UWM Chapter 109 DISMISSAL FOR CAUSE

109.01 Dismissal for Cause for Indefinite Academic Staff Appointments
A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under UWS 11.01 through 11.10. The burden of proof resides with the University administration.

109.02 Preparation of Charges
Pursuant to UWS 11.02, when the Chancellor receives an allegation against an academic staff member which appears to be substantial and, which if true, may lead to dismissal, he/she shall request that the appropriate dean or division head investigate the allegation. The dean or division head shall seek to resolve the matter informally with the academic staff member and report the resolution to the Chancellor. If this discussion does not result in a resolution, the dean or division head shall prepare a written statement of specific charges not later than 15 working days of the request of the Chancellor. This deadline may be extended by written consent of the parties.

109.03 Hearing
If an academic staff member requests a hearing of the charges under UWS 11.02, such hearing shall proceed under 11.04-11.07 and UWM Chapter 109.

109.04 Time Limitations
The time limits stated in UWS 11.04 and 11.10 specified as a number of days shall be considered to be working days under these policies and procedures. Failure by the academic staff member to meet the time limits of UWS 11.04 shall constitute a waiver of the right to a hearing.

109.05 Hearing Body
(1) Category A
Pursuant to UWS 11.03, the Academic Staff Hearing and Appeals Committee shall serve as the hearing body in cases of dismissal for cause. The Hearing and Appeals Committee may, on the motion of either party, disqualify any of its members by a majority vote. The vote on such motion shall be in open session. Any member of the Hearing and Appeals Committee who has heard a related grievance involving the academic staff member requesting the hearing shall be disqualified. If any of the members of this hearing body disqualify themselves or are disqualified, the hearing body shall select, by majority vote, an equal number of replacements from the list established in Article I Section 2(F) of the Hearing and Appeals Committee Bylaws. The vote shall be in open session and results shall be binding.

(2) Category B
Pursuant to UWS 11.03, the hearing body in cases of dismissal for cause shall consist of three members of the Hearing and Appeals Committee and two members of the Dismissal Hearing Committee defined in University of Wisconsin - Milwaukee Policies and Procedures Section 5.26. Each committee shall select its representatives for the hearing body. Neither the Hearing and Appeals Committee nor the Dismissal Hearing Committee may select more than one member from any one school, college or division. This hearing body may on the motion of either party disqualify any one of its members by a majority vote. Any member of the Hearing and Appeals Committee who has heard a related grievance involving the academic staff member requesting the hearing shall be disqualified. If any of the members of this hearing body disqualify themselves or are disqualified, the parent bodies shall select by majority vote an equal number of replacements. For the Hearing and Appeals Committee, these replacements shall be selected in accordance with the list established in Article I, Section 2(F) of the Hearing and Appeals Committee Bylaws. (See also Academic Staff Research Misconduct Policy)

109.06 Legal Counsel
The Chancellor shall provide legal counsel for the hearing body. The functions of legal counsel shall be to advise the hearing body and to consult with them on legal matters.

109.07 Recommendations
The Hearing body shall send a verbatim record (e.g., audio) of the testimony, a~~nd~~ copy of its report, findings, and recommendations to the Chancellor and to the academic staff member concerned within 30 working days after the conclusion of a hearing. After reviewing the matter on record and considering written arguments if submitted by the parties, the Chancellor shall issue a written decision pursuant to UWS 11.07 and 11.09 within 20 working days of receipt of the hearing body's recommendations. The decision of the Chancellor is final unless appealed to the UWS Board of Regents as provided in UWS 11.07 and 11.10.

109.08 Dismissal for Cause for Fixed-term or Probationary Academic Staff Appointments
A member of the academic staff holding a probationary appointment or a member of the academic staff holding a fixed-term appointment and having completed an initial specified period of time as provided for in UWM 104.02, may be dismissed prior to the end of the contract term only for just cause. Such dismissal shall proceed under UWS 11.11. If the dean or division head's dismissal decision is appealed, the proceeding shall be conducted in accordance with UWM 109.02-109.07.