

**Revisions to Chapter 5 of the 22nd Edition of the
*Faculty and Academic Staff Handbook***

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UWEC 13.02 Grievances

1. Definition

A grievance is a personnel problem involving an academic staff member's expressed feeling of unfair treatment or dissatisfaction with aspects of his/her university working conditions which are outside his/her control.

2. To the extent practical, all grievances should be settled through informal discussions at the lowest possible administrative level and may be discussed with progressively higher administrators in a mutually sincere effort to reach an acceptable settlement. **In addition, any question or allegation not related to discrimination may be discussed informally with the chair of the Academic Staff Personnel Committee.**

Complaints or grievances having to do with discrimination or harassment will be handled as outlined below under "Equal Opportunity/Affirmative Action Complaints and Grievances."

~~a. Grievances Alleging Discrimination~~

~~The University of Wisconsin Eau Claire is committed to providing equal educational and employment opportunity regardless of age, race, creed, color, handicap, sex, sexual orientation, developmental disability, national origin, ancestry, marital status, arrest record, or conviction record. Any questions or allegation of discrimination may be referred informally to the Affirmative Action Officer.~~

~~Formal grievances based upon allegations of discrimination should be filed with the Affirmative Action Officer and will be forwarded to the Affirmative Action Review Board under formal procedures outlined in the University Affirmative Action Plan.~~

~~b. Grievances Dealing with Allegations Outside of Discrimination~~

~~Any question or allegation not related to discrimination may be discussed informally with the chair of the Academic Staff Personnel Committee.~~

3. Any academic staff member having a grievance that has not been resolved through regular university procedures may submit a written statement of the grievance to the chair of the Academic Staff Compliant, Grievance, and Review Committee. If possible, pertinent documents should be filed with the statement of grievance. The committee will then determine whether it wishes to take formal action on the grievance or to appoint a subcommittee to attempt informally to resolve the grievance in consultation with the parties involved. If the grievance is not resolved to the satisfaction of the academic staff member involved, he/she may request a formal hearing.
4. Upon filing of a grievance in writing, the following procedures shall apply:
- a. The chair of the Academic Staff Complaint, Grievance, and Review Committee shall inquire whether the grievant has attempted to resolve the grievance through normal informal university procedures. If not, the chair may ask the grievant to do so before invoking the formal grievance procedures and shall notify the grievant that a subcommittee of the Personnel Committee will assist in the informal resolution of the grievance if the grievant so desires.
 - b. If the grievant prefers not to try informal procedures or has tried them and remains unsatisfied, the grievance shall be brought to the full committee. A Hearing Committee shall be appointed to conduct a formal hearing into the case, consider the validity of the grievance, and write a final report. Academic Staff Complaint, Grievance, and Review Committee members who assisted in an attempt to resolve a grievance informally may not sit on a Hearing Committee dealing with the same grievance. Appointment of the Hearing Committee and conduct of the hearing shall follow UWEC 11.04.

- c. In all instances where a grievance has been filed, the chair of the Academic Staff Complaint, Grievance, and Review Committee shall notify the members of the Academic Staff Complaint, Grievance, and Review Committee in writing and shall forward to the members copies of all documentation submitted by the grievant.
5. If the grievant chooses to pursue the informal resolution of the grievance, the following procedures are recommended:
 - a. The chair of the Academic Staff Complaint, Grievance, and Review Committee shall appoint a subcommittee of two.
 - b. The subcommittee will pursue informal resolution between the parties, including informing the person(s) against whom the grievance was filed of the nature of the grievance. The subcommittee's role may include (but is not limited to) encouraging the speedy resolution of the conflict and acting in a mediating capacity between the parties.
 - c. If the informal effort does not produce a resolution that is satisfactory to the person(s) filing the grievance within 30 working days of the subcommittee being appointed and the individual(s) wishes (wish) to do to a formal hearing, that hearing shall be held according to the procedures outlined in UWEC 11.04.
 6. The Committee is authorized to develop additional procedures, not inconsistent with the provisions of this chapter, appropriate to a particular grievance.
 7. The Hearing Committee's final report shall evaluate the grievance and recommend appropriate administrative action. The report shall be sent to the Chancellor with a copy to the academic staff member making the request. If resolution of the case results in a decision to dismiss, then the provisions of UWS 11 and hearing privileges under UWEC 11 shall apply.

Equal Opportunity/Affirmative Action Complaints or Grievances

Complaints or grievances having to do with discrimination or harassment based on race, religion, creed, color, sex, gender identity or expression, ancestry, national origin, age, marital status, sexual orientation, disability, veteran's status, membership in the military forces, arrest or conviction record, political affiliation, and all categories protected by law are handled through the Affirmative Action Office. See Chapter 4, EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICIES.

All complaints, questions, or requests for information should be referred to the Affirmative Action Office, 217 Schofield, (715) 836-2387, affirm01@uwec.edu. The Affirmative Action Office's procedure for handling complaints is found at <http://www.uwec.edu/affirm/Policies/index.htm>.

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AFFIRMATIVE ACTION COMPLAINTS AND GRIEVANCES – FACULTY page 36 (US 4/07)

~~¹Grievances alleging discrimination on the basis of sex, race, color, national origin, religion, handicap, or age shall be filed with the Affirmative Action Officer, according to procedures outlined in the institution's Affirmative Action Plan.~~

Appeals concerning promotion in rank follow the procedure described on p. 28, Chapter 5.

Appeals concerning nonrenewal of faculty members follow the procedure described on p. 23, Chapter 5.

The following section added after section UWEC 6.02 Grievances:

Equal Opportunity/Affirmative Action Complaints and Grievances

Complaints or grievances having to do with discrimination or harassment based on race, religion, creed, color, sex, gender identity or expression, ancestry, national origin, age, marital status, sexual orientation, disability, veteran's status, membership in the military forces, arrest or conviction record, political affiliation, and all categories protected by law are handled through the Affirmative Action Office. See Chapter 4, EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICIES.

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APPEAL PROCEDURES, page 28 (US 4/08)

~~APPEAL PROCEDURES: PROMOTION SUBCOMMITTEE DECISIONS~~

~~A faculty member may request an administrative review of the decision of a departmental promotion subcommittee not to recommend promotion provided that the faculty member meets the minimum degree and experience requirements for consideration for promotion to the rank sought.~~

~~The administrative review shall be conducted by the next highest administrative level not involved in the contested decision. During the course of this review, it shall be the responsibility of the faculty member to show cause why the issue of his/her promotion should receive further consideration. After reviewing the statement of the faculty member, the qualifications of the faculty member, and the facts relating to the promotion subcommittee's review, the reviewer may direct the promotion subcommittee to reconvene and to reconsider the issue on its merits. After reconsideration the promotion subcommittee shall submit a report to the reviewer including a recommendation and the justification for the recommendation. After considering the subcommittee's report, the reviewer shall make a report and a recommendation to the next highest administrative level not involved in the appeal. (US 10/99)~~

~~APPEAL PROCEDURES: ADMINISTRATIVE DECISIONS~~

~~A faculty member may request the Chancellor to review administrative decisions not to recommend promotion provided that the following conditions have been met:~~

- ~~1. The faculty member meets the minimum degree and experience requirements for promotion to the rank sought.~~
- ~~2. The faculty member has been recommended for promotion by the appropriate promotion subcommittee in each of two separate years, and a negative recommendation has been recorded each year by any subsequent level of administrative review. (US 12/91)~~

APPEALS OF DENIALS OF PROMOTION

Upon receiving written notice of a decision to deny promotion, a faculty member who meets the minimum degree and experience requirements for promotion to the rank sought may within 10 days formally appeal the negative decision to the next highest administrative level not involved in the contested decision. The faculty member's appeal shall be heard within 20 days of its initiation. It is the faculty member's obligation to

provide good reasons why the negative decision should be overturned. After reviewing the relevant facts, the reviewer shall, within 5 days of hearing the appeal, decide the appeal and shall promptly inform the faculty member and all previous levels of review in writing of his or her decision and the reasons for it. If the reviewer reaffirms the negative decision, the faculty member may not appeal it. If the reviewer reverses the negative decision, the application for promotion shall be forwarded to the next higher administrative level, if any, though the faculty member may not appeal any subsequent negative decision of the current application for promotion. (US 4/08)

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DEFINITION OF FUNCTIONAL EQUIVALENT, pages 10, 26, and 29 (US 11/07)

Functional Equivalent, page 10

If the Department Personnel Committee cannot be formed because of insufficient numbers of eligible members, then, **unless the Department Evaluation Plan specifies other procedures for designating the functional equivalent of a Department Personnel Committee in such situations**, the Department Chair or Unit Director shall operate as the functional equivalent of the Department Personnel Committee and must formally consult with those faculty eligible for membership on the committee.

Functional Equivalent, page 26

If any of the promotion subcommittees cannot be formed because of insufficient numbers of eligible members, then, **unless the Department Evaluation Plan specifies other procedures for designating the functional equivalent of a Promotion Subcommittee in such situations**, the Department Chair or Unit Director shall operate as the functional equivalent of the promotion subcommittee and must formally consult with those faculty eligible for membership on the subcommittee. Consultation with the eligible members must be reported to the next administrative level. The Chair or Director shall provide written notification to those eligible members of the recommendation being forwarded, and those members must be provided an opportunity to attach written comments to be included with the recommendations forwarded through the administrative channels.

Functional Equivalent, page 29

If any of the post-tenure review subcommittees cannot be formed because of insufficient numbers of eligible members, then, **unless the Department Evaluation Plan specifies other procedures for designating the functional equivalent of a Post-Tenure Review Subcommittee in such situations**, the Department Chair in conjunction with the faculty eligible for membership on the appropriate post-tenure review subcommittee shall operate as the functional equivalent of the post-tenure review subcommittee.

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INSTITUTIONAL ETHICS COMMITTEE, UWEC 8.035, page 71 (US 2/07)

UWEC 8.035 Institutional Ethics Committee

1. Membership

According to UWS 8.035, each institution shall establish a committee, or designate an existing committee, whose function shall be to provide any member of the unclassified staff consultation and

advice on the application of UWS 8. At UW-Eau Claire, the University Senate Executive Committee shall provide such consultation for members of the unclassified staff.

~~The committee consists of six members who will serve staggered three year terms, with two being appointed each year by the Chancellor in consultation with the University Senate Executive Committee. At all times there will be at least one member from each of the Colleges, at least one from the instructional academic staff, and at least one from the administrative and/or professional academic staff.~~

~~2. Function~~

~~The function of the committee shall be to provide to any member of the unclassified staff consultation and advice on the application of UWS 8.~~

Committee deliberations and actions upon requests for consultation or advice shall be in meetings not open to the public. Records obtained in requests for consultation or advice shall be considered confidential university information. However, summaries of advice provided by this committee, which does not disclose the identities requesting such advice, shall be made public in an annual report to the Chancellor.

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NEPOTISM POLICY, UWEC 8.03(3), page 71 – Deletion of Final Sentence

~~A complete copy of the Statement on Consensual Relationships, including additional information on power differential and conflict of interest, is available in the Affirmative Action Plan.~~

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POST-TENURE REVIEW SUBCOMMITTEE CHARGE, page 29

CHARGE TO THE COMMITTEE

Each post-tenure review subcommittee shall be responsible for conducting a review of those faculty members who are scheduled for post-tenure reviews and who hold a rank no higher than that of any member of the subcommittee. Each review shall be both summative and formative in nature with the express purpose of both evaluating past performance and facilitating improvement in future performance. Each subcommittee shall develop a written evaluation for its assigned faculty members. For faculty ~~under~~ **below** the rank of Professor, the evaluation must include explicit discussion of the faculty members' progress toward promotion to the next rank; **subcommittee members at the same rank as the faculty member being reviewed shall be excluded from this specific discussion.** For faculty at the rank of Professor, the evaluation must include explicit discussion of the faculty member's growth and professional development. The written evaluation shall not contain any recommendations as to administrative action to be taken as a result of the review.

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PROCEDURES FOR DISMISSAL, UWS 4, page 30 – Change in Paragraph #2

UWEC 4.01 Dismissal for Cause

A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal (UWEC 3.07 and UWEC 3.08). Grievances alleging discrimination on the basis of sex, race, color, national origin, religion, handicap, or age shall be filed with the Affirmative Action Officer, according to procedures outlined in the ~~UWEC Affirmative Action Plan~~ **Chapter 4 Revisions**.

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PROMOTION, MINIMUM DEGREE AND EXPERIENCE REQUIREMENT RULES, page 26 (US 4/07)

MINIMUM DEGREE AND EXPERIENCE REQUIREMENTS FOR PROMOTION

Promotion in rank shall not be automatic based solely on years at rank. These policies govern promotion in rank, not initial appointment to a rank at the time of hiring.

Credit for full-time years of experience at a rank shall be established at the time of hire.

Minimum years of full-time experience must be completed by the time of application and do not include the year in which the promotion evaluation occurs.

Professor:

1. Earned terminal degree, as specified by the professional teaching societies which represent the different disciplines (e.g., MFA is the earned terminal degree required for promotion within the art & design department in studio areas). Faculty members holding such degrees shall not be discriminated against by reason of their not holding a doctorate.
2. A minimum of ~~12~~ **5** years of full-time ~~equivalency in teaching and/or professional~~ **equivalent (FTE)** experience ~~and including no less than 5 years of full time college teaching at the rank of Associate Professor of which at least 2 years are at the University of Wisconsin – Eau Claire.~~ (FS 9/71, 11/71, **US 4/07**)

Associate Professor

1. Earned terminal degree (same as above).
2. A minimum of 5 years of full-time ~~equivalency in teaching and/or professional~~ **equivalent (FTE)** experience ~~and including no less than 3 years of full time college teaching at the rank of Assistant Professor of which at least 2 years are at the University of Wisconsin – Eau Claire.~~ (FS 9/71, 11/71, **US 12/91, 4/07**)

Assistant Professor:

Earned ~~doctorate~~ **terminal degree (same as above)** or **earned** master's degree plus ~~30 additional credits and 5 years of teaching experience~~ **completion of coursework for the terminal degree and evidence of active progress toward the completion of the terminal degree.**

~~The administration may consider a year of graduate study in residence, with what is considered a full time load in a recognized institution, as equivalent to 30 hours of graduate credit beyond the master's degree.~~

Instructor:

Master's degree.

Exceptions:

Exceptions to these minimum requirements may be made when it is believed that the faculty member's performance and contributions merit promotion.

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SENIOR, LECTURER, page 55 (US 5/08)

Senior

A Senior Lecturer has subject matter expertise in an academic discipline. ~~In addition, a Senior Lecturer has extensive teaching experience (a minimum of seven years in the position or in a comparable position) gained through employment at UW Eau Claire and/or other universities.~~ A lecturer at this level has gained a reputation among his or her peers for demonstrably sustained superior contributions to teaching within a department or division. It is expected that the Senior Lecturer will independently select, develop, and organize course content and instructional materials and approaches. Involvement with committees engaged in supporting this development is typical. However, the direct delivery of instruction is the primary responsibility of the individual holding this title. **In addition, a Senior Lecturer has extensive teaching experience with a minimum of five years full-time-equivalency (FTE) in the Lecturer position or in a comparable position of which at least two such years were served at UW-Eau Claire. Minimum years of full-time experience must be completed by the time of application and do not include the year in which the promotion evaluation occurs.**

Exceptions to these minimum requirements may be made when it is believed that the lecturer's performance and contributions merit promotion. (US 5/08)

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