The following guidelines are intended to apply in all situations where a negative decision will lead to the non-retention of a non-tenured faculty member.

The department Chairman must notify a non-tenured faculty member in writing at least 30 days prior to Executive Committee consideration of re-appointment, promotion, or non-renewal and invite the faculty member to review his or her personal vita and supporting materials and to submit (to the committee via the Chairman) such additional written material as he or she deems relevant. At this time the Chairman shall also advise the faculty member of his or her opportunity to make a personal presentation to the Executive Committee at the meeting at which he or she is to be considered. In the event the faculty member chooses to make a personal presentation, that portion of the meeting at which the presentation is made will be closed unless an open meeting is requested by the faculty member (See document #1, The Wisconsin Open Meeting Law).

In making a personnel decision that may involve non-retention, Departmental Executive Committees must start the process early enough to allow time for a possible reconsideration and to meet the deadlines for notification of non-retention as stated in Chapter 5 of the UWM Laws and Regulations (See document #6). The Departmental Executive Committee must be cognizant of these notification requirements.

In the event that the Departmental Executive Committee, after
thorough consideration of the teaching, research, departmental, university and community service, and programmatic qualifications of the individual, makes a recommendation that will result in non-retention, it must formulate reasonably specific written reasons for the negative recommendation before adjourning. These reasons will be considered as binding on the Departmental Executive Committee. The reasons shall not appear in the minutes of the meeting but shall be entrusted to the Chairman who must immediately inform the faculty member orally of the reasons. No recommendation shall be forwarded to the Dean until the faculty member has been given the opportunity to request the reasons in writing and/or request a reconsideration by the Executive Committee according to the procedures outlined below.

Failure by the faculty member to meet the deadlines for requesting written reasons and/or a reconsideration shall be considered a waiver of those procedures, and the Departmental Executive Committee shall forward its negative recommendation to the Dean.

The faculty member shall have the opportunity, within 3 working days after notification by the Chairman, to request the reasons in writing. The Chairman will inform the faculty member of the possible adverse consequences of written reasons. If the faculty member persists in the request, the Chairman will immediately provide a copy of the Departmental Executive Committee's statement of reasons.

If the faculty member wishes to contest the negative recommendation by requesting a reconsideration by the Departmental Executive Committee, he or she shall make the request within 5 working days of the receipt of the oral reasons or within 2 working days of the receipt of the written reasons. The meeting for reconsideration shall be held within 10 working days of the receipt of the request, but reasonable notice must be given to the faculty member. At the faculty member's option, he or she may make a personal
presentation at the reconsideration meeting. If the faculty member chooses
to make a personal presentation, at the faculty member's option that portion
of the meeting at which the presentation is made will be closed unless an
open meeting is requested by the faculty member (See document #1). At the
meeting for reconsideration the faculty member is entitled to present wit-
nesses, to have counsel present, and to have a taped transcript of the pro-
ceedings. The reconsideration is not a hearing, nor an appeal, and shall be
non-adversary in nature. Its only purpose is to allow the faculty member
an opportunity to persuade the Departmental Executive Committee to change its
negative recommendation by challenging the stated reasons and/or by offering
new evidence not available at the initial consideration. The burden of proof
is on the person requesting the reconsideration. Following the reconsideration
the Departmental Executive Committee shall decide what recommendation it will
transmit to the Dean (i.e. whether it will send forward its earlier negative
recommendation or reverse its position and send forward a positive recom-
mendation). If the Departmental Executive Committee decides to forward a
negative recommendation to the Dean, the reasons for the recommendation must
be included.

In the event the Departmental Executive Committee forwards a nega-
tive recommendation that will result in non-retention for a faculty member,
the Dean must accept that recommendation (subject to appeal procedures
outlined in this document and inform the faculty member of the date when
his or her appointment is to be terminated according to the provisions of
Chapter 5 of the UWM Laws and Regulations.

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In the event the Departmental Executive Committee forwards a
positive recommendation for reappointment and the Dean decides not to
accept that recommendation, he shall notify the department Chairman, with
a carbon to the individual involved, of his intent within a reasonable time after receiving the departmental recommendation. The faculty member involved may request written reasons from the Dean and/or a reconsideration by the Dean according to the same procedures outlined above for Departmental Executive Committees.

When a Dean receives a positive recommendation from a Departmental Executive Committee for tenure he or she has two options:

1. He or she may decide to reject the recommendation without consulting the appropriate Divisional Executive Committee. In this event the Dean must notify the department Chairman (with a carbon to the individual concerned) within a reasonable time of his decision.

2. He or she may decide to forward the recommendation with the accompanying documentation to the appropriate Divisional Executive Committee for advice.

If the Dean chooses option one the Departmental Executive Committee may choose to send the department’s recommendation directly to the appropriate Divisional Executive Committee with a request for advice. The Divisional Executive Committee will follow the same procedures as if the request had come from the Dean (see below). The Divisional Executive Committee’s recommendation must accompany the Dean’s recommendation when forwarded to the Chancellor.

If the Dean chooses option one and the Departmental Executive Committee decides not to forward their recommendation directly to the appropriate Divisional Executive Committee, the individual may ask the Dean for written
reasons and/or reconsideration according to the same procedures outlined previously for Departmental Executive Committees.

If the Dean chooses option two and the Divisional Executive Committee decides to give a negative recommendation in a personnel case where the result will be non-retention, the Divisional Executive Committee, before forwarding its recommendation to the Dean, must notify the department Chairman with a carbon to the faculty member, of their intention and of the right of the Departmental Executive Committee to ask for a reconsideration within 7 working days of receiving the notice. If the Departmental Executive Committee requests a reconsideration, the meeting must be held within 10 working days of the receipt of the request, providing the adequate notice is given to the Departmental Executive Committee. If no request for reconsideration is received, the negative recommendation shall be forwarded to the Dean at the end of the initial 7 working day period.

A written statement of reasons must accompany all recommendations made by a Divisional Executive Committee to the appropriate Dean.

If a Dean rejects a positive recommendation from a Departmental Executive Committee (after requesting and receiving advice from the appropriate Divisional Executive Committee), and the result is non-retention, he or she must notify the affected faculty member according to the rules specified in Chapter 5 of the UWM Laws and Regulations (see document #6). The Dean must honor a request by a faculty member for written reasons and/or reconsideration using the same procedures and deadlines previously outlined for Departmental Executive Committees. The Dean shall presume that members of Departmental Executive Committees and Divisional Executive Committees are competent in making academic judgments. They shall not be challenged when acting in good faith within the areas of their academic competence.

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Appeals on procedural and non-academic issues may be brought to the University Committee-Milwaukee at any time during any of the above proceedings. The University Committee-Milwaukee may suspend reconsideration proceedings pending a ruling on the appeal.

The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

(a) conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, or

(b) factors prescribed by applicable state or federal law regarding fair employment practices, or

(c) improper consideration of qualifications for reappointment or renewal as defined below. 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:

(1) the procedures required by rules of the faculty or Board of Regents were not followed, or

(2) available data bearing materially on the quality of performance were not considered, or
(3) unfounded or arbitrary assumptions of fact were made about work or conduct, or

(4) immaterial or improper factors, in addition to those specified above, entered into the decision.

The University Committee-Milwaukee may, if it judges the circumstances to be exceptional, recommend other faculty entities or an ad hoc panel to consider substantive, including academic, appeals. After its investigation the University Committee-Milwaukee will make a report and recommendations to the individual and the appropriate officials. Normally the recommendations of a Departmental Executive Committee or a Divisional Executive Committee are conclusive on academic issues. Therefore, the burden of proof in demonstrating to the University Committee-Milwaukee that exceptional circumstances exist is on the aggrieved faculty member.

The non-renewal notice is effective upon its issuance by the Dean. The deadlines for notification of non-retention as stated in Chapter 5 of the UWM Laws and Regulations (See document #6) must be observed by the Dean. The time limits for notice of non-renewal are not extended by subsequent hearing or subsequent appeals to other university bodies.