

## CHAPTER 7: FACULTY APPOINTMENTS

### 7.01. TYPES OF APPOINTMENTS.

#### A. FACULTY APPOINTMENTS. (See Sec. 36.13 Wis. Stats.; UWS 3.01.)

Appointments to the university faculty, as defined in 1.02., are with tenure or are probationary. Faculty appointments carry the following titles: professor, associate professor, assistant professor, and instructor, and are made in accordance with Sec. 36.13 Wis. Stats. and UWS 3.01.

#### B. TENURE APPOINTMENTS.

A tenure appointment is an appointment of a university faculty member as defined in 1.02., which may not be terminated except for cause, for reasons of financial emergency, by resignation, or by retirement. Tenure is granted to all professors and associate professors, and to other members of the faculty in exceptional cases. Tenure is granted only by specific faculty and administrative action as specified in this chapter.

#### C. PROBATIONARY APPOINTMENTS.

A probationary appointment is an appointment as an instructor or assistant professor, held by a member of the university faculty as defined in 1.02. of these rules, during the period of service that precedes determination of tenure status.

### 7.02. DEPARTMENTAL ROLE.

Faculty appointments may be granted only upon affirmative recommendation of a departmental executive committee as provided in Chapter 5, except in the specific situation provided for under UWS 3.08(3) and 7.10. of these Faculty Policies and Procedures. If the appointment is to be divided among several departments, each must make an affirmative recommendation regarding the appointment. One department shall be identified as the principal sponsor of the recommendation for appointment for the purposes of 5.20.A.2. of these rules. The fraction of a divided appointment in a department may be changed only by mutual agreement among the appropriate departmental executive committees, dean(s), and the individual concerned. The appointment must be at the same rank in each department.

### 7.03. RECRUITING AND APPOINTMENTS. (See UWS 3.02 and 3.03.)

A. An initial faculty appointment is an appointment granted to an individual who has not previously held a faculty appointment in the university. An initial appointment may be probationary or with tenure. The provisions of 7.14. and 7.15. of these rules apply to initial appointments with tenure.

B. Faculty recruitment and the selection of individuals to whom appointments may be offered is the responsibility of the departmental executive committee. The procedures shall be consistent with UWS 3.02.

C. Faculty appointments shall be offered only in accordance with the provisions of UWS 3.03 and these regulations and with appropriate administrative approval.

D. Each person to whom a faculty appointment or reappointment is offered shall receive notification of that appointment in accordance with UWS 3.03.

E. A part-time appointment is an appointment for the equivalent of an academic year at one-half time or more, but less than full-time, in the university faculty as defined in 1.02. of these rules.

F. If tenure for a part-time faculty member is recommended by a department, the following procedures shall be followed:

1. Deans and divisional executive committees shall follow the normal tenure review procedures, as provided elsewhere in this chapter.
2. A department is responsible for making clear to the dean, to the divisional executive committee, and to the appointee, what continuing commitment would be assumed by granting tenure (see 7.19. of these rules).

7.04. THE MAXIMUM PROBATIONARY PERIOD. (Also see Faculty Legislation II-330 which includes UWS 3.04., 3.06.)

A. The maximum probationary period is defined as the maximum amount of time a faculty member can be appointed in probationary ranks in the university. This period shall be specified for each individual at the time of his/her initial appointment. Except as otherwise provided in UWS 3.04(3) and (4) and in this section, the maximum probationary period is the equivalent of seven years of full-time service in the university in the ranks of instructor or assistant professor.

B. In calculating a person's maximum probationary period, provision shall be made for the appropriate counting of prior service at other institutions and at this institution. The departmental executive committee shall evaluate all such prior service, and shall determine, by mutual agreement with the dean, whether any or all of that prior service is equivalent to service at ranks of instructor or above in this university. All such equivalent previous service, but not to exceed three years, at one-half time or greater, shall be subtracted from the normal seven years, unless programmatic circumstances can be documented to justify otherwise. Prior probationary or tenure service at another institution while a candidate for a doctoral or equivalent terminal degree, by mutual agreement of the dean, the departmental executive committee, and the individual concerned, may be excluded in calculating the maximum probationary period.

C. The maximum probationary period may be decreased by agreement between the candidate and his/her department, if made at the time of the initial appointment and included in the letter of appointment.

D. Each year of service at the rate of at least one-half time but not more than three-quarters time shall count as half of a year, and service at a rate greater than three quarters time shall be counted as a full year. In no case shall the probationary service exceed twelve calendar years.

E. An approved leave of absence differs from a temporary assignment (see 7.20. of these rules). An approved leave of absence is not included in the counting of probationary service, in accordance with the provisions of Sec. 36.13(2)(b)(d) Wis. Stats. A temporary assignment is included in the counting of the probationary service.

F. These provisions do not preclude a recommendation for the granting of tenure or a nonretention decision prior to the expiration of the maximum probationary period.

G. The term “extension” (of the probationary period) has been used at UW-Madison to refer to the practice specified in Faculty Policies and Procedures and in UWS 3.04 as “exclusion,” “subtraction,” or “non-inclusion” of a period of time in the probationary period. Though the term “extension of the probationary period” is used below to accord with current usage, the term should be understood to mean literally the exclusion of a period of time from the time counted as within the 7-year maximum probationary period.

H. The maximum probationary period may be extended for an appropriate period in accordance with the provisions of UWS 3.04(3) and these policies. Extensions shall be granted in periods of one or two semesters (for academic year appointments), or six months or one year (for annual appointments).

1. Requests for extension of the probationary period with respect to childbirth or adoption shall be submitted by the faculty member in writing to the vice chancellor for academic affairs and provost (with informational copies to the faculty member’s department chair and dean) within one year of the birth or adoption. Approval of the request for an extension of up to one year is presumed. The provost shall notify the faculty member, department chair and dean of the action taken.

More than one request may be granted because of responsibilities with respect to childbirth or adoption where more than one birth or adoption occurs during the probationary period. Where a leave of absence of six weeks or more has been granted for childbirth or adoption within one year of the birth or adoption, the total extension of the probationary period, for each birth or adoption, resulting from the leave and the provisions of 7.04.H.1. may not exceed one year.

2. Requests for extension of the probationary period on the grounds of significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member’s progress toward achieving tenure, shall be submitted in writing to the vice chancellor for academic affairs and provost on the recommendation of the departmental executive committee(s) and dean(s) and may be granted with the approval of the University Committee.

More than one request pursuant to 7.04.H.2. may be granted. However, the total, aggregate length of time for all requests granted to a probationary faculty member under 7.04.H.2. ordinarily shall be no more than one year.

3. Requests for extensions of the probationary period based on the nature of the duties of an appointment shall be made prior to the time of appointment and, if approved, shall be specified in the initial letter of appointment; or shall be submitted in writing, at the time of a significant and substantial change in duties, to the vice chancellor for academic affairs and provost on the recommendation of the departmental executive committee(s) and dean(s), and may be granted with the approval of the University Committee.

4. Denial of a request shall be based on clear and convincing reasons and shall be in writing.

- I. Requests for tenure clock extensions shall be made before the beginning of the sixth year of the probationary period or before the beginning of the year preceding the notice year in a maximum probationary period, unless a birth, adoption, or unforeseen circumstance occurs during that year.
- J. Where a leave of absence or extension of the probationary period is granted, the individual's employment contract shall be extended by the same period as the leave or extension.
- K. Requests for tenure clock extension shall not be a substitute for the grievance procedures of Faculty Policies and Procedures 8.15. Grievances alleging unfair treatment or failure to follow Faculty Policies and Procedures requirements, which could result in a tenure clock extension, must be filed in accordance with Faculty Policies and Procedures 8.15.

7.05. GUIDANCE AND ANNUAL EVALUATION FOR PROBATIONARY FACULTY.

- A. The departmental executive committee shall establish procedures for the guidance and annual evaluation of each probationary faculty member and for the review of probationary appointments (see 7.06. of these rules). A written description of these procedures shall be filed with the relevant dean(s) and the provost. This must include specification of the voting rules of the departmental executive committee. A copy of this description and the departmental and divisional executive committee criteria for the granting of tenure (see 7.14.C. and D. of these rules) shall be given to each probationary faculty member at the time of his/her appointment.
- B. Primary responsibility for the guidance of the probationary faculty member shall be assigned to one or more members of the departmental executive committee. The departmental executive committee shall ensure that guidance of probationary faculty members includes implementation of 5.21.E.
  - 1. It is desirable that the faculty member(s) assigned responsibility for the guidance of the probationary faculty member remain the same throughout the probationary appointment unless the probationary faculty member requests a change.
  - 2. In some circumstances it may be desirable to formally include tenured faculty from outside the department in the guidance of probationary faculty, for example in interdisciplinary fields in which no member of the department has expertise close to that of the probationary faculty member.
  - 3. Guidance of probationary faculty should include information and advice on the areas of responsibility of tenure-track professors: research, teaching, service, and outreach. Experts outside the department who can provide specific information and advice on research, teaching and pedagogical effectiveness, and service and outreach should be consulted when appropriate as determined by the probationary faculty member and/or the guidance committee. Guidance committees should monitor teaching responsibilities and service assignments for appropriateness of workload and match of assignment to the probationary faculty member's expertise.
- C. Responsibility for developing annual evaluations shall be assigned to a committee made up of members of the departmental executive committee. The probationary faculty member shall be

informed of the membership of his/her oversight committee. In the case of joint appointments, executive committees shall establish procedures to coordinate the annual evaluations of probationary faculty members. At least once each year, one or more members of the oversight committee and the department chair shall discuss with the probationary faculty member departmental and divisional committee expectations and his/her progress toward tenure. The oversight committee shall ensure that the probationary faculty member's file contains all material relevant to effective evaluation including teaching evaluations and copies of publications.

Membership of the oversight committee may change from year to year at the discretion of the department. This policy allows either for separate guidance and oversight committees or for a single committee.

D. Each year, the oversight committee shall provide the departmental executive committee with an annual evaluation of the progress of the probationary faculty member. When a probationary faculty member has been granted an extension(s) of the tenure clock, the annual evaluation should be conducted in the context of the individual's progress toward a tenurable record given the time remaining on the adjusted clock. Following discussion of the evaluation by the executive committee, a written evaluation approved by the executive committee shall be given to the probationary faculty member. The probationary faculty member may respond to the evaluation in writing or may, upon request, address the executive committee regarding the evaluation.

E. The oversight committee shall have primary responsibility, in consultation with the probationary faculty member, for the collection of supporting material and preparation of necessary documentation prior to executive committee review of the probationary appointment (see 7.06. of these rules).

#### 7.06. REVIEW OF PROBATIONARY APPOINTMENTS. (See UWS 3.07.)

A. A probationary appointment may be reviewed by the departmental executive committee at any time; each probationary appointment, however, shall be reviewed by the departmental executive committee long enough in advance of its expiration to meet the time limits for notification of nonretention (see 7.11 of these rules) and to allow administrative actions provided for in these rules. Specifically, departmental executive committees must conduct reviews far enough in advance of the materials deadline for the relevant divisional committee's last meeting of the semester to allow for dossier assemblage and dean's office review. The divisional executive committees and deans shall provide deadlines for departmental recommendations to ensure adequate time for consideration.

B. In recommending the renewal of a faculty member in a probationary appointment, a departmental executive committee should ascertain that progress is being made by the faculty member towards meeting the criteria and standards used in granting tenure.

C. The departmental executive committee may recommend renewal with promotion to tenure, renewal as a probationary appointee subject to the constraints set forth in 7.06. of these rules, or nonrenewal. A probationary faculty appointment may not be converted to an academic staff appointment except upon recommendation by the appropriate departmental committee and the

University Committee and approval by the provost. Such a conversion may not be made to circumvent the decision between promotion to tenure and nonretention.

D. At a time consistent with the provisions of UWS 3.09, administrative action shall be taken either to convert a probationary appointment to a tenured appointment or to issue a notification of nonrenewal (see 7.11. of these rules).

7.07. DEPARTMENTAL PROCEDURES FOR ACTION ON PROBATIONARY APPOINTMENTS. (See UWS 3.06 and 3.07.)

A. All probationary faculty members whose appointments are to be acted upon shall be notified of that fact in writing by the department. This preliminary notice should normally be provided early in the semester that precedes the semester in which the action will be taken; an exact date for the meeting of the executive committee need not be specified in the preliminary notice. The notice shall invite the faculty member to submit relevant material for consideration by the executive committee or a subcommittee thereof.

B. As soon as the date is set for the meeting of the executive committee at which action on a probationary faculty member's appointment is to be considered, the probationary faculty member shall be notified. The notice shall inform the faculty member of his/her right to require that the meeting be open. Under no circumstances shall this notification be given less than twenty days before the meeting, except with the agreement of the probationary faculty member.

C. At the meeting specified in B. above, other persons may be invited by the executive committee to participate. This shall be a closed meeting, unless an open meeting is requested by the individual under consideration. In an open meeting, the individual under consideration may attend, but does not have the right to participate in the debate at this meeting unless specifically permitted by departmental rule.

D. The faculty member concerned shall be notified in writing of the decision of the executive committee within five working days. The notification must further state that the faculty member will be given, upon request, the specific reason(s) for the decision in writing and a reconsideration of the decision.

E. Upon written request by the faculty member concerned, within fifteen days of the receipt of the written notice of the decision, the departmental chair shall provide within thirty days a written statement, which has been approved by the executive committee, indicating its reasons for the decision. The faculty member shall be advised that this statement constitutes a confidential personnel document.

7.08. DEPARTMENTAL RECONSIDERATION OF A NONRENEWAL DECISION. (See UWS 3.07.)

A. If the faculty member concerned so requests within twenty days of receiving a statement of reasons, a reconsideration by the executive committee shall be provided. The meeting shall be held within twenty days after the faculty member concerned requests reconsideration.

B. The faculty member concerned shall have an opportunity to attend the reconsideration meeting, accompanied, if he/she wishes, by a representative of his/her choice, to respond to the

statement of reasons, and to present any written or oral evidence or arguments relevant to the decision.

C. Reconsideration is not a hearing, nor an appeal, and shall be nonadversary in nature.

D. Within twenty days following the reconsideration, the chair shall convey the decision of the executive committee to the faculty member in writing.

7.09. ADMINISTRATIVE ACTION ON DEPARTMENTAL RECOMMENDATION CONCERNING PROBATIONARY APPOINTMENTS. (See UWS 3.06.)

A. A departmental recommendation for renewal of a probationary appointment shall be transmitted by the department chair to the appropriate dean. The dean shall notify the department chair as rapidly as feasible of his/her approval or disapproval of the recommendation. The faculty member concerned shall be notified in writing within twenty days of the dean's decision.

B. If the dean disapproves a departmental executive committee recommendation for renewal, on the written request of the faculty member or of the department concerned with the consent of the faculty member, the dean shall provide to the department and/or the faculty member within twenty days a written statement of reasons for the nonrenewal decision. If the faculty member involved so requests within twenty days of receiving the statement of reasons, a reconsideration by the dean shall be provided. The procedures contained in subsections B. and C. of 7.08. of these rules apply in this reconsideration. The dean shall notify the faculty member and the departmental chair of his/her decision within twenty days.

7.10. APPEAL OF A NONRENEWAL DECISION. (See UWS 3.08.)

A. By written request, within twenty days, the faculty member may appeal an adverse reconsideration of a nonrenewal decision in accordance with the provisions of UWS 3.08(1). The appeal shall be heard by the Committee on Faculty Rights and Responsibilities no later than twenty days after the request, except that this time limit may be enlarged by mutual consent of the parties, or by order of the committee. The faculty member shall be given at least ten days' notice of such review.

B. The Committee on Faculty Rights and Responsibilities shall report on the validity of the appeal to the faculty member, the departmental executive committee, the appropriate dean, the provost, and the chancellor, in accordance with the provisions of UWS 3.08(3).

C. If the Committee on Faculty Rights and Responsibilities (CFRR) finds that a nonrenewal decision which results from a tenure denial during the probationary period was based in any significant degree upon impermissible factors, as defined in UWS 3.08, with material prejudice to the individual faculty member, and elects not to remand the case back to the department under UWS 3.08(c)(3) because it would serve no useful purpose, the University Committee, after appropriate consultation, shall appoint an ad hoc review committee whose members are knowledgeable or experienced in the probationary faculty member's academic field or in a substantially similar field. Members of the ad hoc committee shall be tenured faculty members at the University of Wisconsin-Madison and/or scholars from outside the university, but they shall not

be members of the executive committee of the probationary faculty member's academic department(s) or functional equivalent. The ad hoc committee shall conduct a de novo review of the candidate's record with reference to the criteria for tenure contained in Faculty Policies and Procedures 7.14.B. and C. The chancellor may then recommend to the Board of Regents that a tenure appointment be granted without the concurrence of the appropriate departmental executive committee or its functional equivalent if

1. The ad hoc committee, following the customary decision rules of the department or its functional equivalent, has recommended that tenure be granted; and
2. This affirmative recommendation has been approved, according to established procedures, by the dean, with the advice of the executive committee of the division to which the candidate belongs.

D. If the ad hoc committee's decision is adverse, the faculty member may request a statement of reasons and a reconsideration by that committee as provided in Faculty Policies and Procedures 7.08. An adverse decision by the ad hoc committee following such reconsideration may be appealed to the Committee on Faculty Rights and Responsibilities as provided in Faculty Policies and Procedures 7.10.A. and B.

E. The Committee on Faculty Rights and Responsibilities shall retain jurisdiction pending the resolution of all appeals.

7.11. NOTIFICATION OF A NONRENEWAL DECISION. (See UWS 3.09.)

Written notice that a probationary appointment will not be renewed shall be given to the faculty member in advance of the expiration of his/her appointment in accordance with UWS 3.09. At the time of notification, the probationary faculty member shall be given a copy of the guidelines for appeal of a nonrenewal decision prepared by the Committee on Faculty Rights and Responsibilities (see 6.38. of these rules).

7.12. EFFECT OF INADEQUATE NOTIFICATION. (See UWS 3.10.)

If proper notice of nonrenewal is not given in accordance with 7.11. of these rules, an extension of the appointment becomes automatic. Such an extended appointment terminates one year from the date notice is given unless that termination date would fall during a term (semester or 8-week summer session), in which case the expiration date is at the end of that term. In lieu of extension the university may, at its option, pay the salary for the period the extension would cover.

7.13. EFFECT OF RECONSIDERATION OR APPEAL ON APPOINTMENT.

A request for reconsideration or an appeal of a nonrenewal decision does not of itself extend the termination date of an appointment.



7.14. CRITERIA FOR THE GRANTING OF TENURE.

A. Tenure is granted only following an affirmative recommendation of a departmental executive committee to that effect, except in the specific situation provided for under UWS 3.08(3) and 7.10 of these Faculty Policies and Procedures. Tenure is not acquired solely because of the number of years of service, nor is prior university service a requirement for an initial appointment with tenure.

B. In applying its professional judgment to the decision to recommend or not to recommend tenure, the departmental executive committee or ad hoc committee under 7.10.C. has the obligation to exercise its discretion in the interest of improving the academic and professional quality of the department; departmental executive committees or ad hoc committees may not decline to recommend tenure for any reasons which are legally impermissible or which violate principles of academic freedom.

C. Each divisional executive committee shall establish written criteria and standards it will employ in recommending the granting of tenure. These criteria and standards shall assure that the granting of tenure is based on evidence of (1) teaching excellence; (2) a record of professional creativity, such as research or other accomplishments appropriate to the discipline; and (3) service to the university, to the faculty member's profession, or professional service to the public.

D. Each departmental executive committee shall establish written criteria and standards it will employ in recommending the granting of tenure. These criteria and standards shall be consistent with 7.14.C. of these rules. A copy of these criteria and standards shall be furnished to probationary faculty member(s) (see 7.05.A. of these rules) and shall be filed with the appropriate dean(s) and the vice chancellor for academic affairs and provost. A copy of the departmental criteria along with a statement showing how they were applied to the candidate shall be forwarded with a departmental recommendation for tenure.

E. The standard of review (in annual probationary review and at the time of tenure decision) shall be the standard appropriate to the number of years at that point counted in the probationary period, i.e., not the standard appropriate to the number of calendar years since hire.

F. Notwithstanding the responsibility of departmental executive committees to provide for the guidance and evaluation of probationary faculty members (see 7.05. of these rules), it is the probationary faculty member's responsibility to meet the criteria for tenure as determined by the department and the relevant divisional executive committee.

7.15. THE GRANTING OF TENURE.

A. A departmental or ad hoc committee under 7.10.C. recommendation for the granting of tenure shall be transmitted by the department chair to the dean. Supporting material and documentation as specified by the dean and the divisional executive committee shall be included. Collection of supporting material and preparation of the documentation is the responsibility of the department chair after consultation with the executive committee and the probationary faculty member (see 7.05. of these rules).

B. Before approving a recommendation to a tenured position, or denying such a recommendation on the basis of professional qualifications alone, the dean shall seek the advice of

the executive committee of the division in which the faculty member has membership (see 4.03. of these rules).

C. If the divisional executive committee advises against accepting the departmental or ad hoc committee recommendation, the departmental executive committee or ad hoc committee shall, if it so requests, be heard by the divisional executive committee and a new vote taken. Each divisional executive committee's guidelines must clearly specify the rules and expectations applicable to such reconsideration votes. It is generally expected that, except under extraordinary circumstances, completely new information will not be considered as part of any divisional committee reconsideration. Reconsideration votes must be requested and materials submitted by the departmental executive committee or ad hoc committee within 90 days of the original divisional committee decision date. If this 90-day period extends beyond the end of the faculty contract year, the deadline for requesting reconsideration shall be the materials deadline for the respective divisional committee's November meeting. If the 90-day period will extend past the mandatory review date, the relevant dean must issue a non-renewal letter prior to the mandatory review date and note that the reconsideration and any eventual appeal will not extend the nonrenewal date.

D. 1. If the dean, after receiving the advice of the divisional executive committee, approves the departmental or ad hoc committee recommendation, he/she shall transmit it to the provost and vice chancellor for academic affairs. All supporting material and documentation specified in 7.15.A. and all advice of the divisional executive committee shall accompany the personnel papers through administrative channels to the provost and vice chancellor for academic affairs and chancellor.

2. If the dean, after receiving the advice of the divisional executive committee, takes action contrary to the recommendation of the divisional executive committee and approves a departmental or ad hoc committee recommendation, he/she shall also forward to the provost and vice chancellor for academic affairs a statement explaining the reasons for not accepting the divisional executive committee recommendation.

E. The department or ad hoc committee shall be notified promptly of the actions taken by the divisional committee and the dean.

F. The faculty member shall be notified in writing within twenty days of the decision of the dean, which shall be made no later than twenty days following receipt of the divisional committee's advice.

G. If a dean disapproves a departmental or ad hoc committee recommendation for promotion to tenure, the faculty member concerned may request, or the department or ad hoc committee, as appropriate, with the consent of the faculty member may request, a written statement of the reasons to be provided within twenty days, and may seek reconsideration or, if appropriate, appeal the dean's decision pursuant to 7.09. and 7.10. of these rules.

H. At any time after receipt of a recommendation from a dean pursuant to Faculty Policies and Procedures 7.15.D.2., the provost and vice chancellor for academic affairs shall consult with the divisional executive committee and the dean about the tenure recommendation. The provost and vice chancellor for academic affairs shall consult with the dean prior to making a recommendation contrary to recommendation of the dean.

- I. If the provost and vice chancellor for academic affairs approves the dean's recommendations, he/she shall transmit it to the chancellor for recommendation to the president and to the board.
- J. The faculty member shall be notified in writing promptly of the actions taken by the provost and vice chancellor for academic affairs and the chancellor.
- K. If the provost and vice chancellor for academic affairs disapproves the dean's recommendation for promotion to tenure, the faculty member concerned may request, or the department or ad hoc committee, as appropriate, with the consent of the faculty member, may request a written statement of reasons to be provided within twenty days, and may seek reconsideration by the provost and vice chancellor for academic affairs and, if appropriate, appeal the provost and vice chancellor for academic affairs' decision pursuant to 7.09. and 7.10. of these rules.

#### 7.17. POST-TENURE REVIEW POLICY

##### A. PURPOSE

The purposes of the review of tenured faculty are:

- a. to recognize outstanding achievement;
- b. to provide opportunities for mentoring and professional development;
- c. to help identify and remedy, from a developmental point of view, any deficiencies in teaching, service, outreach/extension, and research/scholarly productivity.

The process of post-tenure review is the periodic assessment of each faculty member's activities and performance, in accordance with the mission of the department, college, and institution, and the responsibilities of the faculty as described in FPP 8.02. The review is to be appropriately linked to the merit process, and should not involve the creation of unnecessary additional bureaucracy. Review of tenured faculty builds on and complements other aspects of the tenure process in order to develop faculty capacity and strengthen and promote the public benefits of tenure. Post-tenure review is not a reevaluation of tenure and is not undertaken for the purposes of discipline or dismissal. Faculty shall be subject to discipline or dismissal only for just cause (see FPP 9.). Departments, schools, and colleges may not use post-tenure reviews as the basis for budgetary decisions or for decisions regarding program discontinuance, curtailment, modification, or redirection.

##### B. CRITERIA

1. The basic standard for review shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with the faculty member's position.
2. Each department shall develop criteria to measure progress in teaching, service, outreach/extension, and research/scholarly productivity as appropriate to the field and consistent with FPP 8.02. Each department shall develop criteria to measure progress in scholarly productivity as appropriate to the field. The criteria for review shall be periodically reviewed by the executive committee of each department and the school or college APC.
3. The criteria for review should reflect the overall mission of the department, be sufficiently flexible to accommodate faculty with differing responsibilities, and recognize that careers and

levels of productivity may change over time. In developing such criteria, departments may draw on statements used in other faculty review procedures, such as merit or promotion review. Special care should be taken to ensure that the scholarly productivity of jointly appointed and interdisciplinary faculty is appropriately evaluated.

4. The executive committee of each department shall ensure that the criteria governing faculty review do not infringe on the accepted standards of academic freedom of faculty, including the freedom to pursue novel, unpopular, or unfashionable lines of inquiry or innovative methods of teaching, and recognize that scholarly projects take varying amounts of time to come to fruition. Nothing in the criteria or application of these policies shall allow the review to be prejudiced by factors proscribed by applicable state or federal law, such as race, religion, sex, sexual orientation, ethnicity, age, and handicap.
5. For the purposes of this chapter, the following definitions shall apply:
  - a. A review resulting in an indication of “exceptionally good” performance shall constitute a rating of “exceeds expectations” for the purposes of Regent Policy Document (RPD) 20-9 sec. 9.b.
  - b. A review indicating “substantial deficiencies” in performance shall constitute a rating of “does not meet expectations” for the purposes of RPD 20-9 sec. 9.b.
  - c. All other review results under this chapter shall constitute a rating of “meets expectations” for the purposes of RPD 20-9 sec. 9.a. Discharging conscientiously and with professional competence the duties appropriately associated with the faculty member's position shall serve as the standard for “expected level of accomplishment” as described in the RPD.
  - d. For schools and colleges that are not officially divided into departments, all references to “department” or “chair” in this policy shall be understood to refer to the equivalent unit and its corresponding chair or equivalent.
  - e. An initial review indicating substantial deficiencies shall not constitute a disciplinary action under FPP 9.

### C. PROCEDURES

1. Reviews shall occur at least once every five years. These reviews may incorporate the annual merit review process and may encompass promotion, retention, salary, or other reviews, including but not limited to nominations for named chairs and professorships, major teaching awards, and national professional honors or awards. In the case of combined reviews, the department may require supplementary documentation from the faculty member, which meets the criteria below, that would not otherwise be required for the other review. The review may be deferred, by approval of the provost, for unusual circumstances such as when it may coincide with an approved leave, significant life event, promotion review, or other appointment, and the provost may then determine a new review schedule. Each review, as determined by each department's executive committee, shall be carried out by two or more tenured faculty members, who may be drawn from outside the department. Upon notification of the reviewers selected by the committee, if the faculty member under review formally objects to a reviewer, the chair, in consultation with the relevant dean, shall identify other appropriate reviewers. Such formal objections should be kept confidential. In the case of a faculty member with appointments in more than one department, the department chairs of the affected departments shall agree in writing on procedures for the conduct of the review.

2. Review procedures shall include:
  - a. A review of qualitative and quantitative evidence of the faculty member's performance over at least the previous five-year period. The evidence should include a current curriculum vitae, annual activity reports, teaching, and student evaluations or summaries of evaluations, and other materials providing evidence of the faculty member's accomplishments and contributions that the department or the faculty member feel are relevant to the review. The faculty member should provide the reviewers with a brief summary of career plans for the future. Letters from outside the university would not ordinarily be a part of the review process. The faculty member under review, however, may submit appropriate letters if she or he so chooses. The reviewers shall examine materials to the degree needed to accomplish the purposes of this review.
  - b. Discussion with the faculty member about his or her contributions to the profession, the department, and the university if either the reviewers or the faculty member so desire.
  - c. Appropriate consideration of a faculty member's contributions outside the department to interdisciplinary and other programs, governance, and administration.
  - d. Other steps the reviewers consider useful in making a fair and informed judgment, including but not limited to consultation with individuals who have knowledge of the faculty member's work
3. The reviewers shall provide the faculty member with a written summary of the review. The faculty member shall have the right to prepare a written response to the summary within 30 days after receipt.
4. A copy of the summary and any written response to it shall be given to the department chair and shall be placed in the personnel file of the faculty member. A copy shall also be provided to the appropriate dean for sufficiency review. The department shall also preserve in the faculty member's personnel file all documents that played a substantive role in the review (other than documents such as publications that are readily accessible elsewhere), and a record of any action taken as a result of the review. The summary and outcome of the review shall remain confidential, that is, confined to the appropriate departmental, college, or university persons or bodies and the faculty member being evaluated, released otherwise only at the discretion, or with the explicit consent of, the faculty member, or as otherwise required by business necessity or law.
5. Every effort should be made to offer tangible recognition to those faculty identified as exceptionally good, including but not limited to, nomination for university, national, and international awards and relevant merit and other benefits.
6. Following the initial departmental review and faculty member's response, if any, the dean shall conduct a sufficiency review. In the event that the dean considers that the review was insufficient, he/she shall provide the reasons to the executive committee in writing why the review was insufficient within 14 days of receiving the departmental report. The executive committee may provide a response addressing the dean's concerns about the sufficiency of the review within 14 days. The dean will then make a recommendation to the provost on whether or not the faculty member "meets expectations."
  - a. If neither the departmental review nor the dean's review indicate substantial deficiencies, the post-tenure review process is concluded.

- b. If both the departmental review and the dean's review indicate substantial deficiencies, the remediation process described in 7.b. shall commence immediately.
  - c. In the event the dean's review indicates substantial deficiencies not identified in the departmental review, the dean must provide written reasons within 14 days to the faculty member for the recommendation and the faculty member may provide a written response to the dean within 14 days. This statement can include new documentation on the faculty member's accomplishments. Within 5 days of the end of the faculty member's written response deadline, the dean will forward their review and the departmental review, along with any written response statements from the faculty member, to the provost.
  - d. In the event the departmental review indicates substantial deficiencies but the dean dissents, the dean will forward their recommendation, along with the departmental review and any written response statement from the faculty member, to the provost.
7. If the post-tenure review is not concluded at the dean's level per 6.a. or 6.b. above, upon receipt of the dean's recommendation, the provost will perform their own review, including consultation with the divisional committee review council (DCRC), which also will be provided with the executive committee recommendation, the dean's recommendation, and any faculty responses. The provost shall request advice from the DCRC within 5 days of receiving the dean's recommendation and the council will provide their advice within 30 days of receiving the request from the provost.
  - a. Review by the provost, or review by the dean which is not submitted for the provost's review, shall be the final review.
  - b. If after the reviews the substantial deficiencies are confirmed by the provost, support from institutional resources for professional development shall be proffered. The department chair and the faculty member shall develop a written plan for mentoring and professional development to address all issues identified in the review, in consultation, with the appropriate dean(s), who shall resolve any disagreements as to the creation of the remediation plan. This plan shall be the product of mutual negotiation and discussion between the faculty member and the chair and/or dean(s), shall respect academic freedom and professional self-direction, and shall be flexible enough to allow for subsequent alteration. Such a plan could include review and adjustment of the faculty member's responsibilities, development of a new research program or teaching strategy, referral to campus resources, assignment of a mentoring committee, institution of mandatory annual reviews for a specified period, written performance expectations, and/or other elements. The faculty member shall have the right to provide a written response regarding the manner in which any written development plan is formulated, the plan's content, and any resulting evaluation. This plan shall be completed no later than 30 days after the provost has informed the faculty member of the decision. The faculty member shall have three academic semesters to fully satisfy all of the elements of the remediation plan. If the remediation plan includes performance deficiencies in research, an extension of one academic semester may be granted by the chancellor.
8. The process for determination of the successful completion of the remediation is as follows.

- a. The faculty member will submit documentation of their activities that address issues identified in the remediation plan to the faculty member's executive committee. This documentation will include any information that the faculty member deems relevant and can be provided at any time during the remediation period, but must be provided no later than 4 weeks before the end of the remediation plan period.
  - b. Within 30 days of receipt, the executive committee will review the materials submitted, and will make a determination as to whether all the elements of the remediation plan have been satisfied. The executive committee will then submit the faculty member's documentation along with their determination to the dean.
  - c. The dean shall review the faculty member's performance and determine, in consultation with the faculty member, their department chair, and the chancellor, whether the remediation plan and criteria have been satisfied or whether further action to address the substantial deficiencies must be taken.
  - d. If the dean determines that the faculty member has not satisfied all the elements of the remediation plan, then within 14 days the decision and written reasons for this decision shall be provided to the faculty member and to the provost. Within 14 days of receiving the notification from the dean, the faculty member can submit to the provost an additional written statement addressing the decisions made by the executive committee and the dean.
  - e. Consistent with the provisions of RPD 20-9 sec. 12.c.ii., in the event that the review conducted per 9.c. reveals continuing and persistent problems with a faculty member's performance that do not lend themselves to improvement by the end of the remediation period, and that call into question the faculty member's ability to function in that position, then other possibilities, such as a mutually agreeable reassignment to other duties or separation, should be explored. If these are not practicable, or no other solution acceptable to the parties can be found, then the University Committee must appoint an ad hoc committee of faculty to review proposed sanctions consistent with FPP.
9. The standard for discipline or dismissal remains that of just cause as outlined in FPP 9.02. and 9.03. The fact of successive negative reviews does not diminish the obligation of the institution to show such cause in a separate forum, following the procedures outlined in FPP.9. Records from post-tenure review may be relied upon and are admissible, but rebuttable as to accuracy. The administration bears the ultimate burden of proof on the issue of just cause for discipline and dismissal.
  10. The faculty member retains all protections guaranteed in FPP, including, but not limited to, the rights to appeal and the right to appeal disciplinary action to the Committee on Faculty Rights and Responsibilities as described in FPP 9.07.

#### D. ACCOUNTABILITY

1. Copies of the departmental criteria and procedures for reviews of tenured faculty (including procedures to be used for individual tenured faculty with shared appointments in several departments) shall be filed with the appropriate chairs, deans, the provost, and the secretary of the faculty.

2. At the end of each academic year, the chair shall identify faculty to be reviewed by the end of the following academic year and the executive committee shall establish a calendar for reviews and provide notice to the identified faculty consistent with RPD 20-9 sec. 5. Department chairs shall coordinate with their deans to schedule all initial departmental reviews to be conducted during the fall semester, ensuring that all reviews and responses are completed and reported to the dean no later than March 1.
3. Departments shall maintain a record of reviews completed, including the names of all reviewers.
4. At the end of each academic year, department chairs shall send a report to the appropriate dean(s) listing the names of faculty members reviewed during that academic year and summarizing the outcomes of those reviews
5. If a department fails to conduct requisite reviews by the end of the academic year, the dean shall appoint reviewers to conduct reviews based on the department's specified criteria.
6. The periodic review of each department, in which the department's mission, personnel, and development are now evaluated, shall include review of the process for review of tenured faculty in the department.
7. Pursuant to RPD 20-9 sec. 16, reviews and remediation plans are not subject to grievance processes. Faculty retain all protections and rights to grievances and appeals provided elsewhere in these chapters, including but not limited to FPP chapters 8 and 9, unrelated to post-tenure review.

7.19. OBLIGATION TO FACULTY MEMBERS FOLLOWING APPOINTMENT: CONTINUING COMMITMENT.

A continuing commitment, shared between the department or equivalent unit and the university, is incurred upon the appointment of a probationary or tenured faculty member. For tenured members of the faculty, that continuing commitment extends for as long as the faculty member holds tenure. For probationary faculty members, the term of the continuing commitment coincides with the term of appointment.

- A. In the case of an appointment that is less than full-time, the continuing commitment is for the same fraction as the appointment.
- B. In the case of an appointment that is divided among several departments or units, the fraction of the continuing commitment assignable to each shall be specified. The total continuing commitment or its division among departments or units may be changed only by agreement among the individual, the departmental executive committees, and the deans involved.
- C. By agreement of the faculty members, the departments, and the dean, the level of departmental activity of the individual may differ from the continuing commitment in any given year. Such an occasional deviation does not in itself alter the continuing commitment.
- D. In the event of the dissolution of a department holding a continuing commitment to a faculty member, an effort shall be made to identify an alternative department which is mutually suitable and which will assume the continuing commitment of the former department. If no such department can be found, the continuing commitment will be assumed by the university.



7.20. LEAVE OF ABSENCE.

For the purposes of these rules, a leave of absence is a temporary separation of a faculty member from the university during which the faculty member is not paid from funds administered by the university except for such fringe benefit programs as may be permitted by state regulations, or in the case of a faculty member appointed under 1.02.B. of these rules, a temporary separation of the faculty member from his/her agency assignment in Madison.

Probationary faculty who wish to be temporarily separated from the university will normally request a “temporary assignment” to an alternative activity. Temporary assignments are similar to leaves of absence except they do not interrupt the probationary period. A leave of absence will be approved for a probationary faculty member only for an activity that substantially interrupts the ability of the candidate to establish, within the normal probationary period, a record that would warrant the granting of tenure.

Leaves of absence and temporary assignments require the affirmative recommendation of the departmental executive committee and the approval of the dean. Because a leave of absence extends the time before action must be taken on a probationary appointment (see 7.04.E.), a leave of absence for a probationary faculty member requires the approval of the vice chancellor for academic affairs and provost in consultation with the University Committee.

Ordinarily, a leave of absence is granted for a maximum of one year, or a maximum of three semesters in three years even if no single absence exceeds one year, but under appropriate circumstances upon recommendation of the executive committee and the dean, and with the approval of the University Committee and the vice chancellor for academic affairs and provost, it may be renewed. A leave of absence of more than five years requires approval by the UW System president.

7.22. SICK LEAVE.

Sick leave policy for members of the faculty is governed by UWS 19 and policies adopted under UWS 19.

7.24. MILITARY LEAVE.

A. ACTIVE SERVICE. In accordance with state statutes and national policy, the university cooperates in facilitating the return to normal occupation for the members of the faculty who serve the federal government in the interest of national defense as specified in Sec. 321.64 Wis. Stats.

1. Following their return, tenured faculty members shall continue to enjoy tenure status.
2. Probationary faculty shall be granted leaves of absence for federal service of the type specified in Sec. 321.64(1) Wis. Stats. Probationary faculty may be granted such leaves for voluntary service with the consent of their departmental executive committee(s) and dean.

B. LEAVE FOR RESERVE SERVICE. Members of the faculty who are members of any reserve component of the military forces of the United States or of this state are entitled to leaves of absence in accordance with Sec. 230.35(3)(a) Wis. Stats.

7.25. LEAVE OF ABSENCE FOR GOVERNMENTAL SERVICE.

In accordance with Regents policy #5364, adopted at the meeting of November 10, 1989, faculty taking leave for governmental positions shall follow the rules below. A faculty member should be entitled to all the benefits provided by Faculty Policies and Procedures to those faculty who take leave because of military duty, (see 7.24.) if the leave is due to any of the following contingencies:

1. Elected, or appointed to a high federal post by the executive, legislative, or judicial branch of the United States Government.
2. Elected, or appointed to a high governmental post by the executive, legislative, or judicial branch of the Wisconsin State Government.
3. All leaves of absence other than medical carry an implicit agreement between the faculty member and the university that the faculty member will return to the university at the conclusion of the leave. This includes that failure to return to the university at the conclusion of the approved leave period constitutes a resignation from the university.

Upon recommendation of the appropriate departmental executive committee(s) and dean, and with the concurrence of the University Committee, the provost and vice chancellor for academic affairs may extend the above benefits to a faculty member who is elected or appointed to a high post by other governmental or quasi-governmental agencies, including, for example, local and other state governments, foreign governments, the United Nations.

An initial term or appointment not to exceed four years requires the recommendation of the relevant department(s), dean(s), the University Committee and the provost and vice chancellor for academic affairs. Extensions beyond the initial term or appointment require approval of the Board of Regents, with the appropriate campus recommendations.

7.30. RETIREMENT.

In accord with state statutes there is no mandatory retirement at the UW-Madison. Retired faculty members may be engaged for service only with the approval of the chancellor. Retired faculty who are engaged will be appointed to the academic staff.

7.31. EMERITUS/EMERITA FACULTY.

- A. Emeritus/emerita faculty titles are conferred by the chancellor upon recommendation of the departmental executive committee and the dean.
- B. Emeritus/emerita faculty retain all faculty governance rights held at the time of their retirement during any academic year in which they hold an academic staff appointment from their department totaling at least 20% of a full-time academic year appointment, subject to the provisions of 5.20.C.

7.32. CONTINUATION OF EXISTING ARRANGEMENTS.

The adoption of this revision of all the Faculty Rules and Regulations shall not be construed to alter the nature of any appointment in effect at the time of adoption or to extend or withdraw any departmental, college, or other membership.

*History: 7.06a, 7.15c, 7.15f amended by Fac doc 2741 with modifications 2018-05-07*

*History: 7.17 amended by Fac doc 2639 with modifications 2017-03-06*

*History: 7.06, 7.10 amended by Fac doc 2666 on 2017-02-06*

*History: 7.20 amended by Fac doc 2667 on 2017-02-06*

*History: 7.03 renamed "Recruiting and appointments" by Fac doc 2583a on 2015-12-07*

*History: 7.15 renumbered as 7.03D. by Fac doc 2583a on 2015-12-07*

*History: 7.18 renumbered as 7.03 E. and 7.03F. by Fac doc 2583a on 2015-12-07*

*History: 7.17 added by Fac doc 2583a on 2015-12-07*