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Chapter UWS 10

ACADEMIC STAFF APPOINTMENTS

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UWS 10.01 Types of appointments. Academic staff appointments may be fixed term, probationary, or indefinite. Several probationary academic staff appointments may precede the granting of an indefinite appointment. Each institution shall develop guidelines concerning the categories of academic staff positions that may be appropriately designated as fixed term, probationary, or indefinite appointments. Appointments may be made in the central administration, an institution, college, department (or its functional equivalent), or a specified research or program unit. An appointment shall be limited to an operational area specified at the time of the appointment and shall not carry rights beyond that limitation.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 10.02 Recruitment and letter of appointment.

(1) Each institution shall develop procedures relating to recruitment of members of the academic staff. The procedures shall be consistent with board policy and state and federal laws with respect to nondiscriminatory and affirmative action recruitment. The procedures shall allow maximum flexibility at the department, school, and college levels to meet particular needs.

(2) The terms and conditions of the appointment shall be specified in a written letter of appointment. The appointment letter shall be signed by an authorized official of the institution and should contain details as to the terms and conditions of the appointment, including but not limited to type of appointment (fixed term, probationary or indefinite), duration of the appointment (starting date, ending date), salary, general position responsibilities, definition of operational area, the length of the probationary period (if appropriate) and recognition of prior service as part of the probationary period (if appropriate). Accompanying this letter shall be an attachment detailing institutional and system regulations, rules, and procedures relating to academic staff appointments. If the appointment is subject to the approval of the board, a statement to this effect must be included in the letter. An amended letter of appointment should be sent in situations where a significant change in position responsibility occurs.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 10.03 Appointments policies. (1) FIXED TERM APPOINTMENTS. Each institution of the system may employ academic staff members on fixed term appointments. Such appointments shall be for a fixed term to be specified in the letter of appointment, are renewable solely at the option of the employing institution, and carry no expectation of reemployment beyond their stated term, regardless of how many times renewed. The initial fixed term appointment may include a specified period of time during which the appointee may be dismissed at the discretion of the authorized official. Such a dismissal is not subject to the provisions of ch. UWS 11. Unless otherwise specified, fixed term appointments shall be for a period of one year. Each institution shall develop policies and procedures for the use of such appointments. The policies and procedures of each institution shall specifically treat the issue of job security including appropriate due process protections in the case of nonreappointment for those fixed term academic staff members who have served the institution for a substantial period of time. Such policies and procedures shall be for-

mulated so as to meet the continuing needs of the institution while at the same time recognizing the employment commitment and contribution to the institution provided by such fixed term academic staff members.

(2) INDEFINITE AND PROBATIONARY ACADEMIC STAFF APPOINTMENTS. Indefinite appointments and probationary academic staff appointments shall be authorized by the chancellor or designee.

(a) *Probationary academic staff appointments.* 1. Each institution of the system may appoint selected members of the academic staff to probationary academic staff appointments leading to review and a decision on an indefinite appointment. Each institution shall adopt procedures to govern such appointments. These procedures shall provide for appropriate counting of prior service, for a maximum probationary period not to exceed 7 years for a full-time position, for annual appraisal of performance, and for an affirmative review process prior to the end of the probationary period resulting in promotion to an indefinite appointment or termination of the appointment. A longer maximum probationary period may be provided for part-time appointees. Unless otherwise specified, probationary appointments shall be for a period of one year. An indefinite appointment is not acquired solely because of years of service.

2. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period under sub. (1).

3. Circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before an indefinite status review commences under subd. 1. A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the academic staff member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request following consultation with the academic staff member's supervisor and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth and adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic staff member ordinarily shall be no more than one year.

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Each institution shall develop procedures for reviewing the requests.

4. If any academic staff member has been in probationary status for more than 7 years because of one or more of the reasons set forth in subd. 2. or 3., the academic staff member shall be evaluated as if he or she had been on probationary status for 7 years.

Example: An academic staff member has been on probationary status for a total of 9 years because the academic staff was granted 2 requests under subd. 3. for one-year extensions because of the birth of 2 children. The academic staff member's record of performance shall be evaluated as if the academic staff had only 7 years to work towards achieving indefinite status, rather than as if the academic staff member had been working towards achieving indefinite status for 9 years.

(b) *Indefinite appointment.* An indefinite appointment is an appointment with permanent status and for an unlimited term, granted by the chancellor to a member of the academic staff. Such an appointment is terminable only for cause under ch. UWS 11 or for reasons of budget or program under ch. UWS 12. Such an appointment may be granted to a member of the academic staff who holds or will hold a half-time appointment or more. The proportion of time provided for in the initial indefinite appointment may not be diminished or increased without the mutual consent of the academic staff member and the institution unless the appointment is terminated or diminished under ch. UWS 11 or 12. Each institution shall adopt procedures to govern indefinite appointments including provisions for annual appraisal of performance.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; renum. (2) (a) to be (2) (a) 1. and am., cr. (2) (a) 2. to 4., Register, February, 1994, No. 458, eff. 3-1-94.

UWS 10.04 Nonrenewal of probationary academic staff appointments. (1) Each institution shall establish procedures for dealing with instances where probationary academic staff are not renewed. Nonrenewal is not a dismissal under ch. UWS 11. A nonrenewed member of the academic staff shall be provided with an opportunity to request and to receive, in writing, the reasons for nonrenewal and to receive a review of the decision upon written appeal by the academic staff member concerned within 20 days of notice of nonrenewal (25 days if notice is by first class mail and publication). The hearing body may be either an appropriate committee or a hearing examiner as designated in the institutional procedures. Such review shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The burden of persuasion in such a review shall be on the nonrenewed appointee 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 actions which are consistent with an appropriate professional code of ethics;

(b) Employment practices proscribed by applicable state or federal law; or

(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 staff member in question if material prejudice resulted because of any of the following:

1. The procedures required by the chancellor or board were not followed; or

2. Available data bearing materially on the quality of performance were not considered; or

3. Unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.

(2) Findings as to the validity of the appeal shall be reported to the official making the nonrenewal decision and to the appropriate dean or director and the chancellor.

(3) Such report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision maker, a reconsideration by the decision maker under instructions from the hearing body, or a recommendation to the next higher administrative level. Cases shall be remanded for reconsideration by the decision maker in all instances unless the hearing body specifically finds that such a remand would serve no useful purpose. The hearing body shall retain jurisdiction during the pendency of any reconsideration.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 10.05 Notice. (1) Written notice that a fixed term or probationary academic staff appointment will not be renewed shall be given to the appointee in advance of the expiration of the appointment as follows:

(a) Fixed term appointments: At least 3 months before the end of the appointment in the first 2 years and 6 months thereafter. When the letter of offer for a fixed term appointment states that renewal is not intended, no further notice of nonrenewal is required.

(b) Probationary appointments: At least 3 months before the end of the appointment in the first year; 6 months before the end of the appointment in the second year; and 12 months thereafter.

(2) If proper notice of nonrenewal is not given in accordance with sub. (1), the appointment shall be extended so that at least the required notice is provided.

(3) The policies and procedures of each institution may provide for longer notice periods for teaching members of the academic staff. Unless specifically enumerated in the institutional policies and procedures, the above provisions shall govern.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.