  
47 be granted not more than six months notice of termination as permitted under s. UWS 15.01.  
48 Wisconsin Administrative Code, at the same salary, and with possible reassignment to other  
49 duties during this period.

## Limited Appointments and Other Appointments

### 1 **1.04 Recruitment and Appointment.**

2 After a position designated as a limited appointment has been allocated to a unit or office, the description  
3 will be prepared by the appropriate administrative officer and filed with the Human Resources Office to  
4 obtain approvals to advertise. Advertising must be consistent with the unit's affirmative action  
5 recruitment plan and must adhere to search and screen procedures as appropriate.

6 Consistent with University of Wisconsin Oshkosh search and screen procedures, the administrative  
7 officer wishing to employ the limited appointee shall be responsible for:

- 8 A. Screening candidates and making a final recommendation to the Vice Chancellor of the division.
- 9 B. Preparing the proper appointment forms (available from the Human Resources Office).
- 10 C. Collecting three letters of recommendation; vita; and official copies of all transcripts.
- 11 D. Recommending a base salary.
- 12 E. Filing a description of responsibilities.

13 The Human Resources Office shall be responsible for preparing and issuing the contract and making  
14 the final determination of salary.

### 15 **1.05 Evaluation.**

16 Each limited appointee shall be evaluated annually by the immediate supervisor and the evaluation filed  
17 in the Human Resources Office.

### 18 **1.06 Nonrenewal.**

19 (1) Limited appointees will continue to serve in their positions until removed by the Chancellor.  
20 Such removal will normally be made on the recommendation of the appropriate supervisor. A  
21 minimum of three months' notice of removal shall be given unless extenuating circumstances  
22 dictate a lesser time.

23 (2) Contractual commitments made by virtue of holding concurrent appointments shall be honored  
24 by University of Wisconsin Oshkosh. In the letter terminating the limited appointment, the  
25 Chancellor shall inform the individual of the initial assignment in the concurrent position.

26 (3) Salary rates for limited appointment positions are generally separate and distinct from the rate  
27 of any pre-existing or concurrent position, and reversion to such a position does not require  
28 continuance of the limited appointment salary rate. The Chancellor shall set the salary rate in  
29 cases where an individual leaves a limited appointment, but does not leave the University.

30 (4) Vacation and sick leave provisions for limited appointments are those that apply to academic  
31 staff members.

32 (5) UWS 8 will be used as a guideline in regulating extensive, recurring, or continuing activities  
33 outside the appointee's professional responsibilities for all limited appointments not covered by  
34 rules of the State Ethics Board.

### 35 **1.07 Other Rules.**

36 Limited appointments are also subject to UWS 15 and the documents issued by Central Administration  
37 titled "Limited Appointments - other than President and Chancellor" (Unclassified Personnel Guideline  
38 #3) and "The Office of the Chancellor" (Guideline #2).

## Limited Appointments and Other Appointments

1 **UWS 16.01 Other Appointments.**

2 The board may make or authorize appointments of specified terms for student assistants and employees  
3 in training, such as residents, interns, post-doctoral fellows or trainees or associates. Appointments  
4 made pursuant to this section shall not be subject to the provisions of ss. 36.13 and 36.15, Stats., and  
5 c's. UWS 1-15. Policies and procedures for such appointments shall be determined as appropriate by  
6 the president or the Chancellor of each institution after consultation with appropriate faculty and with  
7 appropriate student assistants and employees in training.

8 **History:** Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**Policies Relating to Search and Screen Committees for Limited Appointments and  
Selected Academic Staff Positions**

**GOV 6.4. University of Wisconsin Oshkosh Policies Relating to Search and Screen Committees  
for Limited Appointments and Academic Staff Positions.**

March 31, 1989  
Revised, May 13, 1992  
Revised, December 2009

These procedures apply to all search and screen committees for limited and academic staff appointments at the University of Wisconsin Oshkosh.

**PART ONE. Types of Recruitments.**

In an effort to provide a balance between open recruitment and development/advancement of current employees from within the institution as part of leadership development and succession planning, the following types of recruitments can be requested:

1.1 National/International, regional or local recruitments: Entry level positions are searched broadly, either nationally, internationally or regionally, depending on the existence of diverse pools of potential applicants. The request for this type of recruitment is indicated on the Recruitment Plan submitted with the Position Announcement, and approved by the Director of Equity and Affirmative Action, who takes into consideration goals in the current Affirmative Action Plan.

1.2 Internal recruitments: For beyond entry level positions, in situations where there are adequate potential internal candidates, both permanent and temporary, who meet the qualifications and can lead to a potential diverse pool of applicants. The request for an internal recruitment is indicated on the Recruitment Plan submitted along with the Position Announcement, and approved by the Director of Equity and Affirmative Action, who takes into consideration goals in the current Affirmative Action Plan.

1.3 When a person is hired through a waiver of open recruitment approved by the Director of Equity and Affirmative Action, there must be a recruitment when the waiver concludes.

1.4 No Recruitment:

1.4.1 For situations where, through career progression as outlined in ACS 9.0, a title change can be requested to move the person into a higher academic staff position, and that person meets the qualifications for the position/title change. The person must have been hired into a permanent position via a recruitment. It is assumed the hiring authority wants to hire into the position through career progression.

1.4.2 The hiring authority wants to hire into the position through career progression but the "working title" of the person does not match the "formal title" needed for career progression. In this case the hiring authority provides a current position description of the person and requests a title change through the normal title change process as outlined in ACS 10.0. The review of the title change request will include determining that the person is performing the duties of the formal title, The person must have been hired into a permanent position via a recruitment.

1.4.3 For situations as outlined in FAC 3.9. Changes of Status, an academic staff can be moved to faculty status. Also see ASC 5.3. Conversions Between Academic Staff and Faculty.

1.4.4 In addition, an academic staff employee can be transferred within an operational area or to a different operational area according to ACS 5.0. In this case the person must also meet the requirements of the position. This request is approved by the Chancellor or Designee.

**PART TWO. The Formation of Committees.**

2.1 The appropriate administrator is responsible for forming and charging the search and screen committee.

2.2 Committees shall be comprised of individuals willing and able to explore all available avenues for recruitment. They shall include representation of women and members of minority groups and shall act in a manner consistent with the University's affirmative action plan, its commitment to equal employment opportunity, and the goal of achieving and sustaining racial and ethnic diversity within all employment categories.

**Policies Relating to Search and Screen Committees for Limited Appointments and Selected Academic Staff Positions**

- 1 2.3 The administrator forming the committee shall determine the committee's size based on the  
2 nature of the position, the expected number of applicants, and the respective interests of  
3 the governance groups. As a general rule, search and screen committees should have no  
4 fewer than six and no more than thirteen members. If the recruitment is for a university level  
5 administrator above the level of dean, the committee shall include at least two  
6 representatives appointed by the Faculty Senate, two representatives appointed by the  
7 Senate of Academic Staff, one representative appointed by the Oshkosh Student  
8 Association, and one representative appointed by the Director of Equity and Affirmative  
9 Action. If it is necessary to modify any of the representation levels set forth below, the  
10 convener must first consult with the executive committee of the concerned governance  
11 group or groups (i.e., the Faculty Senate, the Senate of Academic Staff, or the Oshkosh  
12 Student Association).
- 13 2.3.1 Faculty. Consistent with Article II, Section 5 of the Faculty Constitution: "The Faculty Senate  
14 shall select faculty representatives for search and screen committees for System and  
15 university level administrators above the level of dean." Further, as stated in Article IX,  
16 Section 4 of the Faculty Constitution: "Search and screen committees for deans and  
17 equivalent administrators of faculty units shall be composed of at least 60 percent faculty  
18 members elected in accordance with the faculty unit bylaws. A search and screen  
19 committee for Provost and Vice Chancellor or for Assistant or Associate Vice Chancellors  
20 in areas of primary faculty responsibility shall be composed of at least 60 percent faculty  
21 representation, as appointed by the Faculty Senate.
- 22 2.3.2 Academic Staff. The Senate of Academic Staff shall select two or more representatives for  
23 all search and screen committees. For those positions with significant responsibilities for  
24 non-academic matters (i.e., those not related to matters of primary faculty responsibility),  
25 the convener shall ask the Senate of Academic Staff to appoint a majority of the members  
26 of those committees.
- 27 2.3.3 Students. At least 20 percent of the members of committees for positions involving  
28 responsibility for developing, formulating, reviewing, or implementing policies and  
29 procedures concerning student life, student services and related student interests shall be  
30 appointed by the Oshkosh Student Association. (The Oshkosh Student Association shall  
31 refer appointments for searches that relate to areas specifically delegated to the Reeve  
32 Union Board or United Students in Residence Halls to those respective organizations.)
- 33 2.3.4 Affirmative Action. The representative of the Council for Equity and Affirmative Action shall  
34 be appointed by the Director of Equity and Affirmative Action after consultation with the  
35 Chair of the Council of Equity and Affirmative Action.

36 **PART THREE. Committee Organization.**

- 37 3.1 The convener will prepare a draft position description to be reviewed by the committee prior  
38 to the publication.
- 39 3.2 Prior to appointing the committee chair, the convener may consult with the Director of Equity  
40 and Affirmative Action and (as appropriate to the position) the governance group  
41 president(s).
- 42 3.3 Unless otherwise directed by the convener, only the chair (or the chair's designee) is  
43 authorized to make statements concerning the committee and its activities. All questions  
44 concerning the committee shall be addressed to the chair (who may consult with the  
45 convener).
- 46 3.4 The vice-chair shall be elected by the committee to exercise the responsibilities of the chair  
47 in the chair's absence.
- 48 3.5 The convener may provide a written charge to the committee.
- 49 3.6 The convener shall make arrangements to cover: (1) the costs associated with committee  
50 business; (2) any necessary clerical support for the committee; and (3) the secure storage  
51 of committee files and materials.

52 **PART FOUR. The Work of the Committee.**

**Policies Relating to Search and Screen Committees for Limited Appointments and Selected Academic Staff Positions**

- 1 4.1 All committee business shall be in meetings called by the chair with proper notice as  
2 required under the Wisconsin Open Meetings law. The committee shall strictly follow the  
3 requirements of the open meetings law and the stated exemptions (and procedural  
4 requirements) for meeting in closed session.
- 5 4.2 Sixty percent of the committee will constitute a quorum. Committee members may not vote  
6 by proxy or by absentee ballot.
- 7 4.3 Confidentiality. Any and all inquiries relating to the committee shall be referred to the chair.
- 8 4.3.1 All committee deliberations and all committee materials shall be considered and kept  
9 confidential. All requests for access to, or disclosure of, committee records shall be  
10 considered in light of the provisions of the public records law, and the statutory exemptions  
11 (and applicable procedures) for denying access. The committee may seek an administrative  
12 interpretation from the Chancellor prior to responding to any requests for records or  
13 information under the Wisconsin public records law.
- 14 4.3.2 No committee minutes from closed committee meetings, and no committee records relating  
15 to the review of credentials and no other supporting materials shall be copied for circulation  
16 among committee members. These confidential documents shall only be available to the  
17 committee in an identified location. The personal notes from committee members shall  
18 remain filed with the other confidential materials.
- 19 4.3.3 Committee minutes, documents, and recommendations shall not be subject to review by  
20 any governance group.
- 21 4.3.4 Unless specifically provided for under these procedures, no business of the committee  
22 should be discussed outside of committee meetings with non-committee members.
- 23 4.4 Affirmative Action. The committee member who serves as the Council of Equity and  
24 Affirmative Action representative shall consult with the Director of Equity and Affirmative  
25 Action prior to the first committee meeting to receive information concerning appropriate  
26 affirmative action policies and procedures.
- 27 4.4.1 The Affirmative Action representative shall provide the committee with assistance and  
28 guidance in meeting the requirements of the University's Affirmative Action Plan and  
29 ensuring that all committee activities conform to all processes and procedures for providing  
30 Affirmative Action and Equal Employment Opportunity.
- 31 4.4.2 The chair may also consult with the Director of Equity and Affirmative Action, as necessary,  
32 during the course of committee deliberations.
- 33 4.5 No committee member may apply for, or be considered for, the position under review by  
34 the committee. (A committee member must resign from the committee before being  
35 considered.)
- 36 4.6 Committees are expected to operate informally. By two-thirds vote, the committee may  
37 adopt other procedures not in conflict with these requirements. If parliamentary authority is  
38 required for matters not addressed here, the committee shall use the current edition of  
39 Sturgis' *Standard Code of Parliamentary Procedure*.
- 40 4.7 Recruitment Plan. Prior to the publication of the position announcement, the committee (in  
41 consultation with the convener and the Director of Equity and Affirmative Action) shall  
42 prepare a recruitment plan. When developing the plan, the committee shall consider the  
43 likely sources of applications and the media sources most likely to encourage the most  
44 diverse pool of qualified applicants. The plan shall be consistent with the University's  
45 Affirmative Action Plan and any special hiring goals.
- 46 4.7.1 The committee shall comply with the requirements of section 19.36(7) of the *Wisconsin*  
47 *Statutes*, relating to the identities of applicants for employment at the University. The first  
48 contact with applicants or nominees should include a form noting whether or not they wish  
49 their identity revealed.



**Policies Relating to Search and Screen Committees for Limited Appointments and Selected Academic Staff Positions**

- 1 4.7.2 Before the committee proceeds with recruitment, the Director of Equity and Affirmative  
2 Action and the convener must approve the position announcement and the recruitment  
3 plan.
- 4 4.8 Receipt of Applications/Nominations. The committee shall provide acknowledgment of all  
5 applications or nominations as soon as practicable. (The committee will retain copies of all  
6 correspondence.) Separate files (identified by number, name, and date of receipt) should  
7 be created for each person. All files shall be confidential and stored in a secure location  
8 with review limited to committee members.
- 9 4.9 Initial Screening. The initial screening of files to determine whether applicants are qualified  
10 for further consideration may be done by a subcommittee. All subcommittee  
11 recommendations shall be reviewed and ratified by the full committee. Unqualified  
12 candidates can be notified at the conclusion of this stage. The subcommittee or chair may  
13 contact individuals to ascertain continued interest in the position and to request any  
14 additional information. In advance of each meeting, the chair shall prepare a list of the files  
15 to be screened. Whenever possible, the committee shall be given at least two working days  
16 to review the files scheduled for review.
- 17 4.9.1 During the meeting, each file shall be presented to the committee. The committee may  
18 request additional information from any candidate or from all candidates.
- 19 4.9.2 The committee may reconsider candidates at any time in the process.
- 20 4.9.3 In exceptional cases, where the deadline prevents consideration of a candidate late in  
21 applying, the committee may seek permission from the convener to re-open the search  
22 (through re-advertisement).
- 23 4.9.4 If the recruitment has an "open" timeline with an initial screening date instead of a fixed  
24 deadline, in advance of the initial screening date the committee will develop a process to  
25 review applications received after the screening date to ensure equal opportunity for all  
26 candidates.
- 27 4.10 Semi-Finalists. The chair shall assign committee members the responsibility of presenting  
28 the files of the candidates. All members of the committee shall be afforded an opportunity  
29 to offer comments concerning each candidate. Telephone interviews may be held at this  
30 stage. Notes and records of all interviews and calls should be included in each candidate's  
31 file.
- 32 4.10.1 After the committee has evaluated each candidate, the committee will tier the candidates  
33 based on the required and preferred qualifications. On the basis of these tierings and other  
34 relevant factors (such as Affirmative Action considerations), the committee shall then  
35 establish a list of semi-finalists.
- 36 4.10.2 The chair may seek any additional materials necessary to complete the files of all semi-  
37 finalists. The chair may seek letters of recommendation from references (whether supplied  
38 by the candidate or as identified from other sources).
- 39 4.11 Finalists. The committee shall develop an acceptable procedure to establish the list of  
40 finalists. The unranked list of finalists shall be sent to the convener in alphabetical order.  
41 The committee may forward the tally information as an addendum. If the tally information is  
42 not supplied, the convener may request it from the committee.

43 **PART FIVE. Interviews.**

44 The convener shall review the files of finalists recommended by the committee. The convener shall  
45 consult with the committee chair concerning the results of the review preceding the establishment of an  
46 interview schedule.

- 47 5.1 With good cause (such as Affirmative Action), and by providing a statement of explanation,  
48 the convener may ask the committee to review a request to interview one or more applicants  
49 who were not included on the list of finalists forwarded by the committee. In formulating its  
50 recommendation, the committee shall give considerable weight to the reasons identified by  
51 the convener at the time the request is presented.

**Policies Relating to Search and Screen Committees for Limited Appointments and Selected Academic Staff Positions**

- 1 5.2 Prior to setting up interviews of the finalists, the convener (or the Affirmative Action  
2 representative on the committee) shall complete the Interview and Hiring form and consult  
3 with the Director of Equity and Affirmative Action to secure approval to interview. At this  
4 time, the Director of Equity and Affirmative Action may also review the files of the applicants  
5 no longer under consideration by the committee. At the conclusion of this review, and with  
6 the Director of Equity and Affirmative Action's permission, these applicant files can be  
7 closed by sending an appropriate letter to the applicants or nominees.
- 8 5.3 Once authorization to interview is received, the convener, in consultation with the committee  
9 chair, shall establish the date(s) for the interview, the location, and list of persons who will  
10 participate in the interviews. Interviews should be conducted in an informal setting that  
11 encourages thorough and thoughtful discussions.
- 12 5.4 Appointments. The convener may meet with the committee prior to making an offer for  
13 appointment to the position. If none of those interviewed are selected for appointment, the  
14 convener has the option of discharging the committee and initiating a new search, or  
15 charging the committee to re-open the search with a new deadline. After an individual has  
16 been appointed, the convener may meet with the committee to discuss the work of the  
17 committee.
- 18 5.5 Discharge. After all committee affairs have been complete, the convener shall discharge  
19 the committee. At this time, the chair should close any files that remain open with  
20 appropriate correspondence. The chair shall collect, seal and store all committee materials  
21 (e.g., applicant files, committee minutes, correspondence, evaluation and voting records,  
22 and any other miscellaneous records). Search and screen files will be retained for at least  
23 seven years.

24 **PART SIX. Addendum -- Complaints.**

25 Subject to the confidentiality requirements stated above, all complaints or expressions of concern  
26 relating to these procedures shall be sent in writing addressed to the convener (with copies to the  
27 committee chair and Chancellor).

- 28 6.1 The convener shall respond in writing.
- 29 6.2 If the matter is not satisfactorily resolved at this level, the Chancellor (or designate) may  
30 conduct an investigation into the matter and prepare findings.
- 31 6.3 The Chancellor's decision is final and not subject to further review.

32 **History: This policy was originally approved on March 31, 1989. Revisions to the policy were**  
33 **approved by Chancellor Kerrigan on May 13, 1992, and Chancellor Wells on January 29, 2010.**

## Faculty Involvement in Administrator Evaluation

### 1 GOV 6.5. Faculty Involvement in Administrator Evaluation.

2  
3 Adopted: November 15, 1990  
Revisions approved: May 29, 2009

#### 4 **Statement of Policy.**

5 All administrators at the University of Wisconsin Oshkosh shall be subject to periodic performance  
6 evaluations. All assessments of administrative job performance shall take into account:

- 7 A. the divergent roles and responsibilities of different administrators;
- 8 B. their respective contributions to the University's mission and goals;
- 9 C. their activities in the context of the present and emerging needs of the University; and
- 10 D. their attention to, and support of, affirmative action.

#### 11 **Procedures.**

12 A. Annual Review - The Chancellor and the Provost and Vice Chancellor shall conduct an annual  
13 performance review of all administrators who directly report to them; they shall also require  
14 annual performance reviews for all other administrators.

15 B. Administrators Involved with Matters of Primary Faculty Responsibility - As provided in Article  
16 II, Section 6 of the Faculty Constitution: "The Faculty Senate will share in the development of  
17 university policy and procedures for the evaluation of administrators concerned with matters of  
18 primary faculty responsibility." The following procedures apply to the evaluations of such  
19 administrators.

- 20 1. All evaluations shall be based upon the role and the responsibility of the administrator  
21 (including any other specific expectations), as identified either at the time of appointment or  
22 after appointment.
- 23 2. The evaluation process may vary from year to year and in response to such factors as:
  - 24 a. the nature of the position;
  - 25 b. changes in role or responsibility;
  - 26 c. changes in specific expectations;
  - 27 d. the length of service;
  - 28 e. current or emerging issues; or
  - 29 f. any other relevant subjects, issues, or concerns.

30 C. Faculty Input for Assessment - Faculty shall provide direct input into the assessment process  
31 for the Provost and Vice Chancellor, Associate/Assistant Vice Chancellors, Deans, the  
32 Assistant Vice Chancellor of Information Technology, and Associate/Assistant Deans and  
33 equivalents.

- 34 1. Provost and Vice Chancellor - Following the appointment of the Provost and Vice  
35 Chancellor, the Chancellor and the Provost and Vice Chancellor shall meet with the  
36 Administrators Evaluation Committee to discuss the role and responsibility of the Provost  
37 and Vice Chancellor and to provide an opportunity for faculty input and reaction. The  
38 Administrators Evaluation Committee shall consist of no more than seven members,  
39 appointed by the Faculty Senate with representation from each college and division within  
40 the College of Letters and Science when possible. Additional provisions:
  - 41 a. Subsequent meetings shall be held at least once every three years and may address  
42 such issues as: faculty expectations, current or emerging issues, actions taken in  
43 response to the prior faculty input, and any other relevant subjects, issues, or concerns.
  - 44 b. Following the initial meeting, and in advance of any subsequent meeting, the  
45 Chancellor, in consultation with the Provost and Vice Chancellor and the Administrators  
46 Evaluation Committee described above, shall develop a suitable method for the  
47 solicitation of faculty input into the assessment of the performance of the Provost and  
48 Vice Chancellor. All faculty input data shall be kept confidential. The data shall be

## Faculty Involvement in Administrator Evaluation

- 1 considered and discussed during the next formal assessment. Faculty input in such  
2 assessment shall be provided at least once every three years.
- 3 2. Associate/Assistant Vice Chancellors - The Provost and Vice Chancellor shall ensure  
4 faculty input in the evaluation of the Associate/Assistant Vice Chancellors, as appropriate  
5 to the position, in consultation with the Administrators Evaluation Committee. Faculty input  
6 shall be provided at least once every three years.
- 7 3. Deans - As soon as possible following the appointment of a Dean, the Provost and Vice  
8 Chancellor shall meet with a faculty committee, elected by the members of the Dean's  
9 college, to discuss the role and responsibility of the Dean and to provide for faculty input  
10 and reaction. Additional provisions:
- 11 a. Subsequent meetings shall be held at least once every three years and may address  
12 such issues as: faculty expectations, current or emerging issues, actions taken in  
13 response to the prior faculty input, and any other relevant subjects, issues, or concerns.  
14 The subsequent meetings may, as determined by the Provost and Vice Chancellor,  
15 involve joint or separate meetings between the committee and the Provost and Vice  
16 Chancellor and the Dean.
- 17 b. Following the initial meeting, and in advance of any subsequent meeting, the Provost  
18 and Vice Chancellor, in consultation with the Dean and the faculty committee described  
19 above, shall develop a suitable method for the solicitation of faculty input into the  
20 assessment of the performance of the Dean. All data shall be kept confidential. The  
21 data shall be considered and discussed during the next formal assessment. Faculty  
22 input in such assessment shall be provided at least once every three years.
- 23 4. Associate/Assistant Deans - As soon as possible following the appointment of an Associate  
24 or Assistant Dean, the Dean shall meet with a faculty committee, elected by the members  
25 of the college or division of the college, as appropriate, to discuss the role and responsibility  
26 of the Associate/Assistant Dean and to provide for faculty input and reaction. Additional  
27 provisions:
- 28 a. Subsequent meetings shall be held at least once every three years and may address  
29 such issues as: faculty expectations, current or emerging issues, actions taken in  
30 response to the prior faculty input, and any other relevant subjects, issues, or concerns.  
31 The subsequent meetings may, as determined by the Dean, involve joint or separate  
32 meetings between the committee and the Dean and the Associate/Assistant Dean.
- 33 b. Following the initial meeting, and in advance of any subsequent meeting, the Dean, in  
34 consultation with the Associate/Assistant Dean and the faculty committee described  
35 above, shall develop a suitable method for the solicitation of faculty input into the  
36 assessment of the performance of the Associate/Assistant Dean. All faculty input data  
37 shall be kept confidential. The data shall be considered and discussed during the next  
38 formal assessment. Faculty input in such assessment shall be provided at least once  
39 every three years.

### 40 D. Periodic Review of Policy

- 41 1. This statement of policy and procedures shall be periodically reviewed by the Chancellor  
42 and the Faculty Senate. Any proposed modifications or changes to this policy shall be  
43 subject to consultation between the Chancellor and the Faculty Senate.
- 44 2. The Faculty Senate Executive Committee shall inform the Chancellor of any concerns  
45 relating to the interpretation, application or administration of this policy.

46 (HISTORY: An earlier version of this statement of policy and procedures pertaining to administrative evaluation was reviewed and  
47 considered by the Faculty Senate on November 6, 1990. After approval of an amendment from the floor, the Faculty Senate  
48 unanimously approved a version that was transmitted to Chancellor Kerrigan on November 13, 1990. After review of the senate-  
49 approved document and conferral with Dr. Zillur R. Khan, President of the Faculty Senate, Chancellor Kerrigan approved this  
50 slightly revised version on November 15, 1990. [The Chancellor's approved version made several editorial changes that made  
51 the procedures for Deans and Assistant/Associate Deans parallel to the procedures that apply to the Provost and Vice Chancellor.]  
52 This statement of policy and procedures is effective as of November 15, 1990.)

1 **GOV 6.6. Principles Relating to the Review of Irregularities in the Conduct of Department**  
2 **Affairs.**

3  
4 Approved by Faculty Senate  
5 September 28, 1993  
6 Approved by Chancellor John E. Kerrigan  
October 11, 1993

7 The following four-step process for addressing irregularities in the conduct of department affairs is  
8 designed to have problems rectified at the lowest possible level. These procedures are in accordance  
9 with state law, regent and system rules, and university personnel policies and procedures. Irregularities  
10 arising from the alleged failure to observe the rules set forth in the Faculty Constitution and related  
11 documents, including the Faculty Personnel Rules, should be brought first to the Executive Committee  
12 of the Faculty Senate for resolution.

- 13 1. After consulting with the Provost and Vice Chancellor, the Dean and the Faculty Senate  
14 Executive Committee, the Chancellor may send written notice to the department chair (with  
15 copies to the members of the department). The Chancellor shall identify the irregularities that  
16 are of concern and the period of time in which the department should rectify these conditions.  
17 By the end of the period of time that the Chancellor identified, the department chair should  
18 prepare a written report to the Dean that describes various actions undertaken by the  
19 department to rectify the irregularities that were identified by the Chancellor. The Dean shall  
20 review this material and forward it to the Provost and Vice Chancellor along with the dean's  
21 recommendation. The Provost and Vice Chancellor, in turn, shall review this material and  
22 forward it to the Chancellor along with a recommendation.
- 23 2. Based on the review of the department's materials by the Dean, Provost and Vice Chancellor,  
24 and Chancellor, if the Chancellor concludes that the irregularities have not been rectified by the  
25 department in the identified period of time, the Chancellor shall then confer with the following  
26 individuals and offices: Provost and Vice Chancellor, Dean, and the faculty senate executive  
27 committee. At the end of that consultation, the Chancellor may send written notice to the Dean  
28 with copies to the department chairperson and members of the department that identifies the  
29 irregularities that are still of concern and the period of time in which the college should rectify  
30 these concerns. By the end of the identified period of time, the Dean should report to the Provost  
31 and Vice Chancellor regarding the actions which have been taken to rectify these irregularities.
- 32 3. If the irregularities are not rectified in the identified period of time and after consulting with the  
33 Provost and Vice Chancellor, the Dean, and the faculty senate executive committee, the  
34 Chancellor may send written notice to the Dean, with a copy to the department chairperson and  
35 department members to provide final notice that the Chancellor will act to address the  
36 irregularities if the matters are not promptly rectified to the satisfaction of the Chancellor.
- 37 4. If the irregularities still have not been rectified, and after consulting with the Provost and Vice  
38 Chancellor, the Dean and the faculty senate executive committee, the Chancellor may send  
39 written notice to the department chair and department members to indicate the actions the  
40 Chancellor is taking. At this time, the Chancellor shall identify in writing the irregularities which  
41 caused the Chancellor to act and any specific conditions, criteria, or other requirements which  
42 need to be met by the department in order for it to be restored to normal status.

1 **GOV 6.7 University of Wisconsin Oshkosh Criminal Background Check Policy**

2  
3 Approved: Provost's Administrative Staff March 12, 2013  
4 Approved publication with resolution: Faculty Senate February 26, 2013  
5 Approved: Senate of Academic Staff February 7, 2013  
6 Approved: Chancellor March 23, 2013  
7

8  
9 This policy is in accordance with University of Wisconsin Regent Policy Document 20-19, University of  
10 Wisconsin System Criminal Background Check Policy.

11  
12 **Statement of Policy**

13  
14 The University of Wisconsin Oshkosh is committed to providing a high quality, safe and secure  
15 environment for its workforce, partners, students and clients. This policy describes the Board of Regents'  
16 expectations of the University of Wisconsin Oshkosh in performing criminal background checks on  
17 applicants for employment, current employees, and volunteers.

18  
19 Except as otherwise provided in this policy, a criminal background check shall be performed on each new  
20 hire for a UW Oshkosh position. Criminal background checks shall be conducted on candidates  
21 recommended for hire, either prior to the extension of an offer of employment, or as part of an offer of  
22 employment that is made contingent upon a successful criminal background check. A criminal  
23 background check shall also be conducted on current employees and volunteers holding a "position of  
24 trust with access to vulnerable populations" as defined in paragraph 1(a) of this policy who have not  
25 previously been subject to such a criminal background check by the University. Employees and  
26 volunteers holding a position of trust with access to vulnerable populations shall be subject to a criminal  
27 background check every four years, and shall be required to self-disclose certain criminal offenses.

28  
29 **1. Position of Trust**

30  
31 "Position of trust" is defined as a paid or volunteer position with one or more of the following  
32 responsibilities:

- 33  
34 a. Access to vulnerable populations: Responsibilities require unsupervised or significant access to  
35 vulnerable populations, defined as minors and medical patients. For purposes of this policy, a  
36 minor is a person under the age of eighteen (18) who is not enrolled or accepted for enrollment at  
37 a UW System institution. Examples of settings with vulnerable populations include child care  
38 centers, summer camps for minors, precollege or enrichment programs, and health care facilities.  
39 This category also includes employees who are not directly working in those units, but have  
40 unsupervised access to the unit when the vulnerable population is present. This category does  
41 not include faculty or instructional academic staff performing regular teaching, service, and  
42 research responsibilities unless these responsibilities include unsupervised or significant access  
43 to vulnerable populations.
- 44  
45 b. Property access: Responsibilities require the use of master keys/card access and pertains to  
46 employees with key access to offices, facilities, or worksites other than their own worksite,  
47 including UW residential housing facilities.
- 48  
49 c. Financial/fiduciary duty: Principal responsibilities (50% or more) require handling, receiving, or  
50 having custody of money, checks or securities, or accounting for supplies or other property;  
51 authorizing (or making appropriations for) expenditures; approving, certifying, signing or  
52 countersigning checks, drafts, warrants, vouchers, orders or other documents providing for the  
53 paying over or delivery of money, securities, supplies or other property, or service of process;  
54 maintaining or auditing accounts of money, checks, securities, time records, supplies, or other  
55 property, or taking physical inventories of money, checks, securities, supplies, or other property.
- 56  
57 d. Executive positions: Responsibilities involve top-level management functions throughout the  
58 institution including roles as Chancellor, Provost, Vice Chancellor and Dean. Executive positions

1 are defined as all limited appointments and include any movement from a limited appointment to  
2 a different limited appointment.

## 3 4 2. Coverage of Prospective Hires and Employees

5  
6 Criminal background checks must be conducted on prospective hires who are not University of Wisconsin  
7 employees, and on employees currently not in a position of trust who are seeking to move to a position of  
8 trust within the University through promotion or otherwise. Criminal background checks must be  
9 conducted on current employees holding a position of trust with access to vulnerable populations, as  
10 defined in paragraph I(a) of this policy, who have not previously been subject to a criminal background  
11 check by the University. A criminal background check must be performed every four years on employees  
12 in positions of trust with access to vulnerable populations.

13  
14 Notwithstanding the preceding paragraph, unless otherwise required by law to perform background  
15 checks for specified positions or unless the position involved has been designated as a "position of trust,"  
16 UW Oshkosh will determine whether a criminal background check must be conducted on prospective  
17 hires for the following employee groups: (1) temporary or limited term employees; (2) hourly student  
18 employees; and (3) interns. In making this determination, UW Oshkosh will consider the level of direct  
19 supervision and guidance provided to employees in these categories and the nature of the duties of the  
20 job.

## 21 22 3. Coverage of Vendors and Contractors

23  
24 To the maximum extent feasible, any agreement with a vendor or contractor whose employees, affiliates,  
25 or volunteers will have routine or unsupervised access to vulnerable populations (minors or medical  
26 patients) in the course of the contract must include a representation from the vendor or contractor stating  
27 that these employees, affiliates, or volunteers have satisfied a contractor that includes a check of the  
28 vendor's proprietary national criminal background check database.

## 29 30 4. Coverage of Volunteers

31  
32 UW Oshkosh shall perform criminal background checks on prospective volunteers when the volunteer  
33 position involved is a position of trust, or when required by law to perform criminal background checks for  
34 specified volunteer positions. Otherwise, UW Oshkosh may determine whether a criminal background  
35 check should be conducted on prospective volunteers. In making this determination, the level of direct  
36 supervision and guidance provided to volunteers and the nature of the duties of the volunteer position will  
37 be considered.

38  
39 Criminal background checks must be conducted on current volunteers holding a position of trust with  
40 access to vulnerable populations, as defined in paragraph I(a) of this policy, who have not previously  
41 been subject to a criminal background check by the University. A criminal background check must be  
42 performed every four years on volunteers in a position of trust with access to vulnerable populations.

## 43 44 5. Coverage of Certain Users and Lessees of University Lands and Facilities

45  
46 Facilities use agreements or leases with outside organizations that use or lease University lands and  
47 facilities to operate multi-day programs for minors, or programs for minors that involve an overnight stay,  
48 must include a representation from the organization that its employees, affiliates, or volunteers have  
49 satisfied a criminal background check conducted by a criminal background check vendor selected by the  
50 organization that includes a check of the vendor's proprietary national criminal background check  
51 database.

## 52 53 6. Conducting Criminal Background Checks

54  
55 Finalists for employment or the finalist selected to fill a position must complete and sign a criminal  
56 background check authorization form. An applicant's failure to consent to a criminal background check or  
57 falsification of any related information is grounds for the rejection of the applicant. Similar procedures

1 must be implemented for current employees, volunteers and prospective volunteers who are subject to  
2 criminal background checks.

3  
4 A criminal background check on prospective hires, employees and volunteers must include a check of the  
5 Wisconsin Department of Justice, Crime Information Bureau electronic database, and a check provided  
6 by a criminal background check vendor that includes the following components:

- 7
- 8 • Social Security Number Trace: Authenticates the individual's information and generates a list of  
9 addresses the individual has lived at for the last seven years; as part of the trace, the University  
10 may verify that the social security number is valid and appropriately assigned to the individual.
- 11 • Criminal Felony/Misdemeanor by County of Residence: superior and municipal court records  
12 search in any county in the U.S. in which the individual has resided in the last seven years.
- 13 • Sex Offender Registry: sex offender search by state.
- 14 • National Criminal Background Database: search of the vendor's proprietary national criminal  
15 background check database.

16  
17 University officials will have certain additional duties under the federal Fair Credit Reporting  
18 Act when retaining a vendor to perform criminal background checks.

19  
20 Additional criminal and non-criminal checks (e.g., motor vehicle, etc.) may be run when appropriate in  
21 relation to the position.

22  
23 An appropriate U.S. criminal background check will be conducted on an applicant for employment, current  
24 employee, or volunteer who is a foreign national and subject to this policy. A criminal background check  
25 in the individual's prior country(ies) of residence will be also conducted if his/her country(ies) of residence  
26 provides a criminal background check for the time period during which the individual was a resident. A  
27 media search is not considered an appropriate criminal background check and, therefore, institutions are  
28 not required to conduct media searches.

#### 29 30 7. Application of the "Substantial Relationship" Test under the Wisconsin Fair Employment Act

31  
32 Wisconsin law prohibits an employer from discriminating against an applicant or employee on the basis of  
33 arrest or conviction record unless the pending criminal charge or conviction substantially relates to the  
34 circumstances of the position. Applicants with a criminal history will not be automatically disqualified from  
35 employment, and a UW Oshkosh employee's criminal history will not result in automatic disciplinary  
36 action or dismissal. If an applicant's or employee's criminal background check reveals a pending criminal  
37 charge or criminal conviction, UW Oshkosh must engage in an individual analysis to determine whether a  
38 substantial relationship exists between the pending charge or criminal conviction and the functions of the  
39 position.

40  
41 The final determination to appoint or reject an individual on the basis of a criminal record review will be  
42 made by the Director of Human Resources (or designee), the Equity and Affirmative Action Director, the  
43 appropriate Vice Chancellor (or designee) as appointing authority for the division, and in the case of  
44 faculty a tenured faculty member appointed by the Faculty Senate and in the case of academic staff an  
45 academic staff employee appointed by the Senate of Academic Staff.

#### 46 47 8. Self-Disclosure of Arrests, Charges, or Convictions

48  
49 Employees who hold positions of trust with access to vulnerable populations, as defined in paragraph l(a)  
50 of this policy, must report any criminal arrests, charges, or convictions (excluding misdemeanor traffic  
51 offenses punishable only by fine) to human resources within twenty-four (24) hours or at the earliest  
52 possible opportunity. Failure to make the required report may constitute a violation and may result in  
53 disciplinary action, up to and including dismissal. Volunteers who hold a position of trust with access to  
54 vulnerable populations are subject to the same obligation.

#### 55 56 9. Statutorily Mandated Background Checks

57



1 Notwithstanding anything in this policy, UW Oshkosh shall continue to perform criminal background  
2 checks for certain, specified positions in the form and manner required by state or federal law. Laws  
3 mandating criminal background checks for certain positions include: the Wisconsin Caregiver law  
4 (covering prospective caregivers for vulnerable populations such as minors, as well as those licensed by  
5 the state to provide direct health care services and treatment to clients); the Wisconsin Fiduciary law  
6 (covering positions that involve accounting, auditing, financial management, accounts receivable,  
7 accounts payable, procurement, retail operations, tax and fee collections, payroll, and handling of cash  
8 and checks); and the federal Public Health Security and Bioterrorism Preparedness and Response Act of  
9 2002 and the Agricultural Protection Act of 2002 (covering employees who handle and work with  
10 hazardous agents or materials in campus labs, buildings or storage facilities).

#### 11 12 10. Other Criminal Background Checks

13  
14 Nothing in this policy shall be construed to prevent UW Oshkosh with a reasonable basis from obtaining,  
15 at any time, criminal background check information on any current employee or volunteer.  
16

### 17 18 ***UW Oshkosh Faculty Senate Resolution on Gov 6.7***

19  
20 Whereas the UWO Faculty Senate strongly believes in the protection of its employees and all those with  
21 whom the university serves or comes into contact;  
22

23 Whereas shared governance is the foundation for an effective and stable university community;  
24

25 Whereas GOV 6.7 was mandated by the state without any substantive discussion, input, or feedback  
26 from any of the governance bodies at UWO;  
27

28 Whereas the Faculty Senate acknowledges the ability of the state to implement such policies without  
29 following established local rules and procedures;  
30

31 Whereas the UWO Faculty Senate also has significant concerns about the policy and its negative impact  
32 on the due process rights of employees under this policy, including the following:  
33

- 34 • The background checks are mandated for many more employees than are currently affected.  
35 Where will the money come from for these checks? Who will bear the burden of this unfunded  
36 mandate?  
37
- 38 • In section #1, Position of Trust, the definition includes those whose “responsibilities include  
39 unsupervised or significant access to vulnerable populations.” Who is not included in these very  
40 broad definitions? Who will determine who is included?  
41
- 42 • In section #1, Property Access, what are “offices, facilities, or worksites other than [an  
43 employee’s] own worksite?” Anyone who has a key to a shared conference room or laboratory--or  
44 a chair who has keys to another faculty office--could have access to the spaces defined here.  
45 Again, who would be excluded from this category, and who makes that determination?  
46
- 47 • In section # 8, Self-Disclosure of Arrests, Charges, or Convictions, employees are required to  
48 disclose any arrests or charges before any judicial proceedings have taken place and are  
49 threatened with penalties up to dismissal if they do not disclose this information. How can faculty  
50 and staff be assured that their due-process rights are protected in the context of this vague and  
51 intimidating language?  
52

53 Whereas, these significant questions remain unanswered and shared governance traditions have been  
54 ignored;  
55

56 Be it resolved that the Faculty Senate accepts the publication of GOV 6.7 “University of Wisconsin  
57 Oshkosh Criminal Background Check Policy” in the faculty and academic staff handbook, but it does not  
58 formally approve it.

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9

Be it further resolved that the following language be included in the faculty and academic staff handbook just before the language of the Gov 6.7 policy: “The Faculty Senate appreciates and endorses the need for a policy protecting the University community; however, it harbors serious reservations with regards to the undermining of personal rights and due process that this policy outlines. The Faculty Senate accepts this policy for publication in the Handbook; however, it does so without affirmative support.”

Implementation of this policy should proceed with in typical parameters of shared governance.

Approved – December 12, 2007  
Updated – June 2010  
Updated/Approved – November 2010  
Updated/Approved – May 2012  
Updated/Approved – August 2012  
Updated/Approved – December 2012  
Updated/Approved – June 2013  
Updated/Approved – October 2013  
Updated/Approved – January 2015

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11 **GOV 7. UNIVERSITY STAFF COUNCIL BYLAWS**

12  
13 **ARTICLE I. PREAMBLE**

14  
15 *Explanatory Note (2012 Changes): Additional language describes and explains changes in the*  
16 *role/function of the USC.*  
17

18 In 2001, the framework was developed for the university staff to share their voice on our campus. The  
19 University Staff Council (USC) was established for this purpose. Section 36.115 of the Wisconsin Statutes  
20 made various changes to UW System policies and procedures, relating to the university staff. As part of  
21 the implementation of these changes, it became necessary, desirable and appropriate for a substantive  
22 discussion with university staff to determine whether there was strong support for USC to formally serve  
23 as the official governance body having voting power for all university staff and to solely act on their behalf.  
24 This change in the governance role was approved by a majority of the university staff at UW Oshkosh.  
25 With the implementation of the newly presented University Personnel Structure, USC will officially be  
26 incorporated into the shared governance structure within University of Wisconsin Oshkosh, to the extent  
27 as authorized by state statute, and as consistent with any applicable policies, procedures and regulations  
28 put forth by the Board of Regents of the University of Wisconsin System.  
29

30 All truly successful organizations recognize the value and the importance of the contributions and  
31 suggestions that are made by its employees. The University of Wisconsin Oshkosh, with an established  
32 tradition of shared governance, recognizes the tremendous value of suggestions received from all  
33 segments of the University's community, including those from the members of the university staff. The  
34 University Staff Council was created and established to ensure that all members of the university staff  
35 have the opportunity to be actively involved in setting the priorities and future direction for the University  
36 of Wisconsin Oshkosh.  
37

38 In 2012, as this new role was established, the University Staff at UW Oshkosh expressed support for the  
39 principles, the processes, and the practice of effective, engaged, and transparent shared governance at  
40 the University of Wisconsin Oshkosh.  
41

42 **ARTICLE II. VISION**

43  
44 All university staff who work at the University of Wisconsin Oshkosh will have opportunities to help shape  
45 and advance the University through active and involved patterns of collegial communication and  
46 interaction with the University's administration and groups and organizations participating in the process  
47 of shared institutional governance as provided under Chapter 36 of the Wisconsin Statutes and any  
48 applicable rules, policies or procedures that are set forth by the Board of Regents of the University of  
49 Wisconsin System.  
50

51 **ARTICLE III. NAME**

52  
53 The name of the organization is the University Staff Council (USC).  
54

55 **ARTICLE IV. CHARACTER AND CHARGE**

56  
57 USC is created as an unincorporated organization that operates within the administrative and shared  
58 governance structure of the University of Wisconsin Oshkosh. USC is charged with the following  
59 responsibilities: (1) To participate in the development of future plans for the University while also

1 promoting and sustaining a positive professional environment for all university staff employees (whether  
2 represented, non-represented, limited term and project appointment); (2) To promote programs and  
3 services that support professional development activities; (3) To encourage informed communication  
4 among university staff and with the broader University community, including the recognized governance  
5 groups; (4) To serve as advisors to the Chancellor and other University administrators; and (5) To perform  
6 such other duties and functions as befits a voluntary organization committed to creating and sustaining an  
7 affirming and supportive operational environment that supports, promotes and encourages excellence in  
8 teaching, working, leading, and serving the community that is the University of Wisconsin Oshkosh.

## 9 10 **ARTICLE V. MEMBERSHIP**

11  
12 All members holding university staff positions are eligible, and encouraged, to be a member of USC. USC  
13 has 17 members, each serving a three-year term with a maximum of two consecutive terms. The USC  
14 is elected by vote of all participating and interested members of the university staff at the University of  
15 Wisconsin Oshkosh. The seats within the council are determined by evaluating/analyzing the numbers  
16 of university staff constituents served in each area (i.e. Academic Affairs, Administrative Services/  
17 Chancellor, Student Affairs, Academic Colleges, Non-Represented, and Union Representation). These  
18 numbers will be reviewed every 2 years to update representation on the council accordingly. USC's  
19 structure also includes a role for both a Historian and Webmaster, of which may or may not be current  
20 members, in the event they are current members, then they would hold voting power.

## 21 22 **ARTICLE VI. ADMINISTRATIVE LIAISON**

23  
24 The Chancellor shall appoint an individual to serve as the Administrative Liaison to USC. In making this  
25 selection or designation, the Chancellor shall identify an individual with the background training,  
26 experience, commitment and current work responsibilities that provide orientation and perspective to the  
27 broad array of issues impacting the University. The Liaison shall be chosen from among the ranks of the  
28 faculty, academic staff, or administrative staff. The Liaison is expected to have regular and recurring  
29 access to the Chancellor and to the University's administrative leadership. The Liaison is expected to be  
30 familiar with the University's system of shared governance and have understandings and sensitivities that  
31 will ensure that the work of USC operates in an orderly and efficient manner with these other recognized  
32 governance structures and processes.

## 33 34 **ARTICLE VII. TERMS OF SERVICE**

35  
36 Terms of service on USC are staggered so that five or six seats are open each year. Individuals can  
37 nominate themselves or other members of the university staff for appointment to serve on University of  
38 Wisconsin Oshkosh University Staff Council Bylaws USC. Nominations to fill vacant seat(s), and the  
39 subsequent voting for all members is done in May, with those chosen beginning their term in June. If an  
40 elected member leaves before the term is completed, the President will appoint a new member to  
41 complete the remainder of the term. The composition of USC is shown on Addendum 1, the University  
42 Staff Council Representation and Terms of Office Table.

## 43 44 **ARTICLE VIII. OFFICERS**

45  
46 USC shall have the following four officers who serve single-year terms: (1) President; (2) Vice-President  
47 (who serves as President-Elect); (3) Treasurer; and (4) Secretary. The Executive Committee is comprised  
48 of the four USC officers, with the addition of one elected USC member-at-large (elected for a single-year  
49 term), and an Administrative Liaison (as appointed by the Chancellor).

## 50 51 **ARTICLE IX. ELECTION OF OFFICERS**

52  
53 *Explanatory Note (2012 Changes): Changes to reflect current practice and understanding.*

54  
55 The 17 USC members who have been elected or appointed to serve shall elect a Vice- President at the  
56 June meeting from among the 17 USC members who have been elected or appointed to serve. Outgoing  
57 members cannot nominate and do not vote. A newly elected member must be present to be nominated  
58 for an office. In order to be elected to serve as Vice- President, the individual must have been a member

1 for at least one year prior to that election. In the event that the Vice- President cannot serve as the  
2 President, USC will elect a new President from among the 17 USC members. USC Secretary and  
3 Treasurer are elected for one-year terms. In addition to the election of officers, a member-at-large will be  
4 elected for a one-year term to serve on the Executive Committee of the USC. The duties and  
5 responsibilities of each officer are set forth below:  
6

7 **President:** Calls meetings of USC and presides over the meetings, coordinates activities, attends  
8 meetings of the U-PLAN Council (University Planning, Leadership and Needs Council), and monthly  
9 meetings with the Chancellor. The President makes all appointments to Search and Screen committees  
10 and other committees requested by the Chancellor and assists Committee on Committees with other  
11 appointments. The President (or designee) distributes the agenda and minutes to the current council  
12 members for perusal prior to each meeting. The President will review and update the USC shared drive  
13 and give access to approved USC users.  
14

15 **Vice-President:** Serves as Acting President (and performs all of those duties) when the President is  
16 absent or unable to perform those duties. Attends U-PLAN meetings and monthly meetings with the  
17 Chancellor. Becomes President after completing one-year service as Vice-President.  
18

19 **Treasurer:** Manages, reconciles and reports on the budget to USC at all monthly meetings. The  
20 Treasurer oversees all payments for USC and USDAD any associated bills or obligations. Attends the  
21 monthly meetings of the Executive Committee.  
22

23 **Secretary:** Ensures that all meeting notices are published and provided consistent with the requirements  
24 of the Wisconsin Open Meetings law. Places the agendas online prior to all USC meetings. Takes  
25 approved minutes of USC meetings and sends to USC webmaster, historian, and university staff and  
26 saves a copy in USC files on the shared directory. Attends meetings of the Executive Committee and  
27 accompanies the President and Vice-President to monthly meetings with the Chancellor with the duty of  
28 taking minutes.  
29

## 30 **ARTICLE X. MEETINGS**

31  
32 **Scheduling:** Regular meetings of USC shall be held bi-weekly, with the understanding that the July  
33 meeting will not be held unless there is some pressing business that requires a change in the meeting  
34 schedule. USC meetings are open to all University employees and are held between 7:45 a.m. and 4:30  
35 p.m. Members of USC will be allowed to attend meetings in paid status. Any employee serving as an  
36 elected member of USC who is assigned to work the second or third shift will use flex work hours to  
37 attend these meetings. Arrangement to flex work schedule will be discussed with the appropriate  
38 supervisor, and the Administrative Liaison shall actively help to resolve any issues or problems that may  
39 arise relating to these scheduling and workload considerations.  
40

41 **Quorum:** A quorum for any meeting of USC shall be nine (9) members.  
42

43 **Attendance:** Each USC member must attend at least 75% of the regularly scheduled meetings, unless  
44 excused, in a given calendar year to retain their seat. The President may identify persons with low  
45 attendance and USC may remove them from office by an affirmative, secret ballot vote of two-thirds of the  
46 membership. The President will appoint the next-highest vote getter from the most recent election in the  
47 appropriate category to fill the remainder of the term. If no one is able to serve who had been on the  
48 ballot, the President may appoint any eligible university staff  
49 member in the appropriate category.  
50

51 **Leave of Absence:** If a USC member knows he or she will not be able to attend meetings for a period of  
52 time, he or she may request a leave of absence from these assigned responsibilities. Leaves may be  
53 requested for up to one calendar year. The President will appoint an eligible university staff member from  
54 the appropriate category to serve on USC during the absence. Replacement members have full voting  
55 rights and privileges. USC members requesting a leave longer than one year are encouraged to resign  
56 from USC.  
57  
58

1 **ARTICLE XI. COMMITTEES**

2  
3 *Explanatory Note (2012 Changes): Changes to reflect current practice and understanding.*

4  
5 USC committees may be established by a majority vote of USC, and each will include at least one USC  
6 member, and one of those USC members will serve as liaison to USC. All committees select their own  
7 chair from among themselves. Committee meetings may be held during paid work hours. Any employee  
8 serving as an elected member of the Council and working second or third shift will use flex work hours to  
9 attend Committee meetings, and the Administrative Liaison shall provide support and assistance toward  
10 this end, if needed. Arrangement to flex work schedule shall be discussed with the appropriate  
11 supervisor. Committees are reviewed annually and those that are no longer necessary will be eliminated  
12 by majority vote of USC. A representative from each committee will attend or provide the monthly USC  
13 meetings with updates on the activities of the committee. Terms for committee chairs (USC including  
14 USDAD) are limited to two consecutive years with another term of service allowed after a two-year break.  
15 The number of terms of membership on committees is not limited. Committee members must be in  
16 permanent employment status.

17  
18 **USC Committees - All USC committees are responsible to maintain a roster of duties and**  
19 **responsibilities.**

20  
21 **Executive Committee:** As noted above, in Article VIII, The executive committee shall consist of the  
22 President, Vice President, Secretary, Treasurer, and one Member-at-large. The President will call the  
23 meetings as necessary and shall reside over them. In extraordinary circumstances, and when necessary  
24 due to deadlines or timelines imposed by external parties or requirements, the executive committee shall  
25 be authorized to exercise the powers of the USC in the event that a quorum cannot be convened. All  
26 actions shall be reported in writing to the council which shall review and ratify or reject them at its next  
27 meeting.

28  
29 **Bylaws Committee:** USC bylaws shall be reviewed annually or as needed and propose changes to USC  
30 as necessary. At least one member from the past year's committee will serve the following year also.

31  
32 **University Staff Grant Fundraising Committee:** The mission of the university staff grant fund raising  
33 committee is to raise funds. These efforts fund the grant program and other events for university staff  
34 through the endowment program. The major fundraiser for this committee will be done with assistance  
35 from the Foundation.

36  
37 **University Staff Grant Program Committee:** Provides professional development opportunities to  
38 university staff members by offering grants for participation in non-credit conferences, seminars, and  
39 workshops. This program was established by the UW Oshkosh University Staff Council and is supported  
40 by a Perpetual Endowment Fund of the UW Oshkosh Foundation. This committee would oversee any  
41 additional grant opportunities.

42  
43 **Committee on Committees:** The Committee on Committees (COC) will survey the university staff no  
44 later than May 1 of each year to determine interest and qualifications for service on preferred committees.  
45 The COC will find nominees for openings on the university committees. Committee appointees compiled  
46 by COC shall be presented to the USC President for consideration. The USC President will submit the  
47 COC recommendations to USC for approval. A confirmation letter will be sent to the appointee, USC  
48 President, the secretary of the Senate, webpage manager and the chair of the appropriate committee.  
49 University staff serving on All-University committees will report to USC as necessary and at least once a  
50 year by May 1st. Members not on USC should report at a USC meeting as necessary or at least once a  
51 year.

52  
53 **Elections Committee:** This committee is charged by the Council President each February. It is  
54 composed of three university staff members: One past USC President, one past Elections Committee  
55 member and one current USC member not seeking re-election. USC President will name the Chair of  
56 Election Committee. This person will be the convener of the Election committee. They will report directly  
57 to USC President. The Chair of this committee will submit election results at the April USC meeting. The

1 Council will approve the election results at their April meeting. New members will be invited to attend the  
2 May meeting before their term begins in June.

3  
4 **Awards and Recognition Committee:** This committee is responsible for selecting the monthly Star  
5 Award winner. The objective of the monthly Star Award is to recognize performance above and beyond  
6 the expectations of their position and responsibilities for university staff, limited term employees and  
7 project appointment employees. This committee is also responsible for soliciting nominees, reviewing  
8 materials on nominees, and recommending the winners of the Outstanding Performance Award (OPA) to  
9 the Chancellor. If any committee member is nominated, they are to excuse themselves from the  
10 committee meetings and deliberations. The OPA recognizes excellence in providing service to the  
11 University community and emphasizes its importance to the academic environment and overall reputation  
12 of the University. The Chancellor makes the final decision of the OPA. Marketing Committee: Handles  
13 four responsibilities: webpage management, prepares and distributes the newsletter, publicity for USC  
14 and USDAD, and makes the decision of USDAD's main giveaway item(s) to all participants (Joint USC  
15 and USDAD Committee).

16  
17 **Leadership Professional Development Program:** This committee is charged with providing  
18 professional development and leadership training to members of the university staff. University staff will  
19 have the opportunity in the spring semester to apply to participate in the series. To be eligible, a university  
20 staff employee must have been employed at least six months at the time of application, and have written  
21 approval from their direct supervisor. Each person who applies will submit an application to the  
22 Leadership Committee stating their interest in the series. The Leadership Committee is comprised of 5-8  
23 past participants. The committee will select up to 35 university staff to participate in the series and will  
24 notify the supervisor and applicant of the decision. The committee will meet in the off year of the series to  
25 plan the topics, dates and presenters for the upcoming year. A graduation ceremony will be held at the  
26 end of the series for all members who participated. A certificate of participation will also be awarded.

27  
28 **Compensation Committee:** This committee is responsible for working with the Human Resources Office  
29 and other administrative units on the development and oversight of various policies, procedures and  
30 approaches to compensation issues relating to the university staff. (The specific charge to this committee  
31 shall be modified and adjusted as the work of this group continues under active development.)

32  
33 **USDAD (University Staff Development and Appreciation Day) Subcommittees -** All subcommittees  
34 are responsible to maintain a roster of duties and responsibilities and they report to USC.

#### 35 **Special USC Committees –**

36  
37  
38 The USC shall create such ad hoc committees as it considers necessary to assist in formulating policies  
39 and making decisions on special problems.

#### 40 **ARTICLE XII. CHANGING THE BYLAWS**

41  
42  
43 *Explanatory Note (2012 Changes): Creates ongoing process for bylaw review and revision. Establishes a*  
44 *process that could be used if truly time-sensitive changes were required; parallel to provisions relating to*  
45 *USC business at meetings.*

46  
47 These bylaws shall be subject to continuing review and revision. At a minimum, they should be reviewed  
48 annually and any necessary changes made pursuant to the following.

49  
50 Changes require an affirmative vote by two-thirds of the USC membership. This vote will be done at a  
51 USC meeting. Before such a vote will take place, members of the Council must be given notice regarding  
52 the intent to vote on proposed changes. All proposals must be discussed during at least one Council  
53 meeting prior to a vote on the proposed changes. In extraordinary circumstances, and when bylaw  
54 changes are necessary due to deadlines or timelines imposed by external parties or requirements, the  
55 executive committee shall be authorized to exercise the powers of the USC in the event that a quorum  
56 cannot be convened. All actions shall be reported in writing to the council that shall review and ratify or  
57 reject them at its next meeting.

58