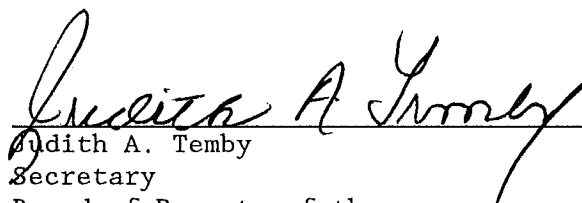


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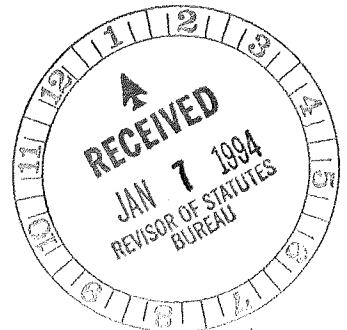
STATE OF WISCONSIN)
BOARD OF REGENTS OF)
THE UNIVERSITY OF)
WISCONSIN SYSTEM)

I, Judith A. Temby, Secretary of the Board of Regents of the University of Wisconsin System and custodian of the official records, certify that the annexed rules, relating probationary faculty and probationary academic staff appointment in the University of Wisconsin system, were duly approved and adopted by the Board on September 10, 1993. I further certify that this copy has been compared by me with the original on file with the Board and that it is a true copy of the original, and of the whole of the original.

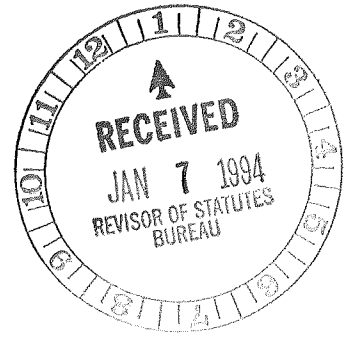
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Regents of the University of Wisconsin System at 1860 Van Hise Hall, 1220 Linden Drive, in the city of Madison, this 5th day of January, 1994.


Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin System

S E A L



3-1-94



ORDER OF THE BOARD OF REGENTS OF
THE UNIVERSITY OF WISCONSIN SYSTEM
AMENDING RULES

Agency contact persons: John B. Tallman (262-0747); Judith A. Temby (262-2324)

[INTRODUCTORY CLAUSE]

The Board of Regents of the University of Wisconsin System has adopted an order to amend UWS 3.04 and UWS 10.03(2)(a), relating to probationary faculty and probationary academic staff appointments.

[PLAIN LANGUAGE ANALYSIS PREPARED BY THE UW SYSTEM]

Section 36.13(2)(d), Stats., provides that a probationary faculty appointment shall not exceed 7 consecutive years in a full-time position in a University of Wisconsin institution. Further, the section provides for specified circumstances that do not constitute a break in continuous service and shall not be included in the 7-year period. 1991 Wisconsin Act 39 amended the statute to permit the board to 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.

Under section 36.15(2), Stats., the board is required to promulgate rules governing academic staff appointments.

Consistent with s. 36.13(2)(d), Stats., s. UWS 3.04, Wis. Adm. Code, provides that a leave of absence, sabbatical leave, or teaching improvement assignment shall not constitute a break in continuous service, nor shall it be included in the probationary period of a faculty appointment. Under the proposed rule, circumstances in addition to those already specified in the UWS 3.04 that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. The proposed rule also establishes procedures for considering such additional circumstances.

Section UWS 10.03(2)(a), Wis. Adm. Code, currently provides that a leave of absence shall not constitute a break in service, nor shall it be included in the probationary period of a probationary academic staff appointment. The proposed rule establishes circumstances in addition to the one already specified in UWS 10.03(2)(a) that shall not constitute a break in continuous service nor shall they be included in the probationary period. The additional circumstances are the same as those provided in the proposed rule for probationary faculty. The proposed rule also establishes procedures for considering such additional circumstances.

[TEXT OF THE RULE]

SECTION 1. UWS 3.04 is renumbered 3.04(1) and amended to read:

UWS 3.04 PROBATIONARY APPOINTMENTS. (1) Each institution's rules for faculty appointments shall provide for a maximum 7-year probationary period in a full-time position, and may provide for a longer maximum probationary period in a part-time position of at least half time. Such rules may permit appointments with shortened probationary periods or appointments to tenure without a probationary period. Provision shall be made for the appropriate counting of prior service at other institutions and at the institution. ~~A leave of absence, sabbatical leave, or teacher improvement assignment shall not constitute a break in continuous service, nor shall it be included in the probationary period.~~ Tenure is not acquired solely because of years of service.

SECTION 2. UWS 3.04 (2), (3), and (4) are created to read:

UWS 3.04 (2) 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 under sub. (1).

UWS 3.04 (3) Circumstances in addition to those identified under sub. (2) that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth or adoption shall be approved. A

request shall be made before a tenure review commences under s. UWS 3.06(1)(c). A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary faculty member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth or adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary faculty member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary faculty member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

(4) If any faculty member has been in probationary status for more than seven years because of one or more of the reasons set forth in sub. (2) or (3), the faculty member shall be evaluated as if he or she had been on probationary status for 7 years.

EXAMPLE:

A faculty member has been on probationary status for a total of 9 years because the faculty member was granted two requests under sub. (3) for one-year extensions because of the birth of two children.

The faculty member's teaching, research and professional and public service and contribution to the institution shall be evaluated as if the faculty member had only 7 years to work towards achieving tenure, rather than as if the faculty member had been working towards achieving tenure for 9 years.

SECTION 3. UWS 3.06(1)(b) is amended to read:

UWS 3.06(1)(b) Criteria. Decision relating to renewal of appointments or recommending of tenure shall be made in accordance with institutional rules and procedures which shall require an evaluation of teaching, research and professional and public service and contribution to the institution. The relative importance of these functions in the evaluation process shall be decided by departmental, school, college and institutional faculties in accordance with the mission and needs of the particular institution and its component parts. Written criteria for these decisions shall be developed by the appropriate institutional faculty bodies. Written criteria shall provide that if any faculty member has been in probationary status for more than 7 years because of one or more of the reasons set forth in s. UWS 3.04 (2) or (3), the faculty member shall be evaluated as if he or she had been in probationary status for 7 years.

SECTION 4. UWS 10.03(2)(a) is renumbered 10.03(2)(a)1. and is amended to read:

UWS 10.03(2)(a) Probationary academic staff appointments. 1. Each institution of the system may appoint selected members of the academic staff to probationary academic staff appointments leading to review and a decision on an indefinite appointment. Each institution shall adopt procedures to govern such appointments. These procedures shall provide for appropriate

counting of prior service, for a maximum probationary period not to exceed 7 years for a full-time position, for annual appraisal of performance, and for an affirmative review process prior to the end of the probationary period resulting in promotion to an indefinite appointment or termination of the appointment. A longer maximum probationary period may be provided for part-time appointees. Unless otherwise specified, probationary appointments shall be for a period of one year. ~~A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period.~~ An indefinite appointment is not acquired solely because of years of service.

SECTION 5. UWS 10.03(2)(a) 2., 3., and 4., are created to read:

UWS 10.03(2)(a)2. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period under sub. (1).

UWS 10.03(2)(a)3. Circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before an indefinite status review commences under s. UWS 10.03(2)(a)1. A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the academic staff member concerned and shall be submitted to a designated administrative officer

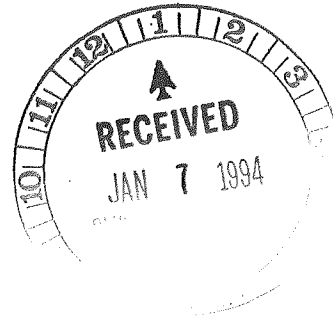
who shall be authorized to grant a request following consultation with the academic staff member's supervisor and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth and adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic staff member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

4. If any academic staff member has been in probationary status for more than seven years because of one or more of the reasons set forth in sub. 2. or 3., the academic staff member shall be evaluated as if he or she had been on probationary status for 7 years.

EXAMPLE:

An academic staff member has been on probationary status for a total of 9 years because the academic staff was granted two requests under sub. 3. for one-year extensions because of the birth of two children. The academic staff member's record of performance shall be evaluated as if the academic staff had only 7 years to work towards achieving indefinite status, rather than as if the academic

staff member had been working towards achieving indefinite status for 9 years.





Board of Regents of The University of Wisconsin System

Office of the Secretary
1860 Van Hise Hall, 1220 Linden Drive
Madison, Wisconsin 53706
(608) 262-2324

January 5, 1993

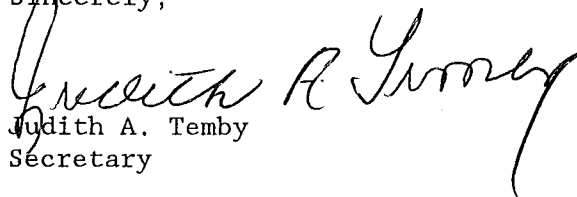
Gary Poulson
Revisor of Statutes
Rm. 800, 131 W. Wilson St.
Madison, WI 53702

Dear Mr. Poulson:

Enclosing for filing with your office are one certified and one uncertified copy of administrative rules concerning probationary faculty and probationary academic staff appointments in the University of Wisconsin System. These rules were approved by the Board of Regents on September 10, 1993, and submitted to both houses of the Legislature on September 16, 1993. The legislative review period has now expired, and publication of the rules is therefore appropriate.

Thank you for your assistance in this matter.

Sincerely,


Judith A. Temby
Secretary

Enclosures

cc: President Lyall
Vice Presidents
John Tallman

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