Members Present:


Members Absent:

Robin Baker, Paul Butrymowicz, Jesse Dixon, Dan Drumm, Thomas Kemp, Jennifer Lee, Karl Markgraf, Tarique Niazi, Donna Raleigh, Roger Selin, Lorraine Smith, Paula Stuettgen, Troy Terhark, Rebecca Wurzer

Guests:

Kris Anderson, Janice Bogstad, Brandon Buchanan, Margaret Cassidy, Donald Christian, Bernard Duyhuizen, Norman Hubbard, Dale Johnson, Jan Morse, Donald Mowry, Chris Nielson, Aaron Olson, Andrew Phillips, Katherine Rhoades, Mike Rindo, Andrew Soll, Kathy Tank, Chad Wade, Clarence Wildes, Deetje Wildes, Marty Wood

The regular meeting of University Senate was called to order by Chair Harrison at 3:04 p.m. on Tuesday, April 26, 2005 in the Tamarack Room of Davies Center.

I. Without objection, minutes of April 12, 2005 meeting of University Senate approved as distributed.

II. Chancellor’s Remarks – Interim Chancellor Vicki Lord Larson

- All of you should have received communication from me that Provost Satz has had a relapse and reoccurrence of non-Hodgkin’s lymphoma; ask you to keep him in your positive thoughts along with his wife, Chris
- Think he would welcome support via email
- Names to be forwarded to system for Chancellor’s Search and Screen Committee
  - Four community members
    - Patrick Quinn – President of Ayres Associates
    - Charles Grossklau – President of Royal Credit Union
    - Barbara Rolland – Emeriti Professor
    - Jack Pladziewicz – Emeriti Professor
  - Two administrators
    - Andrew Phillips – Interim Associate Vice Chancellor
    - Donald Christian – Dean of College of Arts and Sciences

III. Chair’s Report – Chair Harrison

- Please return senate surveys
• Changes due to length of agenda to facilitate first readings of four items under miscellaneous business
  • During debate senators may speak only twice to any motion with each speaking term limited to five minutes
  • Everyone wishing to speak to an issue will be allowed to speak once before second round speaking terms begin
  • Debate on any given issue will be limited today to 30 minutes
    • If not ready to conclude debate and vote, will entertain motion to postpone further debate on that particular issue to end of current meeting or next meeting of senate

Without objection, changes to be in force for meeting today

• Response to questions from floor
  • Items must be referred to committee if not concluded at end of next senate meeting; any item on floor at end of session dies with session
  • Rules for debate for this meeting could be made orders of the day for next session if body so desires
  • First item under open forum about unavailability of hard copies of class schedules could be brought directly to floor of senate for debate by any senator rather than being referred to Academic Policies Committee
    • Could talk about early in fall semester to be resolved before spring schedules distributed

IV. Academic Staff Representative’s Report – Senator Wilcox
• Academic Staff Representatives met April 21, 2005; written report distributed

V. Unfinished Business
A. Second Reading – Motion from Ad Hoc Service-Learning Committee
Service-Learning Guideline Revisions

Continued Debate
• Curricular issue so vote will be by University Faculty Senators
• Aaron Olson, President of Student Senate, presented resolution passed last night by Student Senate
  • Spent nearly ten hours debating issue
  • Fully supported mission statement, goals, objectives and nearly all guidelines
  • In accordance with UW-System policy, felt non-discrimination clause should include words gender identity and expression
  • Student Senate did not believe political clause needed to be in guidelines as indicated in following portion of resolution
    • WHEREAS, the political activity clause is seen as problematic within Student Senate because working to support public servants may be considered to be in the common good; and
    • WHEREAS, the common good should not merely be encouraging people to be politically involved; instead, it should encourage people to take a stance on issues and act on that stance, even in a partisan manner; and
    • WHEREAS, members of Student Senate feel that limiting political activity may severely discourage political activity by students, whose voice is currently lacking in today’s political arena
  • Speak for parts of motion and speak against parts of motion
    • Chancellor Mash, when sending this to ad hoc committee, charged committee to keep things as broad as possible; also said university would not hide behind establishment clause on curricular issue grounded in sound criteria
    • Endorse student choice, willing recipients, and nonendorsement bullets
    • Do not think religious activity and political activity statements are grounded in mission statement, nor in goals and objectives
    • Does not seem service nor learning are well-defined; therefore, looked at goals of baccalaureate degree to see how university defines learning
      • Goals of baccalaureate degree include an understanding of liberal education; an appreciation of the university as a learning community; ability to inquire, think, analyze; ability to write, read, speak, listen; an understanding of numerical data; an historical consciousness; international and intercultural
experiences; an understanding of science and scientific methods; an appreciation of the arts; an understanding of values; and an understanding of human behavior and institutions

- In Webster’s New Collegiate Dictionary, service defined as contribution to welfare of others

MOTION by Senator Syverson to strike the bulleted items on religious activity and political activity DIED for lack of second.

Amendment 41-AP-01-a1
Moved by Senator Bushnell and seconded that the bulleted item on political activity be deleted.

Debate

- Mission statement refers to rights and responsibilities of citizenship
  - To be active citizen, need to be participating in political process; to be active citizen, don’t necessarily need to believe in some religion
  - Uncomfortable in use of parallel language conflating religious activity and political activity as if they were version of same thing
  - Thought Student Senate rationale for pulling political activity bullet made sense
- If delete bullet on political activity, policies are silent on that activity; worried silence is not what we mean to say here
- If cannot earn credit for time spent directly involved in partisan advocacy, member recruitment, lobbying or electioneering, what is left in terms of politics?
- Could organize a campaign, write a data base, design posters, many things associated with political campaign
- Still patently recruiting, just not verbally, but with images; see no difference
- Could be involved in get-out-the-vote campaigns because not promoting particular individual or party
- Committee wanted to make sure students brought same critical thinking skills used in academic pursuits to service-learning; so defend language about political activity and see ties to religious activity
  - Idea was that students should be able to look at two or more sides of an issue; would not be appropriate to only learn facts and tenets of one denomination or faith to exclusion and perhaps derision of others
  - Wanted to bring same intellectual standard to political activity, to critically look at one side as well as opposition – certain activities students might do in a campaign wouldn’t meet that standard
  - Are areas where students could participate in healthy way, such as doing research on issues while candidate or party forming position
    - Once candidate/party position decided, do good job of shoving stuff that might work against that viewpoint behind a curtain
- Guidelines about both political and religious activities were long process of much compromise and consensus building
  - Walked fine line to not allow things that many others would find inappropriate or biased, but allow activities in either area that might be approved by Service-Learning Office
  - Tried to bring balance and perspective to serve good of institution and give students and people with whom they might do these projects some guidance as to what might be acceptable
- Support students’ amendment – without getting into constitutional issues, world-class intellects a couple hundred years ago in Philadelphia made it clear that religious expression and political speech are not the same thing
- Favor amendment – students engaged in political process last fall were learning a lot about the process even though they might have been working for partisan advocacy
  - If squash ability to do this as service-learning project, might squash willingness to be involved in political process consistent with mission statement
- Speak against amendment – over course of committee discussion, became clear should avoid any project where main focus was promoting personal agenda because not what service-learning about
  - Service-learning has to constitute service, has to be in the common good, and students have to learn from it
  - If permit students to get credit for partisan political activity, violating basic principles established with regard to service-learning
  - Not trying to deny any individual the right to do any of these things be they political or religious, just can’t get credit for them
• Partisan activities, political or religious, have no place in great service-learning scheme committee established
• Willing participants language already takes care of door-to-door activity being described; seems activity talking about here is partisan political education
• Favor amendment to allow students to be able to do as many sorts of things as possible; if students interested in politics, should go out and work in politics, even if partisan
• Favor critical thinking and goals of baccalaureate degree, but at committee meetings heard dog walking endorsed as service that apparently involved learning
  • So do not understand when hear critical thinking as justification for prohibiting partisan political activity or devotional religious activity
• Against amendment – UW-Eau Claire as institution not seeking to ban such activities, question is if we are going to allow them to meet a graduation requirement
  • Would say no, are plenty of other opportunities
• Speak against amendment – second part of bullet encourages students to consult Service-Learning Office
  • Cannot define everything or solve all questions and problems associated with these clauses, but can allow some activities
• Favor amendment based on psychology perspective; is observer/participant research method in which student would participate by doing member recruitment and apply various social/psychological principles and then analyze what was done and gain insight into situation
  • Comes back to mentor to make sure students make it a valuable critical thinking experience
• For amendment – two arguments against amendment are to avoid personal agenda and make sure project has critical thinking aspect
  • Many forms of service involve personal agenda – while you study littering, you beautify your world
  • No better way to critically think about an issue than to argue against things you believe in, so don’t think this by its very nature eliminates critical thinking

Vote on Amendment 41-AP-01-a1: Amendment PASSED by vote of 20 for, 18 against by University Faculty Senators.

Amendment 41-AP-01-a2
Moved by Senator Pitts and seconded to strike the bulleted item called religious activity.

Debate
• Entitled to freedom to vote and free religious choice
  • Why impinge on these rights? Why not let courts decide?

MOTION by Senator Gallaher that we postpone this discussion until all further business has been concluded at the end of this meeting seconded and put into effect without objection.

B. Second Reading – Motion from Academic Policies Committee
Authorization to Implement New Major in Women’s Studies

Continued Debate – None

Vote on Motion 41-AP-05: Motion PASSED by University Faculty Senators without dissention.

VI. Reports of Committees
♦ Executive Committee – Chair Harrison
  • Refer to Chair’s Report for items discussed during open forum and miscellaneous business
  • Proposed topics for Executive Committee meetings next fall included:
    • Language requiring review of interim positions lasting into third year
    • Language for reviewing persons in interim positions for third year
    • Formalizing procedures for selection of Chancellor Search and Screen Committee members
    • Determining where line drawn in terms of administrators serving on faculty or academic staff committees at college or unit levels
Also what voting right should be granted to administrators at college or unit level when no university-wide election held
Issue of administrators with back-up faculty positions currently eligible to vote as academic staff because hold academic staff positions
Next meeting immediately after senate meeting to consult with chancellor about remaining faculty position on Chancellor Search and Screen Committee
Also meeting May 3, 2005
Faculty Personnel Committee – Senator Wick
Met April 21, 2005
Approved two motions that will come forward to senate – absentee voting in personnel actions and removal of tenure density language from handbook
Next meeting May 5, 2005
To consider motion on clarification of promotion language in handbook, and
Receive updates on pending working group reports
Academic Staff Personnel Committee – Senator Wilcox
Next meeting April 28, 2005
To look at potential ramifications of position elimination due to budget reductions and role Academic Staff Personnel Committee could play in process
Academic Policies Committee – Senator Syverson
Continue to work on program reviews
Today approved review of Department of Mathematics
Will continue with discussion of Department of Chemistry review on May 3, 2005
Other items coming up include proposal for new music education prefix and assessment report
Physical Plant Planning Committee – Senator Bredle
Met on April 18, 2005
Heard report from Vice Chancellor Soll about items from riverbank stabilization to parking permit prices for next year, to new Children’s Center and Davies renovation, and capital improvements over next couple of biennia
To meet again finals week, probably May 17, 2005
Budget Committee – Senator Alex Smith
No report
Compensation Committee – Senator Wick
No report
Nominating Committee – Senator Whitfield
No report
Technology Committee – Senator Bollinger
No report

VII. Special Reports – None

VIII. Miscellaneous Business

A. First Reading – Motion from Academic Staff Personnel Committee
Review of Performance – Administrative and/or Professional Academic Staff Report – Senator Wilcox
Was similar motion for Instructional Academic Staff (IAS)
Committee asked to look at language for performance review of Administrative and Professional Academic Staff (APAS)
Realized no differentiation between fixed term – renewable and fixed term – no intent to rehire (NITR)
Also realized performance review process for APAS with indefinite contracts not described clearly
Wanted opportunity for APAS with NITR contracts hired for many years to have opportunity for performance review; did not require it because some APAS with NITR contracts truly do have very limited contracts
Motion 41-AS-03
Moved by the Academic Staff Personnel Committee (7 for, 0 against) that the following changes to the Faculty and Academic Staff Handbook, Chapter 5, page 43, UWEC 10.03(3) Review of Performance

2. Fixed Term—Administrative and/or Professional Academic Staff (APAS)

a. Performance Evaluation—Fixed Term – Renewable

1) Performance Review

Within the first month of each contract period, the immediate supervisor shall call a meeting with the academic staff member to review and explain work assignments and performance expectations for the period. Performance expectations shall be determined in the context of the areas of evaluation specified below. Performance evaluation process shall be completed by January 15 in the first two years; by October 15 in the third through sixth years of service; and by February 15 for appointment to the seventh and subsequent years of service. (US 5/04)

The supervisor shall give results of the performance evaluation to the academic staff member in writing at the same time they are forwarded to the appropriate official. The academic staff member shall have the right to comment on the evaluation in writing within ten calendar days of the receipt of the supervisor’s evaluation. To make appropriate personnel decisions and to support the individual’s personal record, the supervisor’s evaluation and the academic staff member’s comments, if any, shall be filed in the academic staff member’s personnel file.

b. Fixed Term—No Intent to Rehire

1) Performance Review

For an administrative and/or professional academic staff member whose contract indicates there is no intent to rehire, the supervisor may conduct a more limited review. If a review is to be conducted, the supervisor will meet with the staff member at the beginning of the contract period to discuss evaluation criteria. A written evaluation by the supervisor shall be provided to the staff member following the review. The staff member shall have the right to comment on the evaluation in writing within ten calendar days of receipt of the supervisor’s evaluation. The written evaluation and the academic staff member’s comments, if any, shall be placed in the staff member’s personnel file. This process shall conclude not later than 30 days prior to the end of the contractual period.

2) Areas of Evaluation

The performance review for APAS whose contract indicates there is no intent to rehire shall be an evaluation based on contractual responsibilities.

c. Probationary Administrative and/or Professional Academic Staff

1) Performance Evaluation—Review

Within the first month of each contract period, the immediate supervisor shall call a meeting with the academic staff member to review and explain work assignments and performance expectations for the period. Performance expectations shall be determined in the context of the areas of evaluation specified below. Performance evaluation process shall be completed by January 15 in the first year of service, by October 15 in the second year of service, and by February 15 thereafter. (US 5/04)

The supervisor shall give results of the performance evaluation to the academic staff member in writing at the same time they are forwarded to the appropriate official. The academic staff member shall have the
right to comment on the evaluation in writing within ten calendars days of the receipt of the supervisor’s evaluation. To make appropriate personnel decisions and to support the individual’s personal record, the supervisor’s evaluation and the academic staff member’s comments, if any, shall be filed in the academic staff member’s personnel file.

An affirmative review process resulting in promotion the change of status from probationary to indefinite appointment may take place at any time during the probationary period.

b. 2) Areas of Evaluation
Probationary academic staff members shall be evaluated on their contributions to the development and strengthening of their respective areas of responsibility. Professional growth and effectiveness in dealing with people in employment capacities, as well as appropriate contributions to the unit/department, the University, the profession, and the public community shall be considered in the evaluation.

d. Indefinite Administrative and/or Professional Academic Staff

1) Performance Evaluation
Annually by February 15, the supervisor and academic staff member on indefinite appointment shall meet and review the performance of the academic staff member. The result of the evaluation shall be considered in making appropriate personnel decisions.

The supervisor shall give results of the performance evaluation to the academic staff member in writing at the same time they are forwarded to the appropriate official. The academic staff member shall have the right to comment on the evaluation in writing within ten calendars days of the receipt of the supervisor’s evaluation. To make appropriate personnel decisions and to support the individual’s personal record, the supervisor’s evaluation and the academic staff member’s comments, if any, shall be filed in the academic staff member’s personnel file.

2) Areas of Evaluation
Members of the academic staff on indefinite appointment shall be evaluated on their contributions to the development and strengthening of their respective areas of responsibility. Professional growth and effectiveness in dealing with people in employment capacities, as well as appropriate contributions to the unit/department, the University, the profession, and the public community shall be considered in the evaluation.

Debate
- Since this motion is part of academic staff personnel rules, only academic staff senators vote
- In performance evaluation for indefinite APAS, both fixed-term and probationary, says supervisors give results to staff member at same time forwarded to appropriate official
  - For past 20 years or so, those with indefinite status were reviewed annually, but review went only to academic staff member for personal information as a means to improve performance
  - Was there a reason for adding that these evaluations be forwarded?
- Was added to complete process as previously nothing was said about what was done with these evaluations
  - Filed in academic staff member’s personnel file for consistency – that is now done for other academic staff
- For faculty with tenure, post-tenure reviews go only to that faculty member unless faculty request it be forwarded
  - Forwarding these for academic staff would change practice; in past only thing sent forward was salary recommendation based on performance review
  - Has been inconsistency as some are sent forward and in personnel file – this just bringing consistency to process
  - Could check on issue before next meeting

B. First Reading – Motion from Academic Staff Personnel Committee
Instructional Academic Staff Multiple-Year Contracts Report – Senator Wilcox
- Issue came from number of IAS with NITR contracts for many years wondering why they were not considered for multiple-year contracts
  - According to Jan Morse, number of IAS in this situation was only two
As looked into issue discovered discrepancy between system unclassified personnel guidelines and UW-Eau Claire *Faculty and Academic Staff Handbook* on this matter

- Real difference was use of term *consecutive years* in UWEC handbook
- Put in there at one time to protect academic staff in critical issue, not really relevant now
- At first looked into removing word *consecutive* but because we included a 50% or more appointment, got into trouble with system legal on how we would define 50% for year (is it 50% each semester or 90% one semester, 10% the other?)
- Ended up using twelve semesters
- Only means IAS would be considered for multiple-year contracts – have to say that in order to give administration flexibility needed with academic staff

**Motion 41-AS-04**

Moved and seconded by Academic Staff Personnel Committee (10 for, 0 against) that the following changes to the *Faculty and Academic Staff Handbook*, Chapter 5, page 38, UWEC 10.03(1) Fixed Term Appointments

2. All instructional and/or research academic staff appointments shall be fixed term appointments.

   a. Instructional and/or Research Academic Staff Whose Initial Employment at UW-Eau Claire Begins After June 30, 1985, or Who Are Reappointed at UW-Eau Claire Not Having Held an Academic Staff Appointment at UW-Eau Claire During the 1984-85 Academic Year.

   Probationary faculty appointments are to be made whenever possible. Individuals holding instructional and/or research academic staff appointments may apply and be considered for probationary faculty positions. If the University decides to appoint an instructional and/or research academic staff member with a current appointment of 50% or more beyond six consecutive academic years of a after twelve semesters with a minimum 50% or more appointment each of those semesters as an instructional and/or research academic staff member, his or her employment commitment and contribution to the University shall be recognized by offering multiple year or rolling horizon contracts whenever possible in light of the continuing need for the position, funding source, and quality of employee’s performance (See UWEC 10.03 (4) Renewal and 10.05 Notice). However, the contract should state that regardless of how many times the contract is renewed, tenure is not a consideration and that the individual waives any claim to tenure based on years of service. (US 3/95)

Debate

- Will find out for next meeting number of IAS change would affect

Without objection, vote on motion postponed to next meeting.

**C. First Reading – Motion from Academic Staff Personnel Committee**

**Recruitment of Unit Directors Report – Senator Wilcox**

- Request came from Student Senate that student member be required on all search and screen committees for unit directors
  - Since most units involve student issues, committee thought student perspective would be good idea
- Is requirement that at least majority of search and screen committees be academic staff from unit; becomes problematic with some smaller units
  - So committee decided student member would be appointed outside of that formula
- Also changed so committees have five to eight members rather than five to seven – felt this would be helpful for larger units
- Response to question for clarification
  - Student Senate would appoint student members

**Motion 41-AS-05**

Moved and seconded by Academic Staff Personnel Committee (9 for, 0 against) that the following changes to the *Faculty and Academic Staff Handbook*, *Procedures for the Recruitment of Unit Directors*, Chapter 5, p. 81, be approved
6. Procedures for the Recruitment of Unit Directors

All Unit Directors are appointed by the Chancellor of the University. Each Unit Director is directly responsible to a Vice/Assistant Chancellor or the Provost/Vice or Associate Vice Chancellor, and represents the unit in the administration of the University. At UW-Eau Claire, an appointment to the administrative post of Director is a limited appointment under the terms of UWS 15.

a. The Vice/Assistant Chancellor or the Provost/Vice or Associate Vice Chancellor shall provide written notice to the unclassified staff of the unit that a director is to be selected and appointed. He/she shall meet with the unclassified staff of the unit to initiate the selection process by:

1) Reviewing the nature and responsibilities of the position.
2) Discussing criteria to be used in assessing candidates’ credentials.
3) Determining whether preference is for an internal or external search.
4) Informing the unit of any constraints that might impinge on the selection process.
5) Determining a target date for completion of the selection process.

b. A committee shall be formed which will have five to eight members. Where possible the majority of the committee will be unclassified members of the unit; or where not possible, the majority will be unclassified members of the division. Membership may also include faculty, classified staff, students (particularly in the student affairs area), and members of the community. In addition, one student member will be appointed.

Committee members (except students) will be appointed by the Vice/Assistant Chancellor, Provost/Vice or Associate Vice Chancellor in consultation with the University Senate Academic Staff Personnel Committee. The Student Senate will appoint the student members (in the case of a Director of Housing the United Hall Council will appoint the student members).

Debate

- Since motion is part of Academic Staff Personnel Rules, only academic staff senators vote

MOTION by Senator Spaeth to suspend the rules in order to vote on this motion today seconded and PASSED by two-thirds vote.

Further Debate

- Student is in addition to five to eight so not encroaching on size of committee
- Without objection, sentence changed to: In addition to the five to eight members, one student member will be appointed.

Vote on Motion 41-AS-05: Motion PASSED by academic staff senators without dissention.

D. First Reading – Motion from Faculty Personnel Committee

Dismissal for Cause Report – Senator Wick

- Faculty Personnel Committee asked to look at inconsistency between language in dismissals and complaints and grievances sections of faculty portion of handbook and same sections in academic staff portion
  - Academic staff portion more detailed and prescriptive
  - Committee found faculty section in handbook quite terse
  - UW-System policies include many additional areas that must be considered
  - Committee modeled section after same academic staff section
  - Referenced UW-System policy where wanted to use it straight; duplicated it otherwise so changes made sense
  - Committee believed new language clarifies dismissal process – language only relevant for dismissal for cause
  - Will address other issues after senators advise how this approach works for this issue
  - Some members believed new language too restrictive and could be to disadvantage of faculty member under consideration
  - Committee spent several meetings talking about advantages and disadvantages of including all system policies
• Felt including all system language increased double maintenance concern
  • Must remember to change UWEC policy if system policy changed
  • Otherwise, could become inconsistent and since system policy overrides UWEC policy, faculty or
    administration might follow ours and put themselves in jeopardy since not following system policy

• Responses to questions for clarification
  • Language that appears to confer rights of citizenship comes directly from UWS language
  • Best way to access UWS policy is do Google search of section you want – not so easy to access through
    ways you might expect
  • Word missing from third paragraph – privileges of academic freedom as they are generally understood
  • Committee talked about including paragraph from academic staff procedures about requesting from
    chancellor personnel assistance to provide a verbatim record of proceedings, clerical assistance to record
    written findings, and legal counsel
    • Didn’t want to constrain who was going to keep the verbatim record
    • In that particular section, some was pulled from UWS, some from academic staff section 11 – between
      the two places, all of that information is there
  • Chronology of chair of Faculty Termination Review Committee acknowledging hearing request in writing
    within five working days of receipt and having to call committee together very quickly correct
  • Everything needs to be done in certain amount of time by UWS standards, people on committee aware
    of timeline and understand that is part of being on that committee
  • UWEC 4.07 1. (e) 1, and 3 – need to change staff member to faculty member

Motion 41-FP-07
Moved and seconded by Faculty Personnel Committee (4 for, 1 against, 1 abstain) that the current language on
Dismissal for Cause in the Faculty and Academic Staff Handbook, Chapter 5, page 28, be replaced with
the following language:

UWEC 4.01 Dismissal for Cause

Any faculty member having tenure may be dismissed only by the board and for just cause and only after
due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior
to the end of his/her term of appointment only by the board and for just cause and only after due notice.

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.

Members of the faculty are entitled to enjoy and exercise all rights of a United State citizen and the rights
and privileges of academic freedom as they are generally understood in the academic community. This
policy shall be observed in determining whether or not just cause for dismissal exists. The burden of
proof of the existence of just cause for a dismissal is on the administration.

UWEC 4.02 Responsibility for Charges

See UWS 4.02: Responsibility for charges.

UWEC 4.03 Standing faculty committee

The faculty committee to operate as a hearing agent under UWS 4 shall be a committee of five faculty selected
from the standing Faculty Termination Review Committee as follows:

The Chair of the Faculty Termination Review Committee# shall call a meeting of the full committee and conduct
the meeting at which the five-member Hearing Committee is selected. Those members of the Faculty
Termination Review Committee who are not qualified to serve on the Hearing Committee as provided by UWS
4.06(b), or because of an official leave, shall first be disqualified themselves. Then five members from those
remaining shall be selected by lot to constitute the Hearing Committee. The Hearing Committee shall then elect
a chair and proceed to conduct its business.
This committee shall operate as the hearing agent for the board pursuant to s. 227.59 Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the board according to s. UWS 4.07.

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 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.

**UWEC 4.04 Hearing Procedures for Dismissal Appeals**

1. If a faculty member requests a hearing within twenty calendar days from the service of the statement of specific charges (twenty-five calendar days if notice is by first class mail and publication), such hearing shall be convened no later than twenty calendar days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the Hearing Committee.

2. The request for a hearing must be submitted in writing to the chair of the Faculty Termination Review Committee.

3. Within five working days of receipt of the hearing request, the Faculty Termination Review Committee Chair shall acknowledge, in writing, receipt of the request and shall provide a copy of the acknowledgement to the petitioner’s dean or director. In the acknowledgement the chair shall ask the petitioner to submit a clear written statement of the reasons for the hearing request and any relevant documentation. The chair shall request, in writing, that the dean or director provide a copy of the statement of charges and any other relevant documentation. Such documentation may include (but is not limited to) information regarding the sequence of events leading to the charge(s), correspondence regarding pertinent events in the case, names of individuals with direct knowledge of those events, and commentary regarding the nature of their knowledge. All documentation must be submitted to the Hearing Committee chair by the date set at the Pre-Hearing Conference (see UWEC 4.04, par. 6 and 7). Documents from the petitioner and from the dean or director will be exchanged on the date set at the pre-hearing conference. Documents shall not be shared by the committee with either party prior to this date.

4. **Hearing Procedures for Dismissal Cases**

   a. The Hearing Committee shall conduct a Pre-Hearing Conference within ten calendar days of receipt of the original hearing request. The Pre-Hearing Conference shall be held with all parties involved to:

      1) confirm the names and official mailing addresses of all parties involved,
      2) confirm that there is a dismissal appeal to be heard,
      3) identify the applicable UWS and UWEC rules having jurisdiction over the matter,
      4) state clearly the charge(s), the petitioner’s interest in the matter, the remedy being sought,
      5) hear any opening statements, pre-hearing motions, or closing statements made by the parties,
      6) decide whether the hearing will be open or closed,
      7) stipulate facts agreed upon, and
      8) determine a timetable for the exchange of witness lists and documents.

      A written summary of the Pre-Hearing Conference shall be distributed to all parties involved within one working day of the conclusion of the Pre-Hearing Conference.

   b. The Hearing Committee subsequently shall convene to hear the appeal. The hearing shall proceed according to UWS and UWEC 4.04, 4.05, and 4.06. In consultation with the Hearing Committee, the chair shall be responsible for maintaining the decorum of the hearing and determining the relevance of the questions asked. It is recommended that the Hearing Committee pursue the following order of business:

      1) The chair shall summarize the purpose of the hearing and the issues involved.
2) The chair shall ask both parties (the institution or its representative first and the petitioner second) whether they have any questions before the hearing proceeds. This order of presentation should be maintained consistently throughout the hearing.

3) The chair shall ask whether each party wishes to make an opening statement.

4) Each party shall have the opportunity to present documents and witnesses to support the case. Each party may pose questions to the witnesses.

5) The chair shall ask whether each party wishes to make a closing statement.

6) The chair shall inquire if there are any final questions and shall close the hearing.

c. Notwithstanding UWS 4.06(1)(b), the final deliberation of the Hearing Committee in the formulation of its recommendation(s) shall be in closed meeting as provided by Subchapter V, Chapter 19, Wis. Stats. The Hearing Committee shall allow for a minority report in all of its recommendations. The Hearing Committee’s recommendations and the consideration thereof will proceed as specified in UWS and UWEC 4.07.

6. The Hearing Committee is authorized to develop additional procedures not inconsistent with the provisions of Chapters UWS 4 and UWEC 4.

7. The timelines for hearings cited in UWS or UWEC rules may be extended by mutual consent of the parties involved or by order of the Hearing Committee.

**UWEC 4.05 Adequate Due Process**

See UWS 4.05: Adequate Due Process.

If replacements are needed because of further disqualifications under UWS 4.06(d) or because of official leaves, they shall be selected by lot from those qualified members of the Termination Review Committee not originally selected by lot to serve on the Hearing Committee. If further replacements are needed, they shall be selected by lot from eligible members of the Faculty Complaint and Grievance Committee. In those rare cases where further replacements are still needed, they shall be selected by the University Senate Executive Committee from eligible members of the faculty at large. (US 11/03)

**UWEC 4.06 Procedural Guarantees**

See UWS 4.06: Procedural Guidelines.

The first order of business shall be consideration of request for legal counsel, as provided by UWS 4.06(f), either from the Office of General Counsel, UW System, or from the Attorney General’s office. (FS 4/75)

**UWEC 4.07 Recommendation to the chancellor; to the regents**

1. The faculty hearing committee shall send to the chancellor and to the faculty member concerned, as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a written copy of its report, findings, and recommendations. The report shall include:

   (a) the names and official mailing addresses of all parties involved,

   (b) a statement of the petitioner’s request and the UWS and UWEC chapters and sections under which it was filed,

   (c) the Hearing Committee’s findings of fact,

   (d) the Hearing Committee’s conclusions of law, i.e., its rationale as to whether the alleged charges are valid or not, and

   (e) the Hearing Committee’s recommendations to the Chancellor to

      1. dismiss the faculty member,

      2. impose a lesser disciplinary action, or
3. find in favor of the faculty member, dismiss the charges against the faculty member, and remove any record of the charges from the faculty member’s personnel file

2. Within 20 calendar days after receipt of this material the chancellor shall review it and afford the faculty member an opportunity to discuss it. The chancellor shall prepare a written recommendation within 20 calendar days following the meeting with the faculty member, unless his/her proposed recommendation differs substantially from that of the committee. If the chancellor's proposed recommendations differ substantially from those of the faculty hearing committee, the chancellor shall promptly consult the faculty hearing committee and provide the committee with a reasonable opportunity for a written response prior to forwarding his/her recommendation. If the recommendation is for dismissal, the recommendation shall be submitted through the president of the system to the board. A copy of the faculty hearing committee’s report and recommendations shall be forwarded through the president of the system to the board along with the chancellor’s recommendation. A copy of the chancellor’s recommendation shall also be sent to the faculty member concerned and to the faculty committee.

3. Disciplinary action other than dismissal may be taken by the chancellor, after affording the faculty member an opportunity to be heard on the record. Upon written request by the faculty member, such action shall be submitted as a recommendation through the president to the board, with a copy of the faculty hearing committee’s report and recommendation.

**UWEC 4.08 Board Review**

See UWS 4.08: Board Review.

**UWEC 4.09 Suspension from Duties**

See UWS 4.09: Suspension from Duties

**UWEC 4.10 Date of Dismissal**

See UWS 4.10: Date of Dismissal.

Debate – None

Without objection, vote postponed to next meeting.

V. Unfinished Business – Continued

Guidelines for Service-Learning Projects – Continued Debate on Amendment to delete bullet and paragraph on religious activity

- Student Senate debated, but did not accept, an amendment allowing religious activity; religious activity clauses in approved action endorsed
  - WHEREAS, the religious activity clause actively addresses the issue of proposals dealing with religious service; and
  - WHEREAS, the limitation regarding religious activity is appropriate because proposals dealing with faith-based organizations’ activities that do not promote their religious message can be accepted; and
  - WHEREAS, the Student Senate recommends the Center for Service-Learning to interpret the limitations of religious activity in the least restrictive way possible, on a case by case basis
- Students are right that it’s really restricting
  - Not concerned that there is going to be for-profit activity because it is denied in guidelines
  - Not concerned about them forcing themselves on anyone because of willing recipient clause
  - So what really wanting to eliminate is religious belief as an activity
  - You can feel strongly about politics, or dogs, but heaven help you if you feel strongly about religious activity
  - This clause should be removed
- Difference can be found in constitution – founding fathers had very strong opinion on that
  - Would like to see this in court anyway – let’s draw line in the sand
Couple of points that may be relevant

- Wisconsin Third District Court in January 2005 found a grant, involving mentor kids who received a grant from the Department of Health and Human Services under the Office of Faith-Based Programs, was in violation of the constitution because it used government money to proselytize – grant was rescinded
  - Has not been appeal and Office of Faith-Based Programs has put on its website an issue memo that government money may not be used for religious proselytization
- Reason this not linked to curriculum is that original idea of service-learning was to learn by service to community – apply ideas of classroom to community
  - Do allow religious service that is not proselytization; seems to be getting lost in translation here
  - Doing that for own edification is one thing, but constitution makes it clear not every activity means you can get government money
- Committee has done excellent job of linking mission of service-learning to goals of baccalaureate
  - Here to discuss academic ramifications, not argue about religious preferences
  - Tired of people trying to bluster and bully us
  - We need to deal with this now in a rational manner and not worry about who is going to sue us
  - Don’t want to have to come back and deal with this again
- Ad hoc committee was not worried about the constitution, or about protecting us from lawsuits
  - Committee worried about engineering a compromise that makes sense in this community at this time to help our students have the broadest opportunities to meet their service-learning requirement within curricular guidelines
  - Were moments in committee when people asked can’t we just let them do anything – answer was no because we are faculty with a responsibility to determine what we grant credit toward graduation for
  - Think this was a pretty good compromise for this community – not one member of committee entirely comfortable with where we ended up and that says something about the work
  - Would urge that we pass these guidelines
- Would speak for, against, and then for amendment
  - Started out thinking let’s just turn them loose, give students freedom and responsibility to show maturity and pick a project to meet a need – for the amendment
  - After months on the committee, bought into compromise that the guidelines meet students’ needs, faculty’s comfort level, and community’s overwhelming interest in whole service-learning business
    - Tried to define service, community and common good, sorry we didn’t do a great job
    - So favored retaining religious activity paragraph
  - Now that we have gotten rid of political activities paragraph, afraid we have knocked this thing out of balance again - may get outcry from community
    - Now favor removing religious activity paragraph since political activity one gone
- Wonder about amount of leeway in last sentence encouraging students who wish to work with faith-based organizations to consult Center for Service-Learning in developing their proposals
  - Teach child psychology and can imagine projects where students want to teach Sunday School, that is the service part, the learning part has to do with children’s intellectual development and trying to reflect on ideas and beliefs taught in Sunday School
  - Question is when content is religious, but thinking is on intellectual level, does that fit leeway of last sentence
- Proposals presented to Center for Service-Learning clearly showing student is not promoting a specific religious doctrine would probably be approved
  - Projects clearly designed to promote a specific religious doctrine would not be permitted
  - Have to give director discretion in that regard
- Not running faith-based initiatives here, so not talking about money
  - Talking about running an academic program so must just address curricular issues
    - Students doing projects helping fourth graders having trouble with fractions after school would be approved according to Director of Service-Learning at Student Senate meeting last night
      - Suggests act of going into classroom involves learning even though that college student presumably understands fourth grade math – must be some other learning associated with project
      - Going back to goals of baccalaureate, act of teaching is helping students to think, to listen, to speak, and to understand human behavior
To be honest, at this point, really don’t care

Speak against

in Center for Service

Speaking against

As member of ad hoc committee, did talk to Pat Brady, UW Director of Service

we should approve it

But I do struggle with excessive entanglement piece

Respect committee trying not to focus on legal issues, but when forced to make a decision, come back to what system legal said

Did committee consult with system legal?

Director of Service-Learning did meet with representative from system legal

Encouraged to consider this an academic issue – if define service-learning as service in common good, not as private choice as religion generally considered, that would make it clearly an academic issue

As faculty we define what curriculum is – that is our job

Record of committee shows then-Chancellor Mash talking about legal issues and implications and effort to avoid excessive entanglement – want to avoid perception that government body promoting a religion

As member of ad hoc committee, did talk to Pat Brady, UW-System Counsel

Her legal opinion, over the phone, was there is no constitutional issue here, no establishment clause issue, no issue of separation of church and state based on two things

We are an academic institution

Students are not receiving any remuneration, therefore, not agents of state; as such, can engage in private free speech and freedom of expression in religious and other activities

Speaking against amendment – favor retaining this bullet

Don’t see parallel between teaching math to fourth graders who are having trouble in math and teaching Sunday School to children who are presumably in that church because their parents put them there

Trying to create a sense that this is just about education; doesn’t feel like education to me, feels like proselytization

Speak in favor of removing bullet – don’t believe this is entanglement issue

Understand state pays part of tuition for students, maybe that is where government money comes in

For a debate in theory of religion course, students would pick one side or another to argue – confident no court would say that is entanglement even as students promote religious doctrine

Confident decisions made by service-learning office giving credit for religious-related activities will withstand scrutiny on entanglement issue

Would like to open doors as wide as we can as long as it involves service and involves learning

This issue addresses content and should be removed

Center for Service-Learning handles only 43 to 45% of service-learning projects; all others are curricular issues in departments

If we could pull all projects to Center for Service-Learning and get rid of others, would agree with some of these comments

Speak against amendment

Do not see how you can get away from fact that promoting a particular religious view is proselytizing regardless of whether you agree with it or you don’t – a public university has no business doing that; if we were private, would be completely different matter

Think constitution comes into play with clear distinction between religious speech compared to any other kind of speech

Look at way religious activity paragraph worded here, especially last sentence; language vague enough so service-learning director can make determination of what is or isn’t appropriate in grey or borderline cases

Former chancellor pretty clear about proselytizing being an area he had definite problems with

To be honest, at this point, really don’t care
In past have supervised many students getting service-learning credit working with faith-based organizations on projects which did not proselytize.

From now on, will not work with any students under any conditions that do anything with churches even if it is legitimate.

Call the question – just want to hurry it up.

Would respond to previous speaker that as public institution have no business promoting religion.

Not what we are doing if strike this bullet from guidelines because students not forced to do religious sort of project – student choice is involved.

Were able to do that until two years ago when this was basically enforced.

Has been stated here and in letter forwarded to you from group Foundation for Individual Rights in Education that there was no constitutional reason for the initial ban – are no constitutional issues here.

Still do not see difference between teaching math after school to fourth graders whose parents probably made them go and teaching in Sunday School room – they are there and asking for a service.

Very last bullet says accepting proposals as meeting service-learning requirement does not imply endorsement of either proposed activities or recipient by UW-Eau Claire.

Would agree if didn’t get university credit for teaching Sunday School; that is where difference lies.

Vote on Amendment 41-AP-01-a2: Amendment DEFEATED by vote of 10 for, 27 against by University Faculty Senators. Religious activity paragraph remains in guidelines.

Continued Debate on Main Motion

Without objection, will replace credit in religious activity paragraph with service-learning hours.

Amendment 41-AP-01-a3

Moved by Senator Lonzarich and seconded that we change the language of this passage to: Service-Learning proposals involving cooperation with faith-based organizations may be approved if they are consistent with the spirit of the service-learning mission statement and the guidelines for service-learning projects. Students who wish to work with faith-based organizations are encouraged to consult the Center for Service-Learning in developing their proposal.

Debate

Instead of focusing on negative, just say student projects must be for common good and focus on willing recipients - may be more agreeable if focus on positive.

Vehemently oppose amendment – eliminates all work of ad hoc committee and goes against what chancellor said at fall meeting when he wanted us to review this issue and avoid excessive entanglement.

This amendment is the last amendment in sheep’s clothing.

MOTION by Senator Taft to move the previous question seconded and PASSED by two-thirds vote.

Vote on Amendment 41-AP-01-a3: Amendment DEFEATED by vote of University Faculty Senators. Back to main motion.

MOTION by Senator Taft to move the previous question seconded and DEFEATED by vote of 32 for, 18 against (requires two-thirds majority to pass).

POINT OF ORDER: Rules sign says that when you move a question, that motion is voted on first; if passed, the main motion comes to an immediate vote. Vote to move question passed, should have automatically voted on main motion.

Chair ruled motion to move the previous question was for the amendment.

Continued Debate

Propose to respect Student Senate, wording under nondiscrimination clause include gender identity and expression.

Without objection, will see that language consistent with language Board of Regents just passed.
MOTION by Senator Syverson to postpone continued debate on motion until the next meeting seconded. Without objection, debate to be continued at next meeting.

Chair will check Robert’s Rules in regard to moving the previous question; if find we are out of order, will vote on motion immediately.

X. Announcements
● Next meeting May 10, 2005 in Tamarack Room of Davies Center

Meeting adjourned at 5:04 p.m.

Submitted by,

Wanda Schulner
Secretary to the University Senate