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Senators: Chair – Wes Chapin , Vice Chair – Ogden Rogers, Secretary – John Heppen, Executive Committee – Glenn Potts, Brenda Boetel

Date: September 13, 2006
To: Faculty Senate and University Community
From: Wes Chapin, Faculty Senate Chair
Subject: Agenda for Faculty Senate Meeting September 13, 2006

The 2006-2007 Faculty Senate will meet on Wednesday September 13 2006 at 3:40pm in the Alumni Room of South Hall. Faculty Senators who cannot attend should arrange for a substitute and notify John Heppen at john.heppen@uwrf.edu

Agenda September 13, 2006

Call to Order

Seating of Substitutes
Recognition of Invited Guests
Approval of Minutes from September 6, 2006

Reports

Unfinished Business

From May 3, 2006 Faculty Senate Meeting (2005-2006)

Proposal 1: To bring to the floor the Assessment committee proposal to approve the Assessment Plan Elements document and the rubric for Evaluating Assessment Plans. (attached are the original proposal from May 3, 2006, the Assessment Plan Elements, and the approved minutes from May 3, 2006 relating to that proposal; pp. 5-10).

New Business

Proposal 2: Motion from the Calendar Committee to approve the 2007-2008 Academic Calendar.

Proposal 3: The Senate hereby authorizes the establishment of an ad hoc committee, The Handbook Review Committee, with the following considerations,

1. The Faculty Senate chair shall serve as chair of this body,
2. The Senate shall appoint two additional members to this body (Ogden Rogers and Karen Klyczek),
3. The Chancellor shall appoint two additional members to this body,
4. All members shall be full voting members,

5. This body shall make recommendations to the Senate regarding revisions of Chapter I of the *Faculty and Academic Staff Handbook*,
6. This body shall make further recommendations to clarify in writing the appropriate methods that shall be used to amend the *Handbook*,
7. The chair shall report regularly to the Senate,
8. All recommendations from this body shall be forwarded to the Senate for full consideration.

Proposal 4: Second Reading of Motion from the Executive Committee for a resolution vote on the Draft Resolution of the Several Faculties of the University of Wisconsin System; The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 2.02 and to create ch. UWS 7, relating to procedures for dismissal of faculty in special cases; (attached; pp. 11-20).

Minutes of the UWRF Faculty Senate for September 6, 2005

Vol. 31 No. 3

Members:

Representation	Term Expires 2007	Term Expires 2008	Term Expires 2009
CAFES	Bob Baker	Laine Vignona	
CAS	Wes Chapin	Patricia Berg	Peter Johansson
	Larry Harred	John Heppen	
	Barbara Werner		
COEPS		Ogden Rogers	Michael Miller
CBE			Glenn Potts
4th Division	Cara Rubis (Kristie Feist)	Gregg Heinselman	Sarah Egerstrom
At Large		Brenda Boetel (Jr) (Nate Splett)	Melissa Wilson (Jr)
	Karl Peterson (Jr)	Dawn Hukai (Sr)	John Walker (Sr)
	Nan Jordahl (Sr)		Terry Ferris (Sr)
	Charlie Hurt*		

* Chancellor's Designee

** Absent

() Substitute

Call to Order: W. Chapin called the meeting to order at 3:40 p.m.

Seating of Substitutes: Kristie Feist for Cara Rubis; Nate Splett for Brenda Boetel.

Guests: Strategic Planning Steering Committee (SPSC), Tricia Davis, student representative from Student Senate.

Approval of Minutes: The meeting of the minutes from August 21, 2006 were approved and corrected by general consent.

Chair's Report:

- Wes Chapin announced a change in the agenda. Proposal 1 (Motion to affirm the 12 UWRF Strategic Planning Goals and confirm the strategic planning bodies (committees)) was removed from New Business of the previously announced agenda and under New Business for today's meeting is Proposal 1 (previously Proposal 2 under New Business): First reading of the Motion from the Executive Committee for a resolution vote on the Draft Resolution of the Several Faculties of the University of Wisconsin System; The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 2.02 and to create ch. UWS 7, relating to procedures for dismissal of faculty in special cases.).
- Wes Chapin reported that there will be a motion for a committee to rewrite the Faculty Handbook
- The SPSC met this afternoon and it was decided to postpone the process of affirming the 12 goals and approving the committees for two weeks to allow for more feedback from the campus community and clarify the goals and committee structure. Comments directed to Wes Chapin from senators stressed the need to strengthen and streamline the goals to make the goals clearer and to ensure that enough feedback is obtained from the community and that the committee structure is representative of campus. Wes responded that there will be discussions between the SPSC, Chancellor Betz, and the Executive Committee to ensure those concerns are met. Provost Hurt stressed that this two-week delay should not delay the entire process and that these committees be thought of more as Task Groups or Task Forces instead of standing committees.
- Wes Chapin announced that beginning next Faculty Senate meeting Old Business will be renamed Unfinished Business.

Vice-Chair's Report:

- Ogden Rogers reported that nomination forms for the Termination Committee and for the upcoming open Senate seat are forthcoming.

Other Reports:

- Tricia Davis, Coordinator of the University Assessment Committee, reported that the assessment workshops of August 31st were well attended and that the General Education assessment process needs some more clarification and that assessment plans need to be updated and submitted by the end of the Fall Semester with final reports completed by the Spring Semester.

Old (Unfinished) Business: None.

New Business:

Proposal 1: First Reading of the Draft Resolution of the Several Faculties of the University of Wisconsin System; The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 2.02 and to create ch. UWS 7, relating to procedures for dismissal of faculty in special cases.

Wes Chapin discussed the history of this issue and mentioned that the Regents will vote on this measure in the October meeting. The Regents would like to have eight faculty senates to consider and affirm this resolution. Discussion addressed issues of constitutionality, legality, civil liberties, academic freedom, the wording of the resolution and the potential of what would happen if the resolution is not affirmed by eight faculty senates, and the impact of the resolution being approved by the Regents and becoming UW-System policy.

Adjournment: Barbara Werner moved and John Heppen seconded the motion to adjourn the meeting at 4:32pm.

Respectfully Submitted

John Heppen
Secretary of the UW-River Falls Faculty Senate

Motion made (Kroutil/Schultz) “To forward the Assessment Plan Elements document and the rubric for Evaluating Assessment Plans to the Faculty Senate for approval.” (see encl.). Motion Passed by the Assessment Committee on April 17, 2006.

These two items clarify the information currently included in the 7 Year Program Review Process (approved by Faculty Senate May 2005). Appendix A of the current document states:

The following expectations must be addressed in the assessment plan:

1. The assessment plan must clearly identify expected student learning outcomes.
2. The assessment plan must identify where in the curriculum the learning outcomes are addressed.
3. The assessment plan must include multiple direct and indirect measures to assess how well the learning outcomes are being met.
4. The data collected must be used to inform teaching and strengthen the program.
5. The results must be made available to students and other constituencies.

This motion would add a 6th expectation: a timetable.

The Evaluating Assessment Plans lists the criteria for each of these elements.

A parallel request is being sent to the Program Review Committee asking that the language in the 7 Year Program Review Process document be revised to match these assessment documents.

Assessment Plan Elements

The following are seven elements that are to be included and updated in an academic unit’s assessment plan. These are the elements that will be evaluated by the Faculty Senate Assessment Committee when reviewing an academic unit’s plan. For organization of the plan, or element specific questions, please contact Tricia Davis, Assessment Coordinator, in NH 104 at x0650 or e-mail tricia.m.davis@uwrf.edu. She would be glad to assist in your assessment efforts.

I. Student Learning Objectives/Outcomes

- “When students complete the *program/major*, they should be able to....”
- Make sure to differentiate and identify objectives/outcomes for each of the different options in a major, if applicable.

II. Identification of where Objectives/Outcomes are Being Achieved

- Indicate where in the curriculum the objective/outcome is being taught.
- If there are different options in the program/major, make sure to clearly indicate which courses are in each option.

III. Assessment Tools used to Measure Objectives/Outcomes

- Need to have both direct and indirect measures identified for each learning outcome.
- Make sure to identify which assessment tool links with each of the learning objectives/outcomes.

IV. Timetable Indicating the Cycle of Assessment and Continuous Improvement

- Specify the cycle for which each objective/outcome will be measured, analyzed, and discussed.
- Identify the time frame for continuous improvement of assessment efforts.

V. Data Presentation and Discussion Process

- Describe the process for the interpretation, presentation, and discussion of the data (i.e.: Who will be involved? How will the data be handled? Etc.)

VI. Implementation of Revisions Based on Assessment Results

- Specify the plan for how improvements in the department/program will take place due to the results received in the assessment discussion.

VII. Results Availability

- Indicate how the results will be made available for students and others.

EVALUATING ASSESSMENT PLANS

Assessment Plan Elements	Very Good	Acceptable	Developing	Undeveloped
Student Learning Objectives/Outcomes	Clearly stated objectives using the proper format.	- Stated but with lack of clarity. - Word like ‘should’ is not measurable; Replace with action verb, like “will”.	Stated but unclear regarding one or more critical aspects.	- Don’t relate to student learning. - Are stated in an unacceptable format.
Identification where Objectives/Outcomes are being Achieved	Course(s) and/or activities are clearly identified for <u>every</u> objective.	Courses/activities identified for <u>most</u> of the objectives (need to rethink those objectives where not identified).	Courses/activities identified for <u>some</u> of the objectives.	Specific courses/activities <u>not identified for each</u> objective.
Measurement tools identified for assessment of those objectives/outcomes	Multiple assessment measures (direct and indirect) are identified for each outcome.	At least one direct <u>and</u> one indirect assessment measure is identified for <u>each</u> outcome.	- Either one direct <u>or</u> indirect measure is identified for each outcome. - Direct <u>and</u> indirect measures are identified for <u>some</u> outcomes.	Assessment measures are not identified or inadequately described.
Timetable indicated for the cycle of assessment and continuous improvement	There is a clear plan for assessment implementation and indication for continuous improvement.	The plan is somewhat clear but has some areas that are incomplete.	Some parameters have been established but a clear timeline is not evident.	There is not a stated implementation plan.
Process for data presentation and discussion within the academic unit.	The process for the interpretation, presentation, and discussion of the data is clearly described, including who will be involved and timing.	The process is addressed but is unclear or incomplete in some aspects.	Some aspects of the process are described.	There is no stated plan.
Processes for implementing revisions in the academic unit	The process for implementing	The process is addressed but is unclear or	Some aspects of the process are described, but	There is no stated plan as to how the

based on assessment results	revisions based on assessment results is clearly described. ■ There are clearly indicated plans for how improvements will take place due to results.	incomplete in some aspects.	needs further development.	assessment results will be used for program changes.
Process for results presentation/availability to students and other constituencies	■ The process for making results available for students and others is clearly described.	■ The process is addressed but is unclear or incomplete in some aspects.	■ Some aspects of the process are described, but needs further development.	■ There is no stated plan as to how the results will be made available to students and others.

Academic Unit: _____

Degree Program Title: _____

Date Reviewed: _____

Feedback on Assessment Plan:

Student Learning Objectives/Outcomes:

Evaluation _____

Feedback

Identification where Objectives/Outcomes are being Achieved:

Evaluation _____

Feedback

Measurement Tools Identified for Assessment of those Objectives/Outcomes:

Evaluation _____

Feedback

Timetable Indicated for the Cycle of Assessment:

Evaluation _____

Feedback

Process for Data Presentation and Discussion

Evaluation _____

Feedback

Process for Implementing Revisions Based on Assessment Results

Evaluation _____

Feedback

Process for Results Presentation/Availability to Students and Other Constituencies:

Evaluation _____

Feedback

Action Decided by the Faculty Senate Assessment Committee

- ☐ Revise and Resubmit Assessment Plan– Not Approved
- ☐ Assessment Plan Approved

Approved Minutes from the May 3 2006 Faculty Senate (2005-2006) regarding Proposal 1 for September 13, 2006.

D. Trechter moved and K. Peterson seconded to approve the motion from the Assessment committee to approve the **Assessment Plan Elements document and the rubric for Evaluating Assessment Plans**. T. Buttles explained that the committee is trying to assist departments and evaluate assessment plans, and there has also been considerable input from Assessment Coordinator Tricia Davis with regard to developing clearer guidelines and criteria. The current proposal is similar to the previous rules, but a timeline is added for assessment at the departmental level and the rubric gives people a sense of what is expected in the departmental plans. R. Baker referred to row 3 of the rubric and asked if the requirement of one direct and one indirect measure was a change in policy, because his program has already made changes based on one measure. Also, there does not appear to be an indication of the use of the data. T. Buttles explained the plan is not the assessment itself and a second document for reporting results will be brought forward next year. The direct and indirect measure language comes from the new NCA documents and the specific number could be removed. O. Rogers expressed concern with statements about what departments ‘must’ do and stated that there is no need to get ahead of NCA. T. Ferriss said that assessment expert Barbara Walvoord suggested simplifying and streamlining the assessment process when she was on campus in February and expressed concern with the time it would take to gather multiple measures for each objective. J. Heppen observed that the language is not consistent between the document and the rubric. T. Buttles explained that the language was meant to be parallel in the two documents. O. Rogers suggested that clarification would be easier to address before implementation rather than after. T. Ferriss suggested looking at the plan and results document together at a later date. W. Chapin moved and O. Rogers seconded to postpone the document and rubric until the Fall Semester when both this document and the results document could be considered together. The motion to postpone passed unanimously.

PROPOSED ORDER OF THE BOARD OF REGENTS OF
THE UNIVERSITY OF WISCONSIN SYSTEM AMENDING AND CREATING
RULES

[INTRODUCTORY CLAUSE]

The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 2.02 and UWS 11.01(1); to create ch. UWS 7, relating to procedures for dismissal of faculty in special cases; and to create UWS 11.01(3), UWS 11.101, UWS 11.102, UWS 11.103, UWS 11.104, UWS 11.105 and UWS 11.106, relating to procedures for dismissal of academic staff in special cases.

[RULE SUMMARY]

1. Statute interpreted: Sections 36.09(1), 36.11(1) and 36.13(3), Stats.
2. Statutory authority: Sections 36.09(1), 36.11(1) and 36.13(3), Stats.
3. Explanation of agency authority: The Board of Regents of the University of Wisconsin System has the authority under Sections 36.09(1), 36.11(1) and 36.13(3), Stats., to issue rules for the dismissal of faculty and academic staff members.
4. Related statute or rule: Current Wis. Admin. Code chs. UWS 4 and UWS 11.
5. Plain language analysis: The purpose of the proposed rules is to add provisions to Board rules regarding dismissal of faculty and academic staff to deal specifically with circumstances in which faculty and academic staff members have engaged in serious criminal misconduct, a category of just cause under the rule. The proposed rules would define serious criminal misconduct, provide protection for constitutionally-protected conduct, expression, or beliefs, and assure adequate due process in the dismissal proceedings.
6. Summary of, and comparison with, existing or proposed federal regulations: There is no existing or proposed federal regulation for summary and comparison.
7. Comparison with rules in adjacent states. There are no corresponding rules in adjacent rules for comparison.
8. Summary of factual data and analytical methodologies: There were no factual data or analytical methodologies used to develop the proposed rules.
9. Analysis and supporting documents used to determine effect on small business: The proposed rules affect only faculty and academic staff of the University of Wisconsin

System. They have no effect on small business.

10. Effect on small business: The proposed rules will have no effect on small business.

11. Fiscal estimate: The proposed rules will have no fiscal effect.

12. Agency contact person: Christopher L. Ashley, Senior System Legal Counsel, University of Wisconsin System Administration, 1808 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706. Telephone: (608) 262-3662. Email: cashley@uwsa.edu.

13. Place where comments are to be submitted and deadline for submission: Comments may be submitted to: Christopher L. Ashley, Senior System Legal Counsel, University of Wisconsin System Administration, 1808 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706. Email to cashley@uwsa.edu. The deadline for written comments to the Board is 4:30 p.m. on September 29, 2006.

[TEXT OF RULE]

SECTION 1. UWS 2.02 is amended to read:

UWS 2.02 Delegation. Rules and procedures developed pursuant to chs. UWS 3, 4, 5, 6, 7, and 8 by the faculty of each institution shall be forwarded by the chancellor to the president and by the president to the board for its approval prior to their taking effect. Such policies and procedures, unless disapproved or altered by the regents, shall be in force and effect as rules of the regents.

SECTION 2. UWS 7.01, 7.02, 7.03, 7.04, 7.05, 7.06 and 7.07 are created to read:

UWS 7.01 Declaration of policy. University faculty members are responsible for advancing the university's missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness and credibility are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the public trust in the university or the university's ability to fulfill its missions, or seriously impairs the faculty member's fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The board of regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.

UWS 7.02 Serious criminal misconduct. (1) In this chapter, "Serious Criminal Misconduct" means:

(a) Being charged with, pleading guilty or no contest to, or being convicted of a felony, in state or federal court, that involves:

1. Causing serious physical injury to another person;
2. Creating a serious danger to the personal safety of another person;
3. Sexual assault;
4. Theft, fraud or embezzlement;
5. Criminal damage to property; or
6. Stalking or harassment; and that

(b) Clearly poses a substantial risk to the safety of members of the university community or others; or

(c) Seriously impairs:

1. The public trust in the university;
2. The university's ability, or the ability of the charged faculty member's colleagues, to fulfill teaching, research or public service missions;
3. The charged faculty member's fitness or ability to fulfill the duties of his or her position; or
4. The opportunity of students to learn, do research, or engage in public service.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute Serious Criminal Misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in behavior that constitutes Serious Criminal Misconduct shall be subject to the procedures set forth in ss. UWS 7.03-7.06.

(4) Any act required or permitted by ss. UWS 7.03-7.06 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the Board of Regents under s. UWS 2.02.

UWS 7.03 Dismissal for cause. (1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his or her term of appointment only by the board and only for just cause and only after due notice and hearing.

(2) Just cause for dismissal includes, but is not limited to, Serious Criminal Misconduct, as defined in s. UWS 7.02.

UWS 7.04 Reporting responsibility. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony, in state or federal court, shall immediately report that fact to the chancellor.

UWS 7.05 Expedited process. (1) Whenever the chancellor of an institution within the university of Wisconsin system receives a report under s. UWS 7.04 or other credible information that a faculty member has engaged in Serious Criminal Misconduct, or where the chancellor has determined to impose a suspension without pay pending the final decision as to dismissal under s. UWS 7.06, the chancellor shall:

(a) Within three working days of receipt of the report or information, inform the faculty member of its receipt and, after consultation with appropriate institutional governance representatives, appoint an investigator to investigate the report or information;

(b) Upon appointing an investigator, afford the faculty member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within two working days of the determination, appoint a different investigator.

(2) The investigation shall be completed and a report filed with the chancellor not later than ten working days following the time allowed for the faculty member to request an investigator's disqualification, or the naming of a different investigator, whichever is later.

(3) Within three working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings.

(a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within two working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 6, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under par. (3)(a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under s. UWS 4.05-4.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.

(5) Upon receipt of the findings and recommendation of the committee under par. (4), the chancellor shall, within three working days, prepare a written recommendation on the matter.

(a) If the chancellor's recommendation is for dismissal, the recommendation shall be transmitted to the board of regents for review.

(b) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member.

(6) Upon receipt of the chancellor's recommendation, the full board shall review the record before the institutional hearing committee, and may offer an opportunity for filing exceptions to the recommendation, or for oral argument. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor's recommendation.

(7) If a faculty member whose dismissal is sought under par. (3)(a) does not request a hearing, the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.

(8) The burden of proving just cause in this chapter shall be clear and convincing evidence.

(9) (a) The time limits set forth in this section may be enlarged if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

(b) Enlargements of time under this section may be granted by the chair of the faculty hearing body, subject to the approval of the chancellor.

UWS 7.06 Temporary suspension from duties. (1) The chancellor, after consultation with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to his or her dismissal where:

(a) The faculty member has been charged with a felony and the chancellor finds, in addition, that one or more of the elements of serious criminal misconduct listed in s. UWS 7.02(1) are present, and that there is a substantial likelihood that the faculty member has engaged in the conduct as alleged; or

(b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or

(c) The faculty member has been convicted of serious criminal misconduct.

(2) Before imposing a suspension without pay, the chancellor shall evaluate the available information to determine whether the conditions specified in par. (1) are present. If the chancellor finds that the conditions in par. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within two working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.

(3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:

(a) If the chancellor later determines that the faculty member should not be terminated, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, or may order the payment of back pay, as appropriate;

(b) If the board later determines that the faculty member should not be terminated, the board may order a lesser penalty and/or the payment of back pay.

(4) If, after affording the faculty member the opportunity to be heard, the chancellor determines that the conditions in par. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

UWS 7.07 Initial Applicability. The provisions of this chapter shall first be applicable to conduct occurring on or after the effective date.

SECTION 3. UWS 11.01(1) is amended to read:

(1) A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. UWS 11.02 through ~~11.10~~ 11.106 or for reasons of budget or program under ch. UWS 12.

SECTION 4. UWS 11.01(3) is created to read:

(3) Just cause for dismissal includes, but is not limited to, Serious Criminal Misconduct, as defined in s. UWS 11.102.

SECTION 5. UWS 11.101, 11.102, 11.103, 11.104, 11.105, and 11.106 are created to read:

UWS 11.101 Dismissal for cause in special cases – indefinite academic staff appointments. A member of the academic staff holding an indefinite appointment may be dismissed for Serious Criminal Misconduct, as defined in s. 11.102.

UWS 11.102 Serious criminal misconduct. (1) In this chapter, "Serious Criminal Misconduct" means:

(a) Being charged with, pleading guilty or no contest to, or being convicted of a felony, in state or federal court, that involves:

1. Causing serious physical injury to another person;
2. Creating a serious danger to the personal safety of another person;
3. Sexual assault;
4. Theft, fraud or embezzlement;
5. Criminal damage to property; or
6. Stalking or harassment; and that

(b) Clearly poses a substantial risk to the safety of members of the university community or others; or

(c) Seriously impairs:

1. The public trust in the university;
2. The university's ability, or the ability of the charged academic staff member's colleagues, to fulfill teaching, research or public service missions;
3. The charged academic staff member's fitness or ability to fulfill the duties of his or her position; or
4. The opportunity of students to learn, do research, or engage in public service.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute Serious Criminal Misconduct.

(3) Except as otherwise expressly provided, an academic staff member who has engaged in behavior that constitutes Serious Criminal Misconduct shall be subject to the procedures set forth in ss. UWS 11.103 – 11.106.

(4) Any act required or permitted by ss. UWS 11.103 - 11.106 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the Board of Regents under s. UWS 9.02.

UWS 11.103 Reporting responsibility. Any academic staff member who is charged with, pleads guilty or no contest to, or is convicted of a felony, in state or federal court, shall immediately report that fact to the chancellor.

UWS 11.104 Expedited process. (1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 11.103 or other credible information that an academic staff member has engaged in Serious Criminal Misconduct, or where the chancellor has determined to impose a suspension without pay pending the final decision as to dismissal under s. UWS 11.106, the chancellor shall:

(a) Within three working days of receipt of the report or information, inform the academic staff member of its receipt and, after consultation with appropriate institutional governance representatives, appoint an investigator to investigate the report or information;

(b) Upon appointing an investigator, afford the academic staff member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within two working days of the determination, appoint a different investigator.

(2) The investigation shall be completed and a report filed with the chancellor not later than ten working days following the time allowed for the academic staff member to request an investigator's disqualification, or the naming of a different investigator, whichever is later.

(3) Within three working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the academic staff member pursuant to ss. UWS 11.101- 11.106, to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 - 11.10, to seek an alternative disciplinary sanction, or to discontinue the proceedings.

(a) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.101-11.106, the chancellor shall file charges within two working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 -11.10, the chancellor shall file charges and proceed in accordance with the provisions of those sections of this chapter and implementing institutional policies.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 13, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under par. (3)(a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05-11.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.

(5) Upon receipt of the findings and recommendation of the committee under par. (4), the chancellor shall, within three working days, prepare a written decision on the matter. In the decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the Board, upon request of the academic staff member, grants a review based on the record.

(6) The burden of proving just cause in this section shall be clear and convincing evidence.

(7) (a) The time limits set forth in this section may be enlarged if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

(b) Enlargements of time under this section may be granted by the chair of the academic staff hearing body, subject to the approval of the chancellor.

UWS 11.105 Temporary suspension from duties. (1) The chancellor, after consultation with appropriate academic staff governance representatives, may suspend a academic staff member from duties without pay pending the final decision as to his or her dismissal where:

(a) The academic staff member has been charged with a felony and the chancellor finds, in addition, that one or more of the elements of serious criminal misconduct listed in s. UWS 11.102(1) are present, and that there is a substantial likelihood that the academic staff member has engaged in the conduct as alleged; or

(b) The academic staff member is unable to report for work due to incarceration, conditions of bail or similar cause; or

(c) The academic staff member has been convicted of serious criminal misconduct.

(2) Before imposing a suspension without pay, the chancellor shall evaluate the available information to determine whether the conditions specified in par. (1) are present. If the chancellor finds that the conditions in par. (1) are present, he or she shall immediately notify the academic staff member, in writing, of the intent to impose a suspension without pay, and shall, within two working days, provide the academic staff member with an opportunity to be heard with regard to the matter. The academic staff member may be represented by counsel or another at this meeting.

(3) (a) If, after affording the academic staff member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the academic staff member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:

(b) If the chancellor later determines that the academic staff member should not be terminated, the chancellor may discontinue the proceedings, or may impose a lesser penalty, or may order the payment of back pay, as appropriate;

(4) If, after affording the academic staff member the opportunity to be heard, the chancellor determines that the conditions in par. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.

UWS 11.106 Board Review. A member of the academic staff on indefinite appointment who has been dismissed for Serious Criminal Misconduct may appeal this action to the board as provided in s. UWS 11.10

SECTION 6. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.

DRAFT

~~Contains 40 week contract period. Must be fixed to have 39 weeks.~~

~~Proposal from the Calendar Committee~~

The following motion was approved by the Calendar Committee on Friday, September 8
7 yes votes and 2 no votes.

UW-River Falls Academic Calendar for 2007-2008

Fall 2007-2008

Registration/advising/development: August 27-31, M-F

Labor Day: September 3, Monday
Academic Day (no classes): September 4, Tuesday
1st day of classes: September 5, Wednesday
Thanksgiving break: November 21-23, W-F
Last day of classes: December 14, Friday
Final Exams: December 17-21, M-F
Graduation: December 15, Saturday
Final grades due: January 3, Thursday

1 week of registration/advising/development
14 weeks of classes (14 M, T, W, Th and F)
1 week of final exams

J-Term: December 26-January 26 (January 21 is MLK Day)

Spring 2007-2008

Registration/advising/development: January 22-25, T-F

1st day of classes: January 28, Monday
Spring break: March 17-23, M-Sunday
Last day of classes: May 9, Friday
Final exams: May 12-16, M-F
Graduation: May 17, Saturday
Final grades due: May 23, Friday

1 week of registration/advising/development
14 weeks of classes
1 week of final exams

Faculty contract period: August 27, 2007-May 25, 2008 (39 weeks)

Summer 2008

SS1 May 27-June 13 (include 1 Saturday)
SS2 June 16-July 3 (include 1 Saturday)
SS3 July 7-July 25
SS4 July 28-August 15
SS5 August 16-August 24

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TO: Wes Chapin, Faculty Senate Chair
FROM: Karl Peterson, Calendar Committee Chair
RE: Feasibility of a Fall Break
DATE: September 11, 2006

The following report was unanimously approved at the September 8, 2006, meeting of the Calendar Committee.

Fall Break Feasibility Report

Summary: The Calendar Committee has determined that a fall break is not feasible given current calendaring constraints of the Wisconsin Statutes, the UW-System Regent Policy Documents and the UW-River Falls balanced calendar policy.

The table below indicates the number of available class days between September 2 and December 22 for September 1 falling on each different day of the week (i.e. the seven different calendar years). The class days count does not include Labor Day, Thanksgiving Day and the Friday after Thanksgiving Day.

A balanced calendar, according to the UW-River Falls balanced calendar policy, requires 75 days consisting of 70 days (14 weeks) of class and 5 days of finals exams. This leaves only two or three days of calendaring freedom in the fall semester of any given year. Since the inception of the balanced calendar, the Committee has typically used one of these days as an Academic Day and another for the Wednesday before Thanksgiving, thereby leaving zero or one day of calendaring freedom. The above consideration also does not take into account issues such as having equal numbers of meetings for each day of the week (as specified in the UW-River Falls Balanced Calendar policy) and having one or two days of class in the week before Labor Day weekend.

September 1 on	Class days between Sept. 2 and Dec. 22
Monday	78
Tuesday	77
Wednesday	77
Thursday	77
Friday	77
Saturday	77
Sunday	77

Therefore, it is the conclusion of the Calendar Committee that a meaningful fall break is not feasible given the current calendaring constraints.

Calendaring Constraints:

From Wisconsin Statutes:

36.11(16) COMMENCEMENT OF FALL SEMESTER. The board shall ensure that no fall semester classes at any institution, except medical school classes and 4th year classes at the school of veterinary medicine, commence until after September 1.

From UW-System Regent Policy Documents:

CALENDAR, ACADEMIC

92-9 ACADEMIC CALENDAR POLICY History: Res. 6290 adopted 12/11/92.

Contingent upon legislative repeal of the statute mandating the post-September 1 starting date for formal classes at UW System institutions, all UW System institutions shall develop academic calendars that provide: 39 weeks in the contractual period for faculty and staff; 34 weeks of organized services, a minimum of 150 days of classroom instruction (or a UW System-approved alternative); and even-length semesters.

All UW System institutions shall substitute "winter break" and "spring break" for "Christmas vacation" and "Easter vacation." Other holidays, such as Martin Luther King Day and Good Friday, shall be referred to by the name designated by the state.

From the UW-RF Faculty and Academic Staff Handbook:

2.6.2 Calendar Committee

When constructing the calendar, the committee shall incorporate the following guidelines:

1. The academic calendar shall conform in its entirety to the faculty contract period of 39 contiguous weeks per academic year, including fall and Spring Semesters.
2. One semester credit consists of approximately 750 minutes of class time plus appropriate work outside of class, not including final exams.
3. Under the balanced calendar framework, both fall and spring semesters shall each consist of one week of pre-class advising, 14 weeks of classes, one week of final exams, and one week of grading, for a minimum length of 17 weeks per semester. The two semesters, plus five weeks of interims, Spring Break, and administrative weeks, shall constitute the 39-week academic year.
4. The scheduling of a study day is required between the last day of regular classes and the first day of final exams every semester.
5. The deadline for submission of final course grades to the Registrar's Office shall be not less than five full working days (not including Saturdays, Sundays, and holidays) after the last day of final exams.

9.4.1 Academic Year

The regular academic year calendar covers a full nine-month period which is the basis for academic year appointments. The contractual academic year shall consist of 39 weeks and shall include not fewer than 34 weeks of organized services for students including classroom instruction, registration, advising, and examining. The academic year should ordinarily begin no earlier than one week before the first day of scheduled campus registration for the fall term and should end no later than one week after the last day of scheduled classes or examinations in the spring.

UW-River Falls Balanced Calendar Policy (April 10, 2002)

Each semester will consist of 1 week of advising/registration and faculty development, 14 weeks (70 days) of instruction, 1 week of final exams and 1 week of grading. Concurrently, class periods will be lengthened from 50 minutes to 55 minutes each.

Be it resolved:

1. The instructional period for each semester will include equal numbers of Mondays, Tuesdays, Wednesdays, Thursdays and Fridays. When necessary, days of the week will be renamed to achieve balance.
2. Spring semester will always start on the Monday following Martin Luther King, Jr. holiday.
3. A grading period of one week following spring semester will be included within the 39-week faculty contract period.
4. The template for the daily class schedule will be:

M-W-F Classes

Period 1	8:00-8:55
Period 2	9:05-10:00
Period 3	10:10-11:05
Period 4	11:15-12:10
Period 5	12:20-13:15
Period 6	13:25-14:20
Period 7	14:30-15:25
Period 8	15:35-16:30
Period 9	16:40-17:35

T-Th Classes

Period 1-2	8:00-9:25
Period 2-3	9:40-11:05
Period 3-4	11:15-12:40
Period 5-6	12:55-14:20
Period 7-8	14:30-15:55
Period 8-9	16:10-17:35