

RECOMMENDED AMENDMENTS TO PROPOSED TENURE POLICIES

BACKGROUND

At the Board of Regents meeting on February 5, 2016, the Education Committee considered: (1) recommended changes to RPD 20-23, “Faculty Tenure;” (2) RPD 20-9, a revised policy on post-tenure review, “Periodic Post-Tenure Review in Support of Tenured Faculty Development;” and (3) a new policy on faculty layoff and termination, “Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination.” The Education Committee voted to recommend that the full Board adopt both the changes to the two existing policies and the new policy at the Board’s March 10, 2016 meeting.

REQUESTED ACTION

Adoption of the attached proposed amendments to two of the policies approved by the Education Committee: RPD 20-9 and the new policy on faculty layoff and termination.

DISCUSSION

The Office of the Board of Regents posted the three draft tenure-related policies on the Board of Regents website for public comment, beginning on January 22, 2016. Numerous comments have been received since that date. Having considered the comments received, the Chair of the Tenure Policy Task Force and UW System President propose several amendments to revised RPD 20-9 on post-tenure review and the new policy on faculty layoff and termination.

Proposed Amendments to Post-Tenure Review Policy

Three amendments are proposed to RPD 20-9, “Periodic Post-Tenure Review in Support of Tenured Faculty Development,” as follows:

1. Post-Tenure Amendment 1: Add the phrase “creative activity” to paragraph 6 of the proposed policy to acknowledge the work of fine arts faculty, which is better characterized as creative activity.
2. Post-Tenure Amendment 2: Delete underlining.
3. Post-Tenure Amendment 3: Several comments suggested confusion about the various references to the word “policy.” The amendment distinguishes Regent policy from institutional policy, and reaffirms the role of the faculty in the implementation of institutional policy.

Proposed Amendments to Policy on Faculty Layoff and Termination

Four amendments are proposed to the policy on faculty layoff and termination, as follows:

1. Layoff Amendment 1: University staff representatives requested that university staff be included in the shared governance groups receiving proposals to discontinue a program due to educational considerations, and this amendment responds to this request.
2. Layoff Amendment 2: Several individuals commented on the need for flexibility to either use the mandated faculty committee for financial emergency or use another committee when considering program discontinuance. The proposed amendment addresses these comments.
3. Layoff Amendment 3: Academic and university staff requested that academic and university staff be added to the groups reviewing comments and recommendations on proposed program discontinuance, as they also would be affected when program discontinuance occurs.
4. Layoff Amendment 4: Several comments suggested confusion about the various references to the word “policy.” The amendment distinguishes Regent policy from institutional policy, and reaffirms the role of the faculty in the implementation of institutional policy.

RELATED REGENT POLICIES

RPD 20-23, “Faculty Tenure”

RPD 20-9, “Guidelines for Tenured Faculty Review and Development”

APPENDIX A

**Recommended Amendments to
Proposed Regent Policy Document 20-9
“Periodic Post-Tenure Review in Support of Tenured Faculty Development”**

Amendments begin at APPENDIX A, page 5.

EDUCATION COMMITTEE RECOMMENDATION	PROPOSED AMENDMENTS
<p>Scope</p> <p>This policy applies to all UW System institutions and tenured faculty members. The post-tenure review described by this policy is not intended to serve as a substitute for annual or other evaluations of tenured faculty performance that may occur at an institution, nor is it intended as a re-evaluation of tenure.</p>	<p>Scope</p> <p>This policy applies to all UW System institutions and tenured faculty members. The post-tenure review described by this policy is not intended to serve as a substitute for annual or other evaluations of tenured faculty performance that may occur at an institution, nor is it intended as a re-evaluation of tenure.</p>
<p>Purpose</p> <p>The purpose of this policy is to reflect the Board of Regents’ commitment to promoting the continued high-quality teaching, research/scholarship, and service of its tenured faculty, and thereby to enhance the educational environment for its students and the larger community. The primary purpose of the periodic, post-tenure review of tenured faculty is to support tenured faculty development.</p>	<p>Purpose</p> <p>The purpose of this policy is to reflect the Board of Regents’ commitment to promoting the continued high-quality teaching, research/scholarship, and service of its tenured faculty, and thereby to enhance the educational environment for its students and the larger community. The primary purpose of the periodic, post-tenure review of tenured faculty is to support tenured faculty development.</p>
<p>Policy Statement</p> <p>Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish. The grant of indeterminate tenure to faculty members represents an enormous investment of university and societal resources, and those who receive this investment do so only after rigorous review which established that their scholarship, research, teaching, and service met the highest standards and are congruent with the needs of the university.</p>	<p>Policy Statement</p> <p>Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish. The grant of indeterminate tenure to faculty members represents an enormous investment of university and societal resources, and those who receive this investment do so only after rigorous review which established that their scholarship, research, teaching, and service met the highest standards and are congruent with the needs of the university.</p>

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<p>It is the policy of the Board of Regents that a periodic, post-tenure review of tenured faculty members is essential to promoting faculty development, including recognizing innovation and creativity; enhancing the educational environment for students; and identifying and redressing deficiencies in overall performance of duties through a supportive and developmental remediation process.</p>	<p>It is the policy of the Board of Regents that a periodic, post-tenure review of tenured faculty members is essential to promoting faculty development, including recognizing innovation and creativity; enhancing the educational environment for students; and identifying and redressing deficiencies in overall performance of duties through a supportive and developmental remediation process.</p>
<p>Nothing in this policy shall be interpreted to alter or to infringe upon existing tenure rights, as set forth in UW System Board of Regents or UW System policies, nor shall this policy diminish the important guarantees of academic freedom. Specifically, this policy does not supersede administrative rules providing for termination for cause set forth in Chapter UWS 4 of the Wisconsin Administrative Code.</p>	<p>Nothing in this policy shall be interpreted to alter or to infringe upon existing tenure rights, as set forth in UW System Board of Regents or UW System policies, nor shall this policy diminish the important guarantees of academic freedom. Specifically, this policy does not supersede administrative rules providing for termination for cause set forth in Chapter UWS 4 of the Wisconsin Administrative Code.</p>
<p>Each institution, through its normal governance process, shall develop and implement a policy for periodic, post-tenure review of tenured faculty members that contains, at a minimum, the following:</p>	<p>Each institution, through its normal governance process, shall develop and implement a policy for periodic, post-tenure review of tenured faculty members that contains, at a minimum, the following:</p>
<p>1. A definitions section, as needed, that is consistent with the defined terms as they are used in related law and policy.</p>	<p>1. A definitions section, as needed, that is consistent with the defined terms as they are used in related law and policy.</p>
<p>2. A statement that emphasizes that the overriding purpose of the periodic, post-tenure review is tenured faculty development, and that such review shall not infringe on existing faculty rights and protections, including those of academic freedom.</p>	<p>2. A statement that emphasizes that the overriding purpose of the periodic, post-tenure review is tenured faculty development, and that such review shall not infringe on existing faculty rights and protections, including those of academic freedom.</p>
<p>3. A summary description of the annual or other more frequent tenured faculty evaluation process that is separate and distinct from the post-tenure review process.</p>	<p>3. A summary description of the annual or other more frequent tenured faculty evaluation process that is separate and distinct from the post-tenure review process.</p>

<p style="text-align: center;">EDUCATION COMMITTEE RECOMMENDATION</p>	<p style="text-align: center;">PROPOSED AMENDMENTS</p>
<p>4. Provision for review, at least once every five years, of each tenured faculty member’s activities and performance. The post-tenure review period begins in the academic year following the granting of tenure. The review may be deferred, only with the approval of the provost, for unusual circumstances such as when it may coincide with an approved leave, promotion review, or other appointment. In such cases, the provost will specify the new review cycle that applies to the faculty member. The periodic, post-tenure review may substitute for annual review in the year a faculty member is scheduled for such review.</p>	<p>4. Provision for review, at least once every five years, of each tenured faculty member’s activities and performance. The post-tenure review period begins in the academic year following the granting of tenure. The review may be deferred, only with the approval of the provost, for unusual circumstances such as when it may coincide with an approved leave, promotion review, or other appointment. In such cases, the provost will specify the new review cycle that applies to the faculty member. The periodic, post-tenure review may substitute for annual review in the year a faculty member is scheduled for such review.</p>
<p>5. Provision for notice of the intent to review at least three months before the review is conducted. However, failure to meet this notice deadline does not obviate the requirement to conduct and participate in the review.</p>	<p>5. Provision for notice of the intent to review at least three months before the review is conducted. However, failure to meet this notice deadline does not obviate the requirement to conduct and participate in the review.</p>
<p>6. Identification of criteria by which to evaluate the tenured faculty member’s performance that are effective and consistent with the mission and expectations of the department, school or college, and institution, as applicable, and sufficiently flexible to permit shifts in professional emphasis. However any criteria must fall within the three categories of teaching, scholarship/research, and service.</p>	<p><i>POST-TENURE AMENDMENT 1:</i></p> <p>6. Identification of criteria by which to evaluate the tenured faculty member’s performance that are effective and consistent with the mission and expectations of the department, school or college, and institution, as applicable, and sufficiently flexible to permit shifts in professional emphasis. However any criteria must fall within the three categories of teaching, scholarship/research/<u>creative activity</u>, and service.</p>
<p>7. Delineation of the roles and responsibilities of those who will conduct or contribute to the review.</p>	<p>7. Delineation of the roles and responsibilities of those who will conduct or contribute to the review.</p>

EDUCATION COMMITTEE RECOMMENDATION	PROPOSED AMENDMENTS
8. Delineation of the process by which the review will be conducted, including a timeline.	8. Delineation of the process by which the review will be conducted, including a timeline.
9. Identification of the following categories reflecting the overall results of the review. In determining the category, the review will consider whether the faculty member under review has discharged conscientiously and with professional competence the duties appropriately associated with the faculty member's position.	9. Identification of the following categories reflecting the overall results of the review. In determining the category, the review will consider whether the faculty member under review has discharged conscientiously and with professional competence the duties appropriately associated with the faculty member's position.
a. <u>Meets expectations</u> . This category is awarded to those tenured faculty members whose performance reflects the expected level of accomplishment.	a. <u>Meets expectations</u> . This category is awarded to those tenured faculty members whose performance reflects the expected level of accomplishment.
b. <u>Does not meet expectations</u> . This category is awarded to those tenured faculty members whose performance reflects a level of accomplishment below the expected level and which requires correction. All reviews resulting in "does not meet expectations," unless overturned upon further review, will result in a remediation plan as described below.	b. <u>Does not meet expectations</u> . This category is awarded to those tenured faculty members whose performance reflects a level of accomplishment below the expected level and which requires correction. All reviews resulting in "does not meet expectations," unless overturned upon further review, will result in a remediation plan as described below.
An institution may add an additional category of "Exceeds expectations," which is to be awarded to those tenured faculty members whose performance reflects a significant level of accomplishment beyond what is normal for the institution, college or school, or department.	An institution may add an additional category of "Exceeds expectations," which is to be awarded to those tenured faculty members whose performance reflects a significant level of accomplishment beyond what is normal for the institution, college or school, or department.
10. Provision for a written report for each faculty review and the opportunity for the reviewed faculty member to provide a written response to the report. The report should be provided to the faculty member,	10. Provision for a written report for each faculty review and the opportunity for the reviewed faculty member to provide a written response to the report. The report should be provided to the faculty member,

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the department chair, the dean (as applicable), and the provost.	the department chair, the dean (as applicable), and the provost.
11. A description of any opportunities offered to faculty members who receive a review in the category of meets or exceeds expectations, <u>as applicable</u> , including additional compensation, subject to the availability of resources.	POST-TENURE AMENDMENT 2: 11. A description of any opportunities offered to faculty members who receive a review in the category of meets or exceeds expectations, <u>as applicable</u> underline , including additional compensation, subject to the availability of resources.
12. A description of the procedures that apply when a faculty member receives a review in the category of “does not meet expectations” that includes the following:	12. A description of the procedures that apply when a faculty member receives a review in the category of “does not meet expectations” that includes the following:
a. Requirement that the identification of any deficiencies be described in writing and provided to the faculty member;	a. Requirement that the identification of any deficiencies be described in writing and provided to the faculty member;
b. Provision for review by the dean, followed by review by the chancellor (or designee). The faculty member may provide a written statement to accompany these reviews. Following the chancellor or designee’s review, the faculty member will be informed by the chancellor or designee that the faculty member has received a result of “meets expectations,” or that a remediation plan will be developed; and	b. Provision for review by the dean, followed by review by the chancellor (or designee). The faculty member may provide a written statement to accompany these reviews. Following the chancellor or designee’s review, the faculty member will be informed by the chancellor or designee that the faculty member has received a result of “meets expectations,” or that a remediation plan will be developed; and
c. Provision for a remediation plan to be developed by the faculty member in consultation with the dean to assist the faculty member in addressing those deficiencies identified in the review.	c. Provision for a remediation plan to be developed by the faculty member in consultation with the dean to assist the faculty member in addressing those deficiencies identified in the review.
i. The primary focus of the remediation plan shall be developmental and provide the faculty member with appropriate	i. The primary focus of the remediation plan shall be developmental and provide the faculty member with appropriate

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support from the department or dean as applicable.	support from the department or dean as applicable.
<p>ii. Provision for a mechanism for determining how and when the faculty member will have satisfied the expectations of the remediation plan as determined by the dean in consultation with the chancellor and faculty member; however, all elements of the plan must be satisfied within a reasonable time period, commensurate with the identified deficiencies determined by the dean, not to exceed three academic semesters. In those few remediation plans related to a performance shortfall in research where more than three academic semesters may be necessary to correct identified deficiencies, an extension of one academic semester shall be permitted only with the approval of the chancellor, which shall trigger a notification of that extension to the UW System Administration Vice President for Academic and Student Affairs.</p>	<p>ii. Provision for a mechanism for determining how and when the faculty member will have satisfied the expectations of the remediation plan as determined by the dean in consultation with the chancellor and faculty member; however, all elements of the plan must be satisfied within a reasonable time period, commensurate with the identified deficiencies determined by the dean, not to exceed three academic semesters. In those few remediation plans related to a performance shortfall in research where more than three academic semesters may be necessary to correct identified deficiencies, an extension of one academic semester shall be permitted only with the approval of the chancellor, which shall trigger a notification of that extension to the UW System Administration Vice President for Academic and Student Affairs.</p>
<p>iii. Provision for actions to be taken when the faculty member fails to meet the expectations set forth in the remediation plan, which includes reference to existing faculty complaint processes, and which permits the imposition of discipline, as appropriate, up to and including dismissal for cause under Chapter UWS 4.</p>	<p>iii. Provision for actions to be taken when the faculty member fails to meet the expectations set forth in the remediation plan, which includes reference to existing faculty complaint processes, and which permits the imposition of discipline, as appropriate, up to and including dismissal for cause under Chapter UWS 4.</p>
<p>13. Provision for assistance prior to and following the review, regardless of the results of the faculty member’s post-tenure review, that is available to all faculty</p>	<p>13. Provision for assistance prior to and following the review, regardless of the results of the faculty member’s post-tenure review, that is available to all faculty</p>

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members to support their professional development at any time in their careers.	members to support their professional development at any time in their careers.
14. Provision for a full, written record to be created containing the results of a faculty member’s periodic, post-tenure review and any ensuing actions, as described above, and for the written record to be provided to the dean and chancellor (or designee). Information and documentation relating to the review shall be maintained by the appropriate department, college or school, or university personnel or bodies, and disclosed otherwise only at the discretion, or with the explicit consent, of the faculty member, unless required by business necessity or by law.	14. Provision for a full, written record to be created containing the results of a faculty member’s periodic, post-tenure review and any ensuing actions, as described above, and for the written record to be provided to the dean and chancellor (or designee). Information and documentation relating to the review shall be maintained by the appropriate department, college or school, or university personnel or bodies, and disclosed otherwise only at the discretion, or with the explicit consent, of the faculty member, unless required by business necessity or by law.
15. Provision that department chairs or their organizational equivalent be required to report annually to the dean and chancellor (or designee) that all periodic, post-tenure reviews for tenured faculty in that annual cycle have been completed, and that the chancellor (or designee) has responsibility for ensuring the reviews are completed on schedule.	15. Provision that department chairs or their organizational equivalent be required to report annually to the dean and chancellor (or designee) that all periodic, post-tenure reviews for tenured faculty in that annual cycle have been completed, and that the chancellor (or designee) has responsibility for ensuring the reviews are completed on schedule.
16. The reviews conducted and remediation plans developed in accordance with this policy are not subject to the grievance process set forth in Chapter UWS 6.02, Wis. Admin. Code.	16. The reviews conducted and remediation plans developed in accordance with this policy are not subject to the grievance process set forth in Chapter UWS 6.02, Wis. Admin. Code.
<p>Oversight, Roles and Responsibilities</p> <p>Each institution shall submit to the Board of Regents for approval the institutional policy developed in accordance with this policy. Within nine (9) months of the effective date of the policy, each institution shall submit to the Board of Regents their policy. Once the policy</p>	<p>POST-TENURE AMENDMENT 3:</p> <p>Oversight, Roles and Responsibilities</p> <p>Each institution shall submit to the Board of Regents for approval the institutional policy developed in accordance with this Regent policy. Within nine (9) months of the effective date of thethis Regent policy, each institution shall submit an institutional policy to the Board</p>

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<p>has been approved, the chancellor is responsible for implementing the policy and operating the institution consistent with its provisions.</p>	<p>of Regents their policy. Once the institutional policy has been approved, the chancellor, with the advice and counsel of the faculty, is responsible for implementing the policy and operating the institution consistent with its provisions.</p>
<p>Related Regent Policies and Applicable Laws</p> <p>Chapter 36, Wis. Stats. Chapters UWS 3, 4, and 6, Wis. Admin. Code Regent Policy Document 20-23</p>	<p>Related Regent Policies and Applicable Laws</p> <p>Chapter 36, Wis. Stats. Chapters UWS 3, 4, and 6, Wis. Admin. Code Regent Policy Document 20-23</p>

APPENDIX B

Recommended Amendments to New Regent Policy Document: “Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination”

Amendments begin at APPENDIX B, page 17.

EDUCATION COMMITTEE RECOMMENDATION	PROPOSED AMENDMENTS
<p>Scope</p> <p>This policy applies to all University of Wisconsin System institutions and faculty.</p>	<p>Scope</p> <p>This policy applies to all University of Wisconsin System institutions and faculty.</p>
<p>Purpose</p> <p>The purpose of this policy is to establish procedures for University of Wisconsin System institutions in the event that a financial emergency or program discontinuance requires faculty layoffs.</p>	<p>Purpose</p> <p>The purpose of this policy is to establish procedures for University of Wisconsin System institutions in the event that a financial emergency or program discontinuance requires faculty layoffs.</p>
<p>Policy Statement</p> <p>Tenure is the keystone for academic freedom and excellence and is awarded for academic and professional merit. Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish. The grant of indeterminate tenure to faculty members represents an enormous investment of university and societal resources, and those who receive this investment do so only after rigorous review which established that their scholarship, research, teaching and service meet the highest standards and are congruent with the needs of the university. It is therefore expressly recognized that the awarding and continued enjoyment of faculty tenure is of vital importance to the protection of academic freedom and to the overall academic quality of the University of Wisconsin System institutions.</p>	<p>Policy Statement</p> <p>Tenure is the keystone for academic freedom and excellence and is awarded for academic and professional merit. Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish. The grant of indeterminate tenure to faculty members represents an enormous investment of university and societal resources, and those who receive this investment do so only after rigorous review which established that their scholarship, research, teaching and service meet the highest standards and are congruent with the needs of the university. It is therefore expressly recognized that the awarding and continued enjoyment of faculty tenure is of vital importance to the protection of academic freedom and to the overall academic quality of the University of Wisconsin System institutions.</p>

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<p>Accordingly, faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been considered. Additionally, faculty layoff shall not be based on conduct, expressions, or beliefs on the faculty member’s part that are constitutionally protected or protected by the principles of academic freedom.</p>	<p>Accordingly, faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been considered. Additionally, faculty layoff shall not be based on conduct, expressions, or beliefs on the faculty member’s part that are constitutionally protected or protected by the principles of academic freedom.</p>
<p>As provided in Wis. Stat. s. 36.21 and Wis. Stat. s. 36.22, and Chapter UWS 5 of the Wisconsin Administrative Code, the Board of Regents of the University of Wisconsin System (Board) has authority, with appropriate notice, to terminate through layoff a faculty appointment when necessary in the event of a financial emergency, or a program decision resulting in program discontinuance. The Board is permitted by Wis. Stat. s. 36.21 to adopt procedures relating to faculty layoff. Consistent with Chapter UWS 5 and Wis. Stat. s. 36.22, this Board policy sets forth those procedures. Faculty layoffs at University of Wisconsin System institutions may be undertaken only in accordance with this policy, Chapter UWS 5, Wis. Stat. s. 36.21, and Wis. Stat. s. 36.22.</p>	<p>As provided in Wis. Stat. s. 36.21 and Wis. Stat. s. 36.22, and Chapter UWS 5 of the Wisconsin Administrative Code, the Board of Regents of the University of Wisconsin System (Board) has authority, with appropriate notice, to terminate through layoff a faculty appointment when necessary in the event of a financial emergency, or a program decision resulting in program discontinuance. The Board is permitted by Wis. Stat. s. 36.21 to adopt procedures relating to faculty layoff. Consistent with Chapter UWS 5 and Wis. Stat. s. 36.22, this Board policy sets forth those procedures. Faculty layoffs at University of Wisconsin System institutions may be undertaken only in accordance with this policy, Chapter UWS 5, Wis. Stat. s. 36.21, and Wis. Stat. s. 36.22.</p>
<p style="text-align: center;">Definitions</p> <p>A. For the purposes of this policy, “program” shall mean a related cluster of credit-bearing courses that constitute a coherent body of study within a discipline or set of related disciplines. When feasible, the term shall designate a department or similar administrative unit that offers majors and has been officially recognized by the UW institution. Programs cannot be defined ad hoc, at any size, but should be recognized academic units. Programs shall not be defined to single out individual faculty members for layoff. For UW-Extension, the term “program” also shall include the</p>	<p style="text-align: center;">Definitions</p> <p>A. For the purposes of this policy, “program” shall mean a related cluster of credit-bearing courses that constitute a coherent body of study within a discipline or set of related disciplines. When feasible, the term shall designate a department or similar administrative unit that offers majors and has been officially recognized by the UW institution. Programs cannot be defined ad hoc, at any size, but should be recognized academic units. Programs shall not be defined to single out individual faculty members for layoff. For UW-Extension, the term “program” also shall include the</p>

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substantial equivalent of an academic department that may or may not provide credit-bearing credentials.	substantial equivalent of an academic department that may or may not provide credit-bearing credentials.
B. For the purposes of this policy, “program discontinuance” as described in Wis. Stat. ss. 36.21 and 36.22 shall mean formal program elimination or closure.	B. For the purposes of this policy, “program discontinuance” as described in Wis. Stat. ss. 36.21 and 36.22 shall mean formal program elimination or closure.
C. For the purposes of this policy, “financial emergency” is defined and may be declared as described in s. UWS 5.02 of the Wisconsin Administrative Code.	C. For the purposes of this policy, “financial emergency” is defined and may be declared as described in s. UWS 5.02 of the Wisconsin Administrative Code.
D. For the purposes of this policy, “educational considerations” shall not include cyclical or temporary variations in enrollment. Educational considerations must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by a program’s discontinuance.	D. For the purposes of this policy, “educational considerations” shall not include cyclical or temporary variations in enrollment. Educational considerations must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by a program’s discontinuance.
E. For the purposes of this policy, “layoff” is the indefinite suspension or involuntary reduction in services and compensation of a faculty member’s employment by the University of Wisconsin System. Wis. Stat. s. 36.22(1)(a). A laid off faculty member retains the rights specified in Wis. Stat. ss. 36.22(11) to 36.22(15).	E. For the purposes of this policy, “layoff” is the indefinite suspension or involuntary reduction in services and compensation of a faculty member’s employment by the University of Wisconsin System. Wis. Stat. s. 36.22(1)(a). A laid off faculty member retains the rights specified in Wis. Stat. ss. 36.22(11) to 36.22(15).
F. For the purposes of this policy, “termination” is the permanent elimination of a faculty member’s employment by the University of Wisconsin System. Wis. Stat. s. 36.22(1)(c). A faculty member whose position has been terminated retains the rights specified in Wis. Stat. ss. 36.22(13) and (14).	F. For the purposes of this policy, “termination” is the permanent elimination of a faculty member’s employment by the University of Wisconsin System. Wis. Stat. s. 36.22(1)(c). A faculty member whose position has been terminated retains the rights specified in Wis. Stat. ss. 36.22(13) and (14).

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<p>I. Faculty Layoff for Reasons of Financial Emergency</p> <p>A. Notwithstanding RPD 20-23 (Regent Policy Document on Faculty Tenure), a tenured faculty member, or a probationary faculty member prior to the end of his or her appointment, may be laid off in the event of a financial emergency. Layoff for reasons of financial emergency may occur only in accordance with this policy, UWS 5.01 through UWS 5.07 of Chapter UWS 5 of the Wisconsin Administrative Code, and Wis. Stat. s. 36.22. A nonrenewal, regardless of reasons, is not a layoff or termination under this policy.</p>	<p>I. Faculty Layoff for Reasons of Financial Emergency</p> <p>A. Notwithstanding RPD 20-23 (Regent Policy Document on Faculty Tenure), a tenured faculty member, or a probationary faculty member prior to the end of his or her appointment, may be laid off in the event of a financial emergency. Layoff for reasons of financial emergency may occur only in accordance with this policy, UWS 5.01 through UWS 5.07 of Chapter UWS 5 of the Wisconsin Administrative Code, and Wis. Stat. s. 36.22. A nonrenewal, regardless of reasons, is not a layoff or termination under this policy.</p>
<p>B. The faculty of each UW System institution shall designate or create a faculty committee to consult with the chancellor as described in s. UWS 5.04 in the event a declaration of financial emergency is being considered. The faculty committee shall participate in the decision at the institutional level regarding whether to recommend to the Board that a financial emergency be declared. The chancellor shall provide the faculty committee with access to information and data relevant to the proposed declaration of financial emergency. The chancellor shall consult with and take into serious consideration advice from the faculty committee at least three months before making any recommendation to the Board as described in s. UWS 5.05(1).</p>	<p>B. The faculty of each UW System institution shall designate or create a faculty committee to consult with the chancellor as described in s. UWS 5.04 in the event a declaration of financial emergency is being considered. The faculty committee shall participate in the decision at the institutional level regarding whether to recommend to the Board that a financial emergency be declared. The chancellor shall provide the faculty committee with access to information and data relevant to the proposed declaration of financial emergency. The chancellor shall consult with and take into serious consideration advice from the faculty committee at least three months before making any recommendation to the Board as described in s. UWS 5.05(1).</p>
<p>C. It shall be the responsibility of the faculty committee to recommend criteria to be used by the faculty committee and the chancellor to determine program evaluations and priorities as described in s. UWS 5.05(2). It also shall be the responsibility of the faculty committee to</p>	<p>C. It shall be the responsibility of the faculty committee to recommend criteria to be used by the faculty committee and the chancellor to determine program evaluations and priorities as described in s. UWS 5.05(2). It also shall be the responsibility of the faculty committee to</p>

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<p>recommend to the chancellor and Board of Regents those areas within the overall academic program where layoffs may occur. The faculty committee shall prepare a report regarding the proposed declaration of financial emergency that shall be shared with the faculty senate, the chancellor and the Board, as described in s. UWS 5.05(1m). A decision to declare a financial emergency shall be made in accordance with the best interests of students and the overall ability of the institution to fulfill its mission.</p>	<p>recommend to the chancellor and Board of Regents those areas within the overall academic program where layoffs may occur. The faculty committee shall prepare a report regarding the proposed declaration of financial emergency that shall be shared with the faculty senate, the chancellor and the Board, as described in s. UWS 5.05(1m). A decision to declare a financial emergency shall be made in accordance with the best interests of students and the overall ability of the institution to fulfill its mission.</p>
<p>D. If a chancellor decides to recommend that the Board declare a financial emergency for the chancellor’s institution, as described in s. UWS 5.06, the chancellor shall provide his or her recommendation to the System president and the Board, accompanied by a report that shall include data demonstrating the need to declare a financial emergency; identification of the programs in which faculty reductions will be made, with data supporting those choices; any report created by the faculty committee; and a report of any action of the faculty senate on the matter.</p>	<p>D. If a chancellor decides to recommend that the Board declare a financial emergency for the chancellor’s institution, as described in s. UWS 5.06, the chancellor shall provide his or her recommendation to the System president and the Board, accompanied by a report that shall include data demonstrating the need to declare a financial emergency; identification of the programs in which faculty reductions will be made, with data supporting those choices; any report created by the faculty committee; and a report of any action of the faculty senate on the matter.</p>
<p>E. The Board may declare a financial emergency for a UW System institution if the Board determines the existence of the conditions set forth in s. UWS 5.02, Wisconsin Administrative Code. It is recognized that the Board should exercise its authority adversely to the faculty recommendation with respect to declaration of financial emergency only for compelling reasons which should be stated in detail.</p>	<p>E. The Board may declare a financial emergency for a UW System institution if the Board determines the existence of the conditions set forth in s. UWS 5.02, Wisconsin Administrative Code. It is recognized that the Board should exercise its authority adversely to the faculty recommendation with respect to declaration of financial emergency only for compelling reasons which should be stated in detail.</p>
<p>F. If the Board declares a financial emergency for the institution, the tenured faculty in the affected departments and programs shall have responsibility for recommending</p>	<p>F. If the Board declares a financial emergency for the institution, the tenured faculty in the affected departments and programs shall have responsibility for recommending</p>

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<p>which faculty will be laid off. These recommendations shall follow seniority unless a convincing case is made that program or budget needs dictate other considerations. Additionally, the faculty at each institution shall determine the form of seniority that is to be used as described in Wis. Stat. s. 36.22(3).</p>	<p>which faculty will be laid off. These recommendations shall follow seniority unless a convincing case is made that program or budget needs dictate other considerations. Additionally, the faculty at each institution shall determine the form of seniority that is to be used as described in Wis. Stat. s. 36.22(3).</p>
<p>G. A faculty member whose position is recommended for layoff shall receive the notification provided in Wis. Stat. s. 36.22(4) and shall be entitled to the notification period provided in Wis. Stat. s. 36.22(5). The faculty member also shall be entitled to the due process hearing and appeal procedures, reappointment rights, and other rights and protections in Wis. Stat. s. 36.22. As provided in Wis. Stat. s. 36.22(12), institutions shall devote their best efforts to securing alternative appointments for faculty laid off under this section, and also shall provide financial assistance for readaptation of faculty laid off under this section where readaptation is feasible.</p>	<p>G. A faculty member whose position is recommended for layoff shall receive the notification provided in Wis. Stat. s. 36.22(4) and shall be entitled to the notification period provided in Wis. Stat. s. 36.22(5). The faculty member also shall be entitled to the due process hearing and appeal procedures, reappointment rights, and other rights and protections in Wis. Stat. s. 36.22. As provided in Wis. Stat. s. 36.22(12), institutions shall devote their best efforts to securing alternative appointments for faculty laid off under this section, and also shall provide financial assistance for readaptation of faculty laid off under this section where readaptation is feasible.</p>
<p>II. Faculty Layoff for Reasons of Program Discontinuance</p> <p>A. The maintenance of tenure-track and tenured faculty, and of essential instructional and supporting services, remains the highest priority of the university. To promote and maintain high-quality programs, the institutions of the UW System may over time develop new programs and discontinue existing programs. Accordingly, and notwithstanding RPD 20-23 (Regent Policy Document on Faculty Tenure), a tenured faculty member, or a probationary faculty member prior to the end of his or her appointment, may be laid off in the event</p>	<p>II. Faculty Layoff for Reasons of Program Discontinuance</p> <p>A. The maintenance of tenure-track and tenured faculty, and of essential instructional and supporting services, remains the highest priority of the university. To promote and maintain high-quality programs, the institutions of the UW System may over time develop new programs and discontinue existing programs. Accordingly, and notwithstanding RPD 20-23 (Regent Policy Document on Faculty Tenure), a tenured faculty member, or a probationary faculty member prior to the end of his or her appointment, may be laid off in the event</p>

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<p>that educational considerations relating to a program require program discontinuance. Educational considerations may include strategic institutional planning considerations such as long-term student and market demand and societal needs. Layoff for reasons of program discontinuance may be made only in accordance with this policy and Wis. Stat. s. 36.22. A nonrenewal, regardless of reasons, is not a layoff or termination under this policy.</p>	<p>that educational considerations relating to a program require program discontinuance. Educational considerations may include strategic institutional planning considerations such as long-term student and market demand and societal needs. Layoff for reasons of program discontinuance may be made only in accordance with this policy and Wis. Stat. s. 36.22. A nonrenewal, regardless of reasons, is not a layoff or termination under this policy.</p>
<p>B. Program review and adjustment to the curriculum according to professional and educational standards and accreditation requirements is part of routine institutional planning. Educational considerations are related in part to regular program review, and reflect a long-range judgment that the educational mission of the institution as a whole will be enhanced by program discontinuance. This includes the reallocation of resources to other programs with higher priority based on educational considerations. Such long-range judgments generally will involve the analysis of financial resources and the needs of the program and any related college or school.</p>	<p>B. Program review and adjustment to the curriculum according to professional and educational standards and accreditation requirements is part of routine institutional planning. Educational considerations are related in part to regular program review, and reflect a long-range judgment that the educational mission of the institution as a whole will be enhanced by program discontinuance. This includes the reallocation of resources to other programs with higher priority based on educational considerations. Such long-range judgments generally will involve the analysis of financial resources and the needs of the program and any related college or school.</p>
<p>C. A proposal to discontinue a program due to educational considerations that will result in faculty layoff may be initiated by faculty in the program, faculty in the college or school that contains the program, the faculty senate, the dean, the provost, or the chancellor. The proposal shall be in writing and shall contain appropriate information and analysis regarding the educational considerations, including programmatic and financial considerations, supporting the proposed program</p>	<p>LAYOFF AMENDMENT 1:</p> <p>C. A proposal to discontinue a program due to educational considerations that will result in faculty layoff may be initiated by faculty in the program, faculty in the college or school that contains the program, the faculty senate, the dean, the provost, or the chancellor. The proposal shall be in writing and shall contain appropriate information and analysis regarding the educational considerations, including programmatic and financial considerations, supporting the proposed program</p>

<p style="text-align: center;">EDUCATION COMMITTEE RECOMMENDATION</p>	<p style="text-align: center;">PROPOSED AMENDMENTS</p>
<p>discontinuance. The proposal shall be provided for review to the faculty in the affected program, to the faculty senate, to the academic staff shared-governance body and other governance bodies at the institution, and to the chancellor. A proposal to discontinue a program that will not result in faculty layoff shall follow the standard program review process in place at each institution, and shall not be required to follow the process outlined in this policy.</p>	<p>discontinuance. The proposal shall be provided for review to the faculty in the affected program, to the faculty senate, to the academic staff shared-governance body, <u>to the university staff shared-governance body</u>, and other governance bodies at the institution, and to the chancellor. A proposal to discontinue a program that will not result in faculty layoff shall follow the standard program review process in place at each institution, and shall not be required to follow the process outlined in this policy.</p>
<p>D. The faculty committee designated or created under Section I of this policy shall review and evaluate any proposal to discontinue a program that will lead to faculty layoff. The committee’s review and evaluation may be based on the following considerations, where relevant:</p> <ol style="list-style-type: none"> 1. The centrality of the program to the institution’s mission; 2. The academic strength and quality of the program, and of its faculty in terms of national ratings if applicable; 3. Whether the work done in the program complements that done in another essential program; 4. Whether the work done in the program duplicates academic instruction and course content delivered in other programs at the institution; 5. Student and market demand and projected enrollment in the subject matter taught in the program; 6. Current and predicted comparative cost analysis/effectiveness of the program; and 7. Other relevant factors that the committee deems appropriate. 	<p>LAYOFF AMENDMENT 2:</p> <p>D. The <u>A designated</u> faculty committee designated or created under Section I of this policy shall review and evaluate any proposal to discontinue a program that will lead to faculty layoff. The committee’s review and evaluation may be based on the following considerations, where relevant:</p> <ol style="list-style-type: none"> 1. The centrality of the program to the institution’s mission; 2. The academic strength and quality of the program, and of its faculty in terms of national ratings if applicable; 3. Whether the work done in the program complements that done in another essential program; 4. Whether the work done in the program duplicates academic instruction and course content delivered in other programs at the institution; 5. Student and market demand and projected enrollment in the subject matter taught in the program; 6. Current and predicted comparative cost analysis/effectiveness of the program; and 7. Other relevant factors that the committee deems appropriate.

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<p>E. The faculty committee shall request and review comments and recommendations on the proposed program discontinuance from faculty and staff in the program, faculty and staff in the affected college or school, students in the program, and other appropriate institutional bodies or individuals. Based on this review and evaluation, the faculty committee shall prepare a recommendation and report regarding the proposed program discontinuation that shall be shared with the faculty in the program, the faculty senate, the college dean, the provost and the chancellor. The faculty committee shall provide its recommendation and report to the chancellor within three months of the date of the faculty senate’s receipt of the program discontinuance proposal.</p>	<p>LAYOFF AMENDMENT 3:</p> <p>E. The faculty committee shall request and review comments and recommendations on the proposed program discontinuance from faculty and academic and university staff in the program, faculty and academic and university staff in the affected college or school, students in the program, and other appropriate institutional bodies or individuals. Based on this review and evaluation, the faculty committee shall prepare a recommendation and report regarding the proposed program discontinuation that shall be shared with the faculty in the program, the faculty senate, the college dean, the provost and the chancellor. The faculty committee shall provide its recommendation and report to the chancellor within three months of the date of the faculty senate’s receipt of the program discontinuance proposal.</p>
<p>F. The chancellor shall consult with the faculty committee and the faculty senate before making any recommendation to the Board. It is recognized that the chancellor should make a recommendation adverse to the faculty recommendation with respect to discontinuance of an academic program only for compelling reasons which should be stated in writing and in detail.</p>	<p>F. The chancellor shall consult with the faculty committee and the faculty senate before making any recommendation to the Board. It is recognized that the chancellor should make a recommendation adverse to the faculty recommendation with respect to discontinuance of an academic program only for compelling reasons which should be stated in writing and in detail.</p>
<p>G. If the chancellor decides to recommend that the Board approve discontinuance of a program that will result in the layoff of faculty, the chancellor shall provide his or her recommendation to the System president and the Board, accompanied by a report that shall include information demonstrating the educational considerations supporting program</p>	<p>G. If the chancellor decides to recommend that the Board approve discontinuance of a program that will result in the layoff of faculty, the chancellor shall provide his or her recommendation to the System president and the Board, accompanied by a report that shall include information demonstrating the educational considerations supporting program</p>

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<p>discontinuance, any recommendation and report created by the faculty committee, and a report of any action of the faculty senate on the matter. The chancellor shall provide any such recommendation to the System president and the Board within four months of the date of the faculty senate's receipt of the program discontinuance proposal.</p>	<p>discontinuance, any recommendation and report created by the faculty committee, and a report of any action of the faculty senate on the matter. The chancellor shall provide any such recommendation to the System president and the Board within four months of the date of the faculty senate's receipt of the program discontinuance proposal.</p>
<p>H. The System president shall provide the Board with his or her recommendation on the program discontinuance proposal. After reviewing the System president's and the chancellor's recommendations and related report, the Board shall make the final decision on whether the program is to be discontinued, resulting in faculty layoffs. It is recognized that the Board should exercise its authority adversely to the faculty recommendation with respect to program discontinuance only for compelling reasons which should be stated in detail.</p>	<p>H. The System president shall provide the Board with his or her recommendation on the program discontinuance proposal. After reviewing the System president's and the chancellor's recommendations and related report, the Board shall make the final decision on whether the program is to be discontinued, resulting in faculty layoffs. It is recognized that the Board should exercise its authority adversely to the faculty recommendation with respect to program discontinuance only for compelling reasons which should be stated in detail.</p>
<p>I. If the Board approves discontinuance of a program resulting in faculty layoffs at a UW System institution under this policy, the tenured faculty at that institution shall have responsibility for recommending which faculty will be laid off. These recommendations shall follow seniority unless a clear and convincing case is made that program needs dictate other considerations, as described in Wis. Stat. s. 36.22(3)(a). Additionally, the faculty at each institution shall determine the form of seniority that is to be used, as described in Wis. Stat. s. 36.22(3)(b).</p>	<p>I. If the Board approves discontinuance of a program resulting in faculty layoffs at a UW System institution under this policy, the tenured faculty at that institution shall have responsibility for recommending which faculty will be laid off. These recommendations shall follow seniority unless a clear and convincing case is made that program needs dictate other considerations, as described in Wis. Stat. s. 36.22(3)(a). Additionally, the faculty at each institution shall determine the form of seniority that is to be used, as described in Wis. Stat. s. 36.22(3)(b).</p>
<p>J. A faculty member whose position is recommended for layoff shall receive the notification provided in Wis. Stat. s. 36.22(4), and shall be entitled to the</p>	<p>J. A faculty member whose position is recommended for layoff shall receive the notification provided in Wis. Stat. s. 36.22(4), and shall be entitled to the</p>

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<p>notification period provided in Wis. Stat. s. 36.22(5). The faculty member also shall be entitled to the due process hearing and appeal procedures, reappointment rights and other rights and protections in Wis. Stat. s. 36.22. As provided in Wis. Stat. s. 36.22 (12), institutions shall devote their best efforts to securing alternative appointments for faculty laid off under this section, and also shall provide financial assistance for readaptation of faculty laid off under this section where readaptation is feasible.</p>	<p>notification period provided in Wis. Stat. s. 36.22(5). The faculty member also shall be entitled to the due process hearing and appeal procedures, reappointment rights and other rights and protections in Wis. Stat. s. 36.22. As provided in Wis. Stat. s. 36.22 (12), institutions shall devote their best efforts to securing alternative appointments for faculty laid off under this section, and also shall provide financial assistance for readaptation of faculty laid off under this section where readaptation is feasible.</p>
<p style="text-align: center;">III. Safeguards for Students</p> <p>UW System institutions will make every effort to accommodate students adversely affected by discontinuance of an academic program for reasons of financial emergency or because of educational considerations. Discontinuance of a program should be phased in over a reasonable time period to provide students with the opportunity to complete the program or transfer to another program. Completion of a program or transfer to another program cannot be guaranteed by the university.</p>	<p style="text-align: center;">III. Safeguards for Students</p> <p>UW System institutions will make every effort to accommodate students adversely affected by discontinuance of an academic program for reasons of financial emergency or because of educational considerations. Discontinuance of a program should be phased in over a reasonable time period to provide students with the opportunity to complete the program or transfer to another program. Completion of a program or transfer to another program cannot be guaranteed by the university.</p>
<p>Oversight, Roles and Responsibilities</p> <p>UW System institutions shall submit to the Board of Regents for approval any institutional policy developed in accordance with this policy. The chancellor at each institution shall be responsible for implementation of this policy.</p>	<p style="text-align: center;">LAYOFF AMENDMENT 4:</p> <p>Oversight, Roles and Responsibilities</p> <p>UW System institutions shall submit to the Board of Regents for approval any institutional policy developed in accordance with this <u>Regent</u> policy. The chancellor at each institution, <u>with the advice and counsel of the faculty</u>, shall be responsible for implementation of this <u>Regent</u> policy.</p>

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<p data-bbox="186 268 727 338">Related Regent Policies and Applicable Laws</p> <p data-bbox="186 380 740 485">Chapter 36, Wis. Stats. Chapters UWS 3 and 5, Wis. Admin. Code Regent Policy Document 20-23</p>	<p data-bbox="821 268 1362 338">Related Regent Policies and Applicable Laws</p> <p data-bbox="821 380 1377 485">Chapter 36, Wis. Stats. Chapters UWS 3 and 5, Wis. Admin. Code Regent Policy Document 20-23</p>