

1991 Assembly Bill 561

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1991 WISCONSIN ACT 118

AN ACT *to renumber* 36.13 (2) (a) and 36.13 (2) (b); *to amend* 36.13 (1) (b); and *to create* 36.13 (2) (a) and 36.13 (2) (b) of the statutes, **relating to:** the granting of a tenure appointment by the board of regents of the university of Wisconsin system on appeal notwithstanding the negative recommendation of the appropriate academic department.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 36.13 (1) (b) of the statutes is amended to read:

36.13 (1) (b) “Tenure appointment” means an appointment for an unlimited period granted to a ranked faculty member by the board ~~upon the affirmative recommendation of the appropriate chancellor and academic department or its functional equivalent within an institution.~~

SECTION 2. 36.13 (2) (a) of the statutes is renumbered 36.13 (2) (c).

SECTION 3. 36.13 (2) (b) of the statutes, as affected by 1991 Wisconsin Act 39, is renumbered 36.13 (2) (d).

SECTION 4. 36.13 (2) (a) of the statutes is created to read:

36.13 (2) (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.

SECTION 5. 36.13 (2) (b) of the statutes is created to read:

36.13 (2) (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.