

1-21-2016

RPD 20-23, Faculty Tenure, *Changes Marked*

Scope

This policy describes the authority of the University of Wisconsin System Board of Regents to grant faculty tenure.

Purpose

The purposes of this policy are to define who may be granted tenure, establish conditions under which a faculty member having tenure may be dismissed; and require UW System institutions to develop procedures for dismissal notice and hearing.

Definitions

For the purpose of this policy, the following definitions are used:

- (a) “Probationary appointment” means an appointment by the board held by a faculty member during the period which may precede a decision on a tenure appointment.
- (b) “Tenure appointment” means an appointment for an unlimited period granted to a ranked faculty member by the board.

Policy Statement

The Board of Regents shall provide tenure appointments within the following parameters:

1. APPOINTMENTS

- (a) Except as provided under par. (b), the board may grant a tenure appointment only upon the affirmative recommendation of the appropriate chancellor and the appropriate academic department or its functional equivalent. Neither the chancellor nor the academic department or its functional equivalent may base a tenure recommendation upon impermissible factors, as defined by the board by rule.
- (b) The board may grant a tenure appointment without the affirmative recommendation of the appropriate academic department or its functional equivalent if all of the following apply:
 - 1. The board has the affirmative recommendation of the appropriate chancellor.
 - 2. A faculty committee authorized by the board by rule to review the negative recommendation of the academic department or its functional equivalent finds that the decision of the academic department or its functional equivalent was based upon impermissible factors, as defined by the board by rule.

3. The board has the affirmative recommendation of a committee appointed according to the policies and procedures of the appropriate institution to review the individual's record with reference to criteria for tenure published by the institution under procedures established by the board by rule. No person may be appointed to the committee under this subdivision unless the person is knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. No member of the committee appointed under this subdivision may be a member of the academic department, or its functional equivalent, that made the negative recommendation. The committee appointed under this subdivision may not base its tenure recommendation upon impermissible factors, as defined by the board by rule.

(c) A tenure appointment may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. The proportion of time provided for in the appointment may not be diminished nor increased without the mutual consent of the faculty member and the institution subject only to Section 4, "Procedural Guarantees," and ~~s-ss.~~ 36.21 and 36.22, Wis. Stats.

(d) A probationary appointment shall not exceed 7 consecutive academic years in a full-time position in an institution. A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period. The board may promulgate rules specifying additional circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period.

2. RULES

The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the nonretention and dismissal of faculty members. Such rules shall be promulgated under ch. 227, Wis. Stats.

3. CONTINUATION OF APPOINTMENT

(a) Any person who holds a tenure appointment under ch. 36, 1971 Stats. and ch. 37, 1971 Stats., and related rules on July 9, 1974 shall continue to hold tenure as defined under those chapters and related rules.

(b) Any person who holds the equivalent of a probationary appointment under ch. 36, 1971 Stats., and ch. 37, 1971 Stats., and related rules on July 9, 1974 shall continue to enjoy the contractual rights and guarantees as defined under those chapters and related rules, and may elect to be considered for tenure according to the procedures existing under that appointment or under Section 1, "Appointments."

~~(c) Any person who is not a ranked faculty member on August 15, 1991, and who is also described under subd. 1. or 2. shall be treated as a faculty member with the rank of associate professor for all purposes:~~

~~1. Any person who held an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment under ch. 37, 1971 Stats., prior to July 10, 1974.~~

~~2. Any person who held an unranked probationary appointment under ch. 37, 1971 Stats., prior to July 10, 1974, and who subsequently received an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment.~~

4. PROCEDURAL GUARANTEES

Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final, subject to judicial review under ch. 227, Wis. Stats. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227.

5. LIMITATION

Tenure and probationary appointments are in a particular institution. A tenure appointment is limited to the institution in which the appointment is held.

Oversight, Roles and Responsibilities

The Board of Regents delegates to the President of the UW System or his or her designee the authority to issue operational policies to implement and administer this policy. The Board further authorizes the President to delegate to individual chancellors the authority to implement this policy at their respective institutions within the parameters established by Regent Policy Documents, Wisconsin Administrative Code provisions, and University of Wisconsin System policies.

Related Regent Policies and Applicable Laws

Chapter 36, Wis. Stats.
Chapters UWS 3, 4, 5 and 7, Wis. Admin. Code
[Regent Policy Documents 20-9 and 20-XX](#)

History: Res. 10516, adopted 06/05/2015, created Regent Policy Document 20-23.