Chapter 10A, Appointment and Tenure

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CHAPTER 10A

APPOINTMENT AND TENURE

10A.01 Academic staff defined. The academic staff consists of all persons who are appointed to their positions by the Regents, except (a) employees appointed to classified civil service positions, (b) students employed on an hourly part-time basis, (c) undergraduate scholars and recipients of undergraduate scholarships and awards, (d) individuals who are recipients of graduate scholarships and fellowships which provide only for remission of tuition or fees and who do not hold other appointments which are included in the academic staff classification, and (e) temporary appointees for special administrative duties on special contract.

10A.02 University faculty defined. The University Faculty consists of the President, professors, associate professors, assistant professors, and such other persons as may be designated in their appointments as having University Faculty status. Non-professorial academic staff members with training, experience and responsibilities comparable to those in the professorial ranks may be designated as having faculty status.

10A.03 Tenure appointment defined. A tenure appointment is an appointment for an indefinite period granted to all associate professors and all professors and to other members of the academic staff as designated by specific administrative decision, except as hereinafter provided. A person holding a tenure appointment may be dismissed only for adequate cause, and after due notice and hearing, as hereinafter provided.

10A.04 Administrative appointment defined. An administrative appointment is to a specific administrative position and is at the pleasure of the appointing authority. A person who has tenure does not lose it by appointment to an administrative position, but administrative officers do not have tenure in their administrative positions.

10A.05 Probationary appointment defined. A probationary appointment is an appointment held by a full-time member of the academic staff during the probationary period which precedes determination of tenure status.

10A.06 Temporary appointment defined. A temporary appointment is an appointment other than a probationary or tenure appointment. Such an appointment must be in writing, and the duration of employment must be clearly stated. A person holding a temporary appointment is designated by an appropriate title.

10A.07 Divisional committees must advise on certain appointments. Before an appointment is made within a department included within a division to a position of permanent tenure, or to associate professor where tenure had been granted previously at a lower rank, the dean shall ask through the divisional chairman the advice of the executive committee of the division.

10A.08 Calculating the probationary period.

(1) A temporary appointment is excluded in calculating the probationary period.

(2) A part-time appointment is excluded in calculating the probationary period. Any period of service before a part-time appointment is included in calculating the probationary period.
(3) The period of a leave of absence is included in calculating the probationary period, unless in an exceptional case the department concerned, with the approval of the dean, stipulates otherwise at the time a leave is taken.

10A.09 Probationary appointment when transferring from other institutions. Previous full-time service in other colleges or universities, in a rank equivalent to instructor or above at the University, is taken into account in computing a person's probationary service at the University, so that the probationary period shall not exceed seven years in all; provided that if a person receives a probationary appointment after service of more than three years in one or more other institutions, his probationary status in the University may extend for as long as four years, even though his total probationary period is thereby extended beyond the normal maximum of seven years.

10A.10 Appointment, reappointment, tenure, non-retention and notification of probationary instructors. An instructor is appointed for a probationary period of one year and may be reappointed in this rank for a similar period not more than six times, except as provided later in this paragraph. After not more than seven years of service as a full-time probationary instructor at this University, whether continuous or not, he shall be promoted to an assistant professorship, with tenure, or not retained, or in exceptional cases reappointed without promotion but with tenure. These provisions do not imply any obligation of reappointment from year to year, nor do they preclude recommending a probationary instructor for promotion at any time. Decision as to which course to recommend (promotion, non-retention on the permanent staff, or reappointment without promotion but with tenure) is made by the department and the administration and the instructor must be informed in writing of that decision before the close of his sixth year of service in this rank at this University.

10A.11 Appointment, reappointment, tenure, non-retention and notification of assistant professors. A person who is promoted to assistant professor after seven years of service as a full-time instructor at this University must be given tenure. If he is promoted after a shorter period of such service, his appointment and subsequent reappointment are for such terms as will make his total period of service under probationary appointment in the ranks of instructor and assistant professor in this University not more than seven years. If he is appointed from outside, the appointment is normally for a term of three years. After not more than seven years of service at this University as an assistant professor or after a total of not more than seven years of full-time service at this University in the ranks of instructor and assistant professor, the assistant professor must be either granted tenure, with or without promotion, or notified in writing by the department or the administration one year before the end of his service that he will not be recommended for retention, promotion, or tenure. After notification of non-retention on the permanent staff, any reappointments will be annual and will not exceed two. These provisions do not imply any obligation of reappointment, nor do they preclude recommending an assistant professor for promotion or tenure after a shorter period of service than seven years.

10A.12 Tenure not granted solely because of years of service. Tenure is not acquired solely because of the number of years of service. Tenure is granted only by specific administrative action to that effect. The previous provisions as to duration of the probationary period merely establish, for the benefit of the University and of its staff members, limits beyond which such decisions and actions may not be delayed.
10A.13 Notice of non-retention of probationary appointees. Written notice that a probationary appointment will not be renewed must be given to the faculty member in advance of the expiration of his appointment, as follows: (1) at least three months before the end of his duties during the first academic year of faculty service in the University, exclusive of a summer session; (2) not later than December 15 of the second academic year of such service, if the appointment expires at the end of that year; or, if a two-year appointment expires during an academic year, at least six months in advance of this expiration; and (3) at least twelve months before the expiration of an appointment after more than two years in the University.

10A.14 One year extension if no notification given. If proper notice of non-retention is not given in accordance with Section 10A.13, an extension of one year becomes automatic, or in lieu thereof, at the option of the University, one year's salary may be paid. In such cases the notice provisions of Section 10A.13 apply to the extended period.

10A.15 Nature of non-faculty appointment to be stated in writing. If an appointment is made to a position which is not within the scope of the rules relating to academic tenure, the nature of such an appointment shall be specified in writing at the time it is made. In such a case, notice of non-retention of employment at the University also will be given, if possible, in accordance with the notice rules of Section 10A.13.

10A.16 Chapter 10A inapplicable to civil service employees. Chapter 10A does not apply to civil service employees.
CHAPTER 10B

DISMISSAL PROCEDURES

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CHAPTER 10B
DISMISSAL PROCEDURES

10B.01 Dismissal for cause: tenure appointments. A person who holds a tenure appointment as defined in Section 10A.03, may be dismissed only for adequate cause.

10B.015 Dismissal for cause: nontenure appointments. A person who holds a probationary appointment as defined in Section 10A.05, or a temporary appointment as defined in Section 10A.06, may be dismissed before the expiration of the term for which his appointment is made only for adequate cause. Failure to renew a probationary or temporary appointment is not a dismissal.

10B.02 Dismissal for cause: statement of specific charges; hearing. A person may be dismissed under Section 10B.01 or Section 10B.015 only after a written statement of specific charges has been given to him. If the person so requests in writing within ten days after receiving such statement of specific charges, a hearing must be held on the charges.

10B.03 Adequate cause. The University's policy is that a member of the academic staff is entitled to enjoy and exercise all the constitutional rights of an American citizen, as well as academic freedom as it is generally understood in the teaching profession. This policy must be observed in determining whether or not adequate cause for dismissal exists.

10B.04 Responsibility for charges. A statement of charges shall be signed by the President or an administrative officer designated by him.

10B.05 Fair hearing. A fair hearing for a person whose dismissal is sought under Section 10B.02 and Section 10B.08 includes:

(1) Service of notice of hearing with specific charges in writing at least twenty days prior to the hearing.

(2) A right to be heard in his own defense by all bodies passing judgment.

(3) A right to counsel and to offer witnesses.

(4) A right to confront and cross-examine witnesses against him.

(5) A stenographic record of all hearings and transcripts thereof, at no cost to him.

(6) Findings of fact and a decision based on the hearing record.

(7) The admissibility of evidence shall be governed by Wis. Stats. Sec. 227.10. The burden of proof of the existence of adequate cause for a dismissal is on the Administration.

10B.06 Duties of University Committee. In cases under Sec. 10B.02, an investigation shall be conducted by the University Committee. Such investigation will be in the form of a hearing which complies with Sec. 10B.05. This hearing shall be a closed hearing unless the person concerned requests a public hearing. If one or more members of the University Committee should disqualify themselves, whether at the request of a party or at their own initiative, the remaining members of the University Committee will select a number of other members of the Faculty equal to the number who have disqualified themselves to serve on the particular case.
Reports: to the President; to the Regents. The University Committee will send to the President and to the person concerned, as soon as practicable after conclusion of the investigation, a transcript of the testimony and a copy of its report, findings and recommendations. As soon as practicable after receipt of this material the President will submit it and his recommendation to the Regents should he recommend dismissal. In such case, a copy of the President’s recommendation must also, at the same time, be sent to the person concerned and to the University Committee.

Regents' Hearing.

(1) If the President recommends dismissal, the Regents will hold a hearing pursuant to Wis. Stats. Chap. 227, unless the Board decides to dismiss the charges against the faculty member concerned without a hearing. This hearing shall be a closed hearing unless the person concerned requests a public hearing.

(2) If after a hearing, the Regents decide to dismiss contrary to the recommendation of the University Committee, then before taking final action the Regents will consult with the University Committee.

Suspension from duties and other dismissal procedures.

(1) Pending a final decision as to dismissal, a person with tenure will not normally be relieved of his duties. If, however, it is considered likely that harm will result if such person continues in his position, he may be relieved immediately of his duties, but his salary will continue.

(2) If a person holding a tenure appointment is dismissed, he will be given a twelve months' notice beginning the first day of the month after notice is given. In lieu of notice, the salary for the twelve months' period may be paid to the person with tenure and his duties immediately terminated. A person with tenure dismissed for moral turpitude has no right to notice or salary.

(3) Section 10B.09(1) applies to a temporary or probationary appointment, but action under it shall not be construed to extend the period of such appointment.

(4) If a person holding a temporary or probationary appointment is dismissed, notice or salary will be at the discretion of the President. A period of notice shall not extend the period of the appointment.

(5) If a proceeding on charges against a person not holding a tenure position is not concluded before his appointment would expire, he may elect that such proceeding be carried to a final decision. Unless he so elects in writing, the proceeding will be discontinued.

(6) If a person whose dismissal is sought has requested a hearing, discontinuance of the proceedings by the administration shall be deemed a withdrawal of charges and a finding that the charges were without merit.

Copies of tenure rules to be supplied. The Secretary of the Faculty shall send to each member of the Faculty, and to each new appointee to the Faculty of whatever rank, a copy of Chapters 10A and 10B.