Academic Staff Senate Resolution on UWM’s Use of Layoff vs. Non-Renewal

The Academic Staff Senate, recognizing the unprecedented nature of the current fiscal crisis, seeks to ensure that UWM administrators are aware of and comply with the existing Layoff policies set forth to guide the termination of academic staff members’ employment for reasons of budget or program modification. Compliance with the existing policies will efficiently and fairly facilitate staffing changes, protecting the rights and interests of both administration and the academic staff.

Whereas, under State law (Chapter 36.09(4m) Wisconsin Administrative Code) and UWM policy (Chapter 102, Academic Staff Personnel Policies & Procedures), the Senate of the Academic Staff holds “primary responsibility for advising the chancellor regarding 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;”

Whereas UWS Chapter 12 and UWM Chapter 110 (ASPPP) establish Layoff policy explicitly to guide terminations of academic staff employment “when such action is deemed necessary due to budget or program decision requiring program discontinuance, curtailment, modification, or redirection;”

Whereas UWS Chapter 12 and UWM Chapter 110 (ASPPP) establish that Layoff shall be used to terminate the employment of academic staff members with fixed-term, probationary, and indefinite appointments when the employment termination is the result of a budget or program decision;

Whereas Layoff policy confers to employees whose positions are being eliminated specific rights that are not available when employment is ended through the non-renewal of fixed-term and probationary contracts;

Whereas the rights conferred under Layoff include:

1. Assurance that the layoff plans will be discussed with the Academic Staff Committee prior to their being finalized and enacted;
2. The expectation that the university will make an effort to reassign the employee to a position for which the university is hiring and for which the individual is qualified or could be trained within one year only when both employee and hiring unit are in full agreement of the reassignment;
3. A seniority-based order of layoff, unless the Chancellor grants an exception based on the unit’s specialized needs;
4. The right to be recalled to employment, should UWM seek to fill a position with comparable duties in the employee’s operating unit within three years of the layoff or a position with comparable duties for which the employee could be trained;
5. The unequivocal right to unemployment compensation; and
6. The clear message to future employers that the termination was not related to employee performance.

Whereas, through these rights, Layoff communicates the university’s appreciation for the employee’s service and regret for the termination; and

Whereas Non-renewal of contracts, the alternative form of employment termination, conveys none of these rights and is also the process used to terminate employees for reasons relating to performance; and

Therefore be it resolved, the UWM Academic Staff Senate advises the Chancellor that Non-renewal should be reserved for terminations of employment for reasons other than budget or program modification, including performance and just cause, and that Layoff is the lawful and ethical mechanism to be used to terminate the employment of academic staff of all appointment types whose positions are eliminated for reasons of budget or program modification; and

Therefore be it further resolved, the UWM Academic Staff Senate calls on the Chancellor to ensure that UWM Administrators comply with the Layoff policies in all cases in which positions are eliminated for reasons of budget or program modification, including those applicable cases for which Non-renewal letters have already been issued; and

Therefore be it further resolved, the UWM Academic Staff Senate directs the Academic Staff Committee to develop a UWM program supporting compliance with the reassignment and recall provisions of the Layoff policy.

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¹ Chapter 36.09: [https://docs.legis.wisconsin.gov/statutes/statutes/36/09](https://docs.legis.wisconsin.gov/statutes/statutes/36/09)
² UWM Chapter 102: [https://www4.uwm.edu/secu/policies/acad_staff/upload/102.pdf](https://www4.uwm.edu/secu/policies/acad_staff/upload/102.pdf)
⁴ UWM Chapter 110: [https://www4.uwm.edu/secu/acad_staff/as_senate/agendas/10-11/05-10-11UWMChap110.pdf](https://www4.uwm.edu/secu/acad_staff/as_senate/agendas/10-11/05-10-11UWMChap110.pdf)
⁵ Academic Staff Personnel Policies & Procedures: [https://www4.uwm.edu/secu/policies/acad_staff/](https://www4.uwm.edu/secu/policies/acad_staff/)