



Instructional Personnel Workshop



Welcome!

Patricia A. Kleine
Provost and Vice Chancellor for Academic Affairs



Instructional Personnel Workshop


Michael R. Wick
Associate Vice Chancellor for Academic Affairs
(wickmr@uwec.edu)



Associate VC for Academic Affairs

- Provost is the Chief Personnel Officer
- The AVC acts on behalf of the Provost to:
 - Oversee processes
 - Ensure processes are conducted properly and fairly
 - Retain copies of every DEP
 - Prepare all materials for Provost decisions
 - Serve as “conduit” for process revisions
 - Be “point of contact” for instructional personnel questions
 - Be “point of contact” for UW System legal regarding instructional personnel questions

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Topics Discussed Today

- The DPC
- The Department Evaluation Plan (DEP)
- Reappointment & tenure
- Promotion
- Post-tenure review
- Open versus closed meetings
- Complaints & Grievances

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Heads Up

- These slides primarily discuss faculty issues
- IAS issues must also be addressed by the DPC, but these are not covered as thoroughly today
 - Refer to the *Faculty and Academic Staff Rules and Procedures 2nd Edition – July 2011*

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DPC Formation

- ≥ 3 tenured members to form a DPC or promotion subcommittee
 - $\geq 50\%$ (tenured) appt in Dept makes one eligible
 - temporary reassignment (≤ 2 years) does not affect eligibility
 - May elect to suspend their membership
 - **No provision for resignation** from DPC
 - failure to participate does not negate DPC actions taken
 - Department Chair is **NOT** a member of the DPC
 - may attend meetings when invited

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DPC Functional Equivalent

- < 3 members \rightarrow Chair *acts in place of* DPC / subcommittee
 - Can be overridden by specific language in DEP
 - Chair *consults* with those who would have been eligible
 - “consult” includes (but is not necessarily limited to) notification of decisions reached
 - provide others with option of including written comments (“minority report”) to be forwarded with the file
 - Consultation must be documented to next administrative level

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DPC Subcommittees

- Promotion subcommittees
 - All DPC members at or above the desired rank
 - Assistant Professor Subcommittee
 - Associate Professor Subcommittee
 - Professor Subcommittee
- Reappointment / Tenure – entire DPC
- Post-Tenure Review - *later*
- Other subcommittees permitted as well
 - Reviewing Body
 - Voting Body

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DPC Roles #1 - #3 (of 9)

1. Establish **criteria** and **procedures** for **periodic review** of faculty performance as prescribed by University and UW System policies.
2. Establish **criteria** and **procedures** for **making recommendations** concerning
 - reappointment of probationary faculty
 - the rehiring of instructional and/or research academic staff
 - the granting of tenure.
3. Establish **criteria** and **procedures** within the limits granted to the department for making **salary recommendations**.

The resulting document is called the **DEP**



Periodic Review

- Consists of many **phases** of review

Review	Frequency	Initiated by
Salary	Annually	Department Chair
Reappointment	Annually thru 5 th probationary year	DPC
Tenure	Prior to 7 th probationary year	DPC
Promotion	Upon nomination	DPC Promotion Subcommittee
Post-tenure	Every 5 years following most recent tenure / promotion	DPC



Departmental Evaluation Plan (DEP)

- **Annually**
 - Discuss the criteria and procedures, and either:
 - Reaffirm them without modification, or
 - Propose changes and forward them to the Department Chair
 - Provide new **electronic** DEP with **"track changes on"**
 - Either way, for a DEP to be "put into effect":
 - Department Chair must accept
 - Dean must accept
 - Provost must accept
- Department Chair notifies all faculty of accepted changes



Departmental Evaluation Plan (DEP)

- Must be done **annually**, regardless of
 - reaffirmation of existing DEP, or
 - changes made to DEP
- DPC **must** submit notice (memo) to Department Chair notifying action taken
- Department Chair **must** forward memo to Dean
- Dean **must** forward memo to Provost
- **The DEP is not in effect until accepted by the Provost**



DEP Acceptance

- If the DEP is **not accepted** at some level, then
 - Informal discussions occur between DPC and that level attempting to reconcile issues
 - If that fails, then the next higher level administrator informally mediates and tries to reconcile issues
 - Unsuccessful mediation moves to next higher administrative level for a new mediation attempt

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DEP Acceptance

- If the Provost cannot successfully mediate the disagreement
 - **Faculty Complaint and Grievance Committee** is formally convened by the Chancellor
 - FCGC examines the disputed issues and recommends a resolution (regarding the disputed issues only) to the Chancellor
 - Chancellor makes final decision

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DEP Revision

- Faculty Personnel Committee
 - Considering move to standardized procedures to ensure compliance
 - Criteria and tailoring of procedures will be maintained

118	Performance relative to the teaching criterion can be documented in many ways, including but not limited to:	
117		Departmental Test
118	Performance relative to the scholarship criterion can be documented in many ways, including but not limited to:	
120		Departmental Test
121	Performance relative to the service criterion can be documented in many ways, including but not limited to:	
122		Departmental Test
124	Performance relative to the advancing criterion can be documented in many ways, including but not limited to:	
124		Departmental Test

125	Faculty Rank
125	Assistant Professor
125	An assistant professor is required to demonstrate a readiness for a professional career in academia. This readiness will generally be demonstrated through (1) the attainment of a terminal degree in the discipline or a master's terminal field, and (2) the attainment of minimum standards of the department faculty that the assistant professor possess the necessary skills and knowledge to begin a career in academia. In addition, the following departmental expectations, if any, also apply:
126	Departmental Test
125	Associate Professor
126	An associate professor represents a rank between the readiness of the assistant professor rank and the demonstrated confidence and leadership of the professor rank. This associate professor, standing, is required to have demonstrated a pattern of effectiveness across the general areas of evaluation. Typically, the effectiveness is demonstrated during the full performance period as an assistant professor. In addition, the following departmental expectations, if any, also apply:
127	Departmental Test
125	Professor
126	A professor is required to have demonstrated confidence and leadership both within and across the general areas of evaluation. Typically, these are demonstrated during the full period as an associate professor. Excellence and leadership are to be demonstrated in many ways, but fundamentally evaluation as a professor is to include the same issues faculty and staff, and the students. A professor should be an individual contributor to the mission of the department, including to curriculum, academic, professional, and service. A professor demonstrates an understanding of and commitment to the role as academic, students and faculty alike. In addition, the following departmental expectations, if any, also apply:
127	Departmental Test

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DPC Roles #4 - #6 (of 9)

4. Assist the Department Chair in developing and approving the departmental long-range plan.
5. Assist the Department Chair in the recruitment of faculty and academic staff.
6. Make recommendations to the Department Chair concerning
 - appointment and reappointment of faculty,
 - hiring and rehiring of academic staff,
 - granting tenure to faculty,
 - granting of **faculty status** to academic staff

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DPC Roles #7 - #9 (of 9)

7. Implement personnel policies and procedures either delegated to or permitted at the department level.
8. Provide to faculty and staff a copy of the current criteria and procedures used by the DPC, the promotion subcommittees, and any other subcommittees.
9. Annually provide an opportunity for faculty and staff to discuss the criteria and procedures used by the DPC and its subcommittees.



Key DEP Sections

- Address *criteria* and *procedures* for:
 - Reappointment
 - Tenure
 - Promotion
 - Post-tenure review
 - Salary recommendations
- Address all four *required* criteria
 - Teaching, Scholarship, Service, Advising
 - Consider adding *equity, diversity, and inclusiveness*
 - Additional criteria are permitted, including *collegiality*



Other Requirements of the DEP

- Relative weights of areas can vary
 - Teaching should dominate – the most important criteria for UW-Eau Claire
 - DEP should discuss how these are determined
 - Weights may depend on needs of dept, stage of career, personal desires
- Must specifically address IAS criteria
- Evaluation of teaching must include *student evaluations*



DEP “Good Practice”

- Although not stated in policies:
 - *Differentiate* between criteria required for tenure and for promotions
 - Criteria for Professor > criteria for Associate Professor?
 - Criteria for tenure ≠ criteria for Associate Professor?
 - Be wary of *quantifying* measures such as:
 - “at least two scholarly publications are sufficient ...”
 - “student evaluations of teaching must average at least 3.2”
 - Allow yourself the ability to use *judgment*:
 - Use “significant”, “sustained”, “pattern of”, “high quality”



DEP “Good Practice”

- Describe (list?) what counts, what doesn’t, and what counts more
 - The DEP states your values and will be read very carefully – probably even literally – by probationary faculty and legally by attorneys
- Mentoring?
 - Be careful – this could be used against you if you don’t do it well



DEP “Good Practice”

- Use consistent terminology for criteria
 - **Required:** Must be satisfied for a positive evaluation.
 - **Expected:** The degree to which the evaluation is positively or negatively affected by this criterion is a direct reflection of how the candidate’s performance compares to that of the typical candidate.
 - **Progress:** Progress toward satisfaction of this criterion is required for a positive evaluation.
 - **Potential:** Demonstrated potential to satisfy the criterion is required for a positive evaluation.
 - **Valued:** Demonstrated satisfaction of this criterion is of value to the department and may be used in support of a positive evaluation. Failure to satisfy this criterion will not result in a negative evaluation.
 - **Allowed:** Demonstrated satisfaction, or the failure to demonstrate satisfaction, of this criterion will not affect the evaluation.



Recommendation versus Evaluation

- An **evaluation** is performed and documented
 - includes both formative and summative analysis
 - includes both positive and negative
- A **recommendation** is voted on and recorded
 - is conclusive
 - includes for, against, and total present
 - is either positive or negative (ties are negative)
- Two **separate** documents



Notes on Hiring ...

- Criminal background checks are required for all new faculty and IAS
 - Conducted by HR
- HR will ensure that the position announcement says: “A criminal background check will be required prior to employment.”
- *In Search of Inclusive Excellence*



Starting the Process

- DPC gives **probationary** faculty member
 - Copy of personnel calendar
 - Copy of current accepted DEP
 - 20-day written notice of impending review
 - Indication of action (reappt/tenure) intended
 - Right to present a vita and dossier
 - Right to appear before the DPC to explain submitted material
 - Right to attach a written response to final evaluation
- All documents copied to both faculty member and Department Chair

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DPC Review

- DPC conducts a review resulting in two documents:
 - Detailed evaluation document
 - Personnel Form (from the Academic Affairs website) that indicates the personnel action, the recommendation, and the vote count
 - <http://www.uwec.edu/AcadAff/forms/tenure.doc>
 - <http://www.uwec.edu/AcadAff/forms/promotr.doc>
- Copies of both to faculty member and Department Chair
 - Must forward to Dept. Chair within 10 days of DPC vote, regardless of outcome of vote

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Evaluating Performance

- Applies to any action – tenure, promotion, reappointment, etc.
 - One performance document can be used for multiple actions (tenure, promotion) – it's a performance evaluation!
- You're not "selling" anything to anyone
 - Be honest and don't bury / avoid issues
 - Be thorough and fair, and present all sides of an issue (a balanced description of the differing opinions of the DPC members)
 - Constructive advice does not signify a problem

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Evaluating Performance

- Start with eligibility – why is the person eligible
 - First paragraph should provide the details showing why the action is appropriate
 - Correctly compute the years of eligibility – use the personnel calendar as the guide
- Provide evidence for all claims
 - Be evaluative – the vita lists accomplishments, the evaluation should evaluate them!
 - Deal with anomalies – e.g. atypical student evaluations or "issues" that could reasonably be misunderstood by others

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The Evaluation document

- Stick to the DEP criteria – in fact, reference it!
 - Address all DEP criteria
 - Be thorough; evaluate and provide advice
- Must consider student evaluations
 - Provide data to support your case
- Do not “pass the buck” to the Department Chair or College Dean
 - Be clear; say what you mean

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The Evaluation document

- Evaluation of teaching effectiveness
 - Present evidence
 - Student evaluations alone are not very convincing
 - A single classroom visit summary is not very convincing
 - Avoid peer evaluations of “what happened”
 - It’s better to evaluate the effectiveness of what happened
 - Deal “up front” with anomalies in the evidence
 - **Evaluate! Honest peer review can be very helpful to everyone**

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The Evaluation document

- For each criterion, summarize the opinion of the DPC
 - “Based upon our review, four members of the DPC find that you are making sufficient progress toward satisfying the criteria for tenure in the area of teaching effectiveness, but two members find that your progress is insufficient at this time.”
- Be sure the vote (discussed later) is supported by the evidence, and vice versa

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The Evaluation document

- Do NOT make a recommendation!
 - Do NOT say “... therefore we recommend ...”
 - Do NOT supply “reasons” for a recommendation in the evaluation document
- Again, the evaluation is separate from the recommendation (i.e. the form or separate memo)
- Copies to faculty member and to Department Chair

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Minority Reports

- What if the DPC can't agree on what the evaluation document should say?
 - Ideally – one document explains all of the differing views as each person sees it
 - "Several members think ...; however, there are others that think The committee is divided on this point."
 - Or ... provide several "minority reports" and put them all together as the formal evaluation

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The Recommendation Form

- Indicate the personnel action involved
 - Reappointment vs tenure
 - Vote count for, against, and present
- The form is required
- Copies to faculty member and to Department Chair

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Written Response

- When the evaluation and recommendation are forwarded to the Department Chair ...
 - Inform the faculty member of the right to attach a written response
 - The evaluation report
 - The student evaluations
 - Written responses (if any) must be attached to the file forwarded to the Dean

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Open Communication

- Always copy the faculty member (Department Chair and DPC Chair, too) on all evaluations and recommendations
 - This is not law – just good practice
- No private memos that the candidate does not see
- The "Rules and Procedures" Portal is not always clear on this → err on the side of open communication

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Role of Department Chair

- Department Chair performs an independent evaluation
 - Follow same general schedule as DPC
 - Review vita / dossier; visit classes; consider student evaluations
 - Meet with candidate
 - Discuss all DEP criteria; provide advice and feedback
 - Provide written summary of that meeting
- Write evaluation document
- Add recommendation to Academic Affairs form

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Tenure Vote

- Only the DPC votes
 - Vote count must be recorded in the minutes
 - Department Chair has NO vote; DPC Chair does
- Successful tenure **requires three affirmative votes**
 - DPC – “department” in Statutes
 - “Notestein” Rule
 - Chancellor
 - Board of Regents

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Defining the “Vote”

- How to vote?
 - **Voice vote** or **show of hands** is acceptable
 - Only the result is recorded
 - **Roll call vote** is acceptable
 - Must be done if requested by a member of the committee
 - Result (name/vote) must be recorded someplace
 - Can be petitioned based on open records law
 - Need NOT be in the minutes
 - **Signed ballot** is acceptable
 - Result (name/vote) must be recorded someplace
 - Can be petitioned based on open records law
 - **Unsigned (“secret”) ballot is NOT OK**

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Additional Department Chair Duties

- Support / not support DPC recommendation
 - Do this on the Academic Affairs form
- Copy evaluation and recommendation (form/memo) to faculty member and DPC Chair
- Forward all materials to Dean within 20 days of DPC vote
 - All “days” are calendar days

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What to Forward?

- At a minimum ...
 - The DPC evaluation document
 - The Department Chair evaluation document
 - The recommendation form
 - Student evaluations (**with evaluation instrument**)
 - Faculty vita
 - Written response (if any) from the faculty person
- Other items that you consider relevant

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Role of Others

- Dean → Provost → Chancellor
 - Each does an evaluation based on materials provided by Department Chair & DPC
 - Emphasis is on **adherence to process** and to **reasonable application of DEP criteria**
 - Recommendations added to the Academic Affairs form
 - Supported / not supported
 - Each level copies the Department Chair
 - Department Chair should copy candidate and the DPC Chair

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Promotion Requests

- Formal nominations may be made by
 - a promotion subcommittee member
 - Department Chair
 - candidate
 - **procedures** should be in place (in the DEP) to specify the process
- Department Chair always notified of all nominations
- Subcommittee **must act** on all nominations

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Promotion Criteria

- Minimum criteria are listed in Chapter 5
 - Terminal degree
 - Minimum time in rank (including time in rank at UW-EC)
- Stick to the DEP for everything else
 - If it's important to you, put it in the DEP
 - When mistakes are made, they usually involve a failure to stick to the DEP criteria and/or procedures

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Promotion Process

- Promotion process differs from reappointment / tenure in the following ways:
 - DPC **subcommittee** acts
 - Faculty member may self-nominate
 - The recommendation form is different (but has very similar parts)
 - <http://www.uwec.edu/AcadAff/forms/promo1n.doc>
 - **A DPC “no” stops the process immediately**
 - Appeal to next level is allowed
 - If reaffirm “no”, no further appeal
 - If reversed, no further appeal as it moves forward

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Supported Promotion

- Affirmative decision
 - Notify faculty member and Department Chair in writing
 - **Must use the Academic Affairs form** to record the vote – no memo required
 - Provide faculty member with **written evaluation**
 - Include evaluation against DEP qualifications
 - Record the **vote count**
 - Forward decision to Department Chair by **Dec 1** (Chair forwards to Dean by **Dec 15**)

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Additional Promotion Steps

- Dept Chair → Dean → Provost → Chancellor
 - Each does an evaluation (Dean, Provost, Chancellor base decisions on provided materials)
 - **DEP is carefully consulted for criteria**
 - Recommendations made on the Academic Affairs form

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Post-Tenure Review

- Be sure your DEP addresses this
 - **Criteria** and **procedures** for PTR
- Both **summative** and **formative**
- For those below Professor rank, discuss progress toward promotion
- For those at Professor rank, discuss growth and professional development

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Post-Tenure Review Subcommittee

- **All members** of DPC at or above rank of individual under review
 - Member may not serve in the same year as under review
- Eligible members **must serve** on all appropriate subcommittees
- Only one member, use functional equivalent
 - Department Chair in conjunction with those eligible
 - Can be replaced by DEP statement

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Post-Tenure Review Process

- Process and timeline just like tenure, except
 - **No recommendation; no vote**
 - There is no form/memo either! It's just a **review**
 - Department Chair **does not** conduct independent review
- Copy of written evaluation to faculty member and Department Chair

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Chair Role in Post-Tenure Review Process

- Faculty member under review may discuss evaluation with Department Chair
 - May also attach a written response to the evaluation within 5 days of receiving the evaluation
- Department Chair may attach a response to the evaluation
 - Copy to the faculty member!
- **Notify** Dean that process is completed
 - Do not **necessarily** forward the evaluation

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Post-Tenure Review of Chair

- Same process except most senior member of PTR subcommittee performs Department Chair functions
 - Functional equivalent is complex → see FASRP, Part II, Article Four, Page 54 if this happens (Dean and Chair select members)
- Evaluate teaching, scholarship, service, advising
 - Do not consider “Chair-only duties”
 - This is **not** a Department Chair review; that is a separate review
 - Stick to the DEP criteria

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Wisconsin Open Meeting Law

- Every meeting of a governmental body shall be preceded by public notice as provided in [s. 19.84](#), and shall be held in open session....
 - "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order....
 - Campus bodies created by Board of Regents and most campus subunits created by formal action of these bodies
 - WOML does not apply to committees appointed by individuals
 - Faculty search committees **do NOT** need to follow the open meetings procedures – they are not "governmental bodies"
 - DPC and DPC Subcommittees **do** need to follow the open meetings procedures

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Wisconsin Open Meeting Law

- Faculty member has the right to **open meetings** for **tenure** actions
 - Implies that anyone can attend
 - Without this request, the meetings may (should) be closed for debate/discussion
 - Right does **NOT** extend to other phases of periodic review
- If the faculty member requests open meetings for tenure actions, then **ALL** such meetings (from that point) are to be open
 - This is the UWS Legal interpretation of the law

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Wisconsin Open Meeting Law

- Convening a Closed Session
 1. The body must first convene in open session.
 2. A member of the body must move that the body convene in closed session, stating the **nature of the business** to be considered in closed session.
 3. The chairperson must **reiterate** the nature of the business to be considered in closed session and cite the relevant exemption under s. 19.85 (1), Stats., that provides authority for the closed session.
 - a) Judicial hearing
 - b) Dismissal, demotion, ..., grant or denial of tenure, ...
 - c) Considering employment, promotion, compensation, perform. eval., ...
 - d) ...
 4. The contents of the announcement must be **recorded** in the minutes of the meeting.
 5. The motion must be passed by a **majority vote** of those present. The vote of each member on the motion to close the session must be ascertained and recorded in the meeting's minutes

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Wisconsin Open Meeting Law

- Voting in Closed Session
 - Wisconsin Supreme Court (in 1963) held Wis. Stat. 14.90, a predecessor to the current open meeting law, authorized a governmental body to vote in closed session on matters that were legitimate subject of deliberation in closed session.
 - Wisconsin Court of Appeals (in 1985) indicated that a governmental body must vote in open session unless an exemption in Wis. Stat. 19.85(1) expressly authorizes voting in closed session.
 - Has never been taken to Wisconsin Supreme Court
 - Wisconsin Attorney General Advice

"a governmental body should vote in open session, unless the vote is clearly an integral part of deliberations authorized to be conducted in closed session under Wis. Stat. § 19.85(1). Stated another way, a governmental body should vote in open session, unless doing so would compromise the need for the closed session."

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Wisconsin Open Meeting Law

- Standard Operating Procedure
 - Posted so that “interested persons” are notified
 - Include specific Wis. Stat. that permits closed session
 - Wis. Stat. 19.85(1)(b) for **tenure**
 - Must include “The candidate has a right to request the meeting be held in open session.”
 - Wis. Stat. 19.85(1)(c) for **reappointment, promotion, or post-tenure review**
 - Include “The Committee plans to reconvene in open session following deliberations to vote on _____.”
 - Don’t need to give time (but if you do, must stick to it)
 - Presiding officer must open door and announce that the session is open.

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Wisconsin Open Records Law

- Wisconsin Open Meeting Law does not require detailed minutes
 - Must keep record of the motions and [any] roll-call votes
- Part III, Article 4 of Faculty and Academic Staff Rules and Procedures
 - Unless otherwise provided, the procedures of the Department Personnel Committee shall be governed by Robert’s Rules of Order. (US 12/03)”
 - Unpublished minutes – motions (name of mover) and votes
 - Published minutes – discussion summaries plus above
- Wisconsin Open Records Law authorizes requesters to inspect or obtain copies of “records” maintained by government “authorities.”
 - Refer requesters to Affirmative Action

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Complaints & Grievances

- Policies and Procedures
 - Chapter 6 of UWS and FASRP, Part III, Article 4, Page 60
 - Faculty
 - Chapter 13 of UWS and UWEC – Academic Staff
 - Discussion here is for faculty complaints & grievances
- Definitions
 - *Complaint* – charge by another party (student, staff, public) that faculty or academic staff conduct **violates university rules** or adversely affects the person’s performance of his/her obligations to the University.
 - *Grievance* – concerns **personnel problems adversely affecting faculty or staff** (e.g., terms of appointment, promotion, salary, work assignments)

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Complaints – The Process

- Complaint filed (in writing) with “appropriate university official”
 - Typically immediate supervisor
 - Attempt informal resolution
 - Actions Allowed
 - Dismiss
 - Refer to next level of administration
 - Chancellor may refer to C&G Committee
 - Take disciplinary action (after meeting with faculty member)
 - Faculty member has right to hearing before C&G Committee

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Grievances – The Process

- Grievance filed (in writing) with “university official” or committee
 - University official tries informal resolution
 - Committee determines if it wishes to take formal action or appoint a member or members to attempt informal resolution
 - Faculty member may demand formal hearing
 - If held, recommendation to Chancellor

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Questions...



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