Recommendation of the University Committee to permit the uncoupling of rank from tenure.

RATIONALE:

There are instances in which a department may wish to hire a person of accepted reputation and expertise in his/her field, but the department may wish to determine how well that person will function in this academic setting before recommending tenure. The rank of Assistant Professor may not be commensurate with the person's experience or accomplishment. A Visiting Professorship may not serve the purpose since a Visiting Professor must have an academic appointment elsewhere and is a member of the academic staff rather than the faculty.

There is nothing in the Wisconsin Statutes or the Administrative Code which mandates that rank and tenure must be linked. Therefore, it is proposed that rank and tenure be uncoupled only for the appointment of incoming Associate Professors and Professors. This optional probationary period shall not apply to promotion within the University.

If the Senate approves the concept of uncoupling rank from tenure, the following sections of UWM Policies and Procedures must be amended as indicated.

3.07 Eligibility for Membership on Divisional Executive Committees

Ordinarily tenured professors and tenured associate professors eligible to vote in a division may serve on its Divisional Executive Committee. However, the University Faculty or the Faculty Senate may designate faculty members of other divisions and/or other units as eligible to serve.

4.04 Departmental Executive Committee

(1) Each department has a Departmental Executive Committee, consisting of all full-time members of the department who are tenured professors or tenured associate professors, and as determined by the Departmental Executive Committee at the time of appointment with tenure, any person holding a part-time appointment as a tenured professor or tenured associate professor, provided that this rule shall not be construed to withdraw any membership understandings or arrangements in effect at the time this rule was adopted, and provided further that all persons holding multiple or part-time appointment as a tenured professor or tenured associate professor shall be entitled to membership in at least one Departmental Executive Committee. The executive committee of a department or non-departmentalized school or college may by a two-thirds vote grant membership on the executive committee to a tenured assistant professor or instructor. Such membership, once granted, may not be revoked.

4.05 Departmental Executive Committee: Functions

(2) The Departmental Executive Committee may delegate to the tenured professors of the department the authority to make recommendations for promotions to the rank of professor.

Changes in the above sections are show in italics. One or two minor editorial changes have also been made.
5.12 Probationary Appointment

(1) A probationary appointment means an appointment preceding the granting of tenure. It is made by the Board of Regents upon the affirmative recommendation of the executive committee of the appropriate academic department, or its functional equivalent, the dean of the college or school, and the Chancellor.

(2) Although probationary appointments are ordinarily made at the rank of Instructor or Assistant Professor, in exceptional cases persons from outside this university may be granted probationary appointments at the rank of Associate Professor or Professor.

5.13 Calculating the Probationary Period

(1) The probationary period for faculty on at least one-half time but not more than three-fourths time appointment is counted as one-half year probationary service; service of greater than three-fourths time is counted as a full year. In no case shall the probationary period exceed fourteen calendar years.

5.131 Calculating the Probationary Period for Assistant Professors and Instructors

(1) The probationary period for assistant professors and instructors on at least one-half time but not more than three-fourths time appointment is counted as one-half year probationary service; service of greater than three-fourths time is counted as a full year. In no case shall the probationary period exceed fourteen calendar years.

5.132 Calculating the Probationary Period for Associate Professors and Professors on Probationary Appointments

(1) The probationary period for associate professors and professors with probationary appointments on at least one-half time but not more than three-fourths time appointment is counted as one-half year probationary service; service of greater than three-fourths time is counted as a full year.

(2) The period of leave of absence is excluded in calculating the probationary period.

(3) Previous experience, scholarly accomplishments, scholarly publications and the like may be taken into account in calculating the probationary period of associate professors and professors on probationary appointments. Credit for previous experience will be agreed upon in writing at the time the appointment is made. In no case will the probationary period for associate professors and professors on probationary appointments exceed three years.

5.161 Tenure, Non-Retention and Notification of Associate Professors and Professors on Probationary Appointments

After not more than three years of probationary service as
associate professor or professor without tenure except as provided in 5.131, the faculty member shall be granted tenure or not retained. The decision on which course to take is made on the recommendation of the executive committee of the appropriate department or its functional equivalent, the dean and the Chancellor to the Board of Regents. The faculty member shall be officially notified in writing in accordance with the provisions of 5.19 by the appropriate administrative officer of the decision at least one year before the end of the faculty member’s appointment.

5.51 Seniority

(2) Non-tenured faculty by rank, beginning with assistant professor, and within rank according to length of service in the institution at that rank. If two or more individuals within the department or non-departmentalized school have identical seniority at that time, then a process of random selection will be employed to give each a unique seniority position.

1979-80 University Committee

Gerald Gleason
Michael Lacktman
Marilyn Miller, Chair
Paul Nystrom
Howard Pincus
Rachel Skalitzky
Ethel Sloane

Editorially reviewed by the Codification Committee employing the criteria of clarity, internal consistency, and relation to other policies and procedures governing UWM. This review does not constitute endorsement.
Regent Lawton reported on proposed amendments to UW-Milwaukee Faculty Personnel Policies and Procedures, stating that President O'Neil and Senior Vice President Smith informed the Education Committee that the provision sought by UW-Milwaukee is found in many prestigious institutions. Professor Marilyn Miller, Chair of the UW-Milwaukee University Committee, told the Education Committee that the University desired the provision primarily to accommodate the needs of professional schools and departments which may wish to hire a person of accepted reputation and expertise in his/her field, but want to determine how well that person will function in the academic setting before granting tenure. Regent DeBardeleben indicated to the Education Committee that he opposed these amendments as being inconsistent with the purpose for which tenure is provided.

The following resolution was moved by Regent Lawton and seconded by Regent McNamara:

Resolution 2175: That, upon the recommendation of the President of the University of Wisconsin System and the University of Wisconsin-Milwaukee Acting Chancellor and Faculty Senate, the amendments to Sections 3.07, 4.04, 5.13(1), and 5.51 and the additions to Sections 5.12(2), 5.131(3), and 5.161 of the UWM Policies and Procedures as contained in UW-Milwaukee Faculty Document No. 1189 be approved as required under UWS 2.02.

Asked by Regent Beckwith for a statement of his objections to this resolution, Regent DeBardeleben replied that the thrust of the resolution is to disconnect the granting of tenure from the granting of rank, which would permit persons to be appointed with the rank of associate professors or professors at UW-Milwaukee without tenure. This seemed inconsistent to him since tenure is meant to guarantee the freedom of the scholar. He said that freedom is obtained after an individual has been tested, one measure of which is appointment to the rank of associate professor or professor. "It seems to me that it is inconsistent with that concept to say, 'You can have the rank, but you can't have the guarantee to go with the rank; you can't have these protections that are inherent in the position.' Just because someone else has done it, I don't think that makes it right." He understood that this provision would be used in very few cases, and he was not persuaded that an exception for these few cases should be made.

Regent Beckwith asked Regent DeBardeleben why it would not be valid for UW-Milwaukee to recruit a person with a distinguished academic career who holds the rank of professor or associate professor from another institution and to offer a salary consistent with that rank, while allowing the faculty to have a short period of time—perhaps a year or two—to evaluate that person additionally before granting tenure. Regent DeBardeleben replied that, if the institution believed a person to be entitled to the rank of professor or associate professor, there should be enough confidence in him or her to grant tenure as well.

Regent O'Harrow asked Regent DeBardeleben if he was suggesting that a person of this caliber would feel restrained in his thinking without tenure, to which Regent DeBardeleben replied that the person would lack the guarantees of tenure but that the effect on that individual would be subjective.

Put to the vote, Resolution 2175 was carried (Regents DeBardeleben, O'Harrow, and Veneman voting "No").
EDUCATION COMMITTEE

Resolution:

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Approved 6-6-80
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