The University Committee moves that the following amendments to UWM Policies and Procedures be approved.

Rationale

1. The legislation proposed below amends Section 5.177 to state explicitly that advice from the divisional executive committees cannot be appealed. Amendments to Sections 3.18, 5.18(1) and 5.18(1)(c) eliminate references to appeals of divisional executive committee advice and are necessary only if the addition to Section 5.177 is approved.

UWM Policies and Procedures states that a tenure appointment requires the affirmative decision of the departmental executive committee, the dean, and the chancellor. It further states that the dean shall seek the advice of the divisional executive committee in arriving at his/her decision. Since the decision of the dean may or may not follow the advice of that committee, it would appear reasonable that the advice could not be appealed. If the faculty member involved has reason to believe that the advice given is in error, he/she can so inform the dean with his/her reasons. If he/she has reason to believe impermissible factors were involved, he/she can file a complaint for referral by the University Committee.

Add a new segment (5) to Section 5.177 as follows:

5.177(5) Advice given by divisional executive committees is not appealable. Complaints alleging improper considerations as enumerated in 5.18 (a)-(c) may be filed with the University Committee at any stage of consideration.

Amend as follows [new words are in brackets, old words are struck out]:

3.18 Reconsideration of Negative Advice and Appeal (by Divisional Executive Committees)

Procedures of reconsideration of negative advice and appeal are specified in Sections 5.177 and 5.18, respectively.

5.18 Appeals: Non-Renewal Decisions

(1) [Written appeal may be made] within twenty (20) days of notice that the reconsideration has affirmed the non-renewal recommendation or decision (25 days if notice is by first class mail and publication) [of a decision that results in non-retention] written appeal may be made. Such appeals are filed with the University Committee for referral to the Faculty Appeals and Grievances Committee ...

(1)(c) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a faculty member in question if material prejudice resulted because of any of the following: ...
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