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👉 Details: Proposed Audit: Personnel Policies and Practices, University of Wisconsin System

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Joint

(Assembly, Senate or Joint)

### Committee on Audit...

## COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

## INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (October 2012)



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March 28, 2006

Senator Carol Roessler  
PO Box 7882  
Madison, WI 53707-7882

Representative Suzanne Jeskewitz  
PO Box 8952  
Madison, WI 53708-8952

Dear Senator Roessler and Representative Jeskewitz:

Attached is a letter I sent recently to Senator Lasee and Representative Gard in their capacities at Co-chairs of the Joint Committee on Employment Relations.

As you can see, the letter and its attachments summarize the large number of University personnel policy and practices reforms we have undertaken over the last number of months. I wanted to share this information with you in connection with the audit by the Legislative Audit Bureau of the University's personnel system that you and I requested.

I hope you agree that we've made good progress. We'll continue to make more in the weeks and months ahead. As always, I'd be happy to answer any questions you might have about any of these materials.

Cordially,

A handwritten signature in black ink, appearing to read 'Kevin P. Reilly'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin P. Reilly  
President

Attachment

Copy: Regent President Walsh  
Jan Mueller



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March 17, 2006

Senator Alan Lasee  
State Capitol, Room 219 South  
P.O. Box 7882  
Madison, WI 53708

Representative John Gard  
State Capitol, Room 211 West  
PO Box 8952  
Madison, WI 53708

Dear Senator Lasee and Representative Gard:

On September 21, 2005, I reported to you action steps that the Board of Regents and I had taken as of that time in response to concerns expressed by the Joint Committee on Employment Relations about specific aspects of the employment practices of the university system. I am enclosing that communication for your reference (Attachment A).

I believe the University of Wisconsin System has made substantial progress in tightening up our practices, and I would like to take this opportunity to provide you with an update on the additional steps the Board of Regents and I have taken since my September 21 progress report:

- On October 7, 2005, the Board of Regents adopted Resolution 9068 (Attachment B) that strengthens the sick leave policy for UW System unclassified staff. The resolution requires a written certification from a health care provider of the medical necessity of use of sick leave for absences of more than 5 consecutive days or in cases of suspected abuse. The UW sick leave policy for unclassified staff is now the most stringent of all state agencies.
- On October 7, 2005, Regent President Walsh announced he would appoint a committee to review university rules and policies, and state law, and make recommendations of changes that will balance due process requirements with the need to act expeditiously in disciplinary matters, particularly those involving criminal activity. The Committee on Faculty and Academic Staff Disciplinary Process was formed and is chaired by Regent Michael J. Spector.
- On October 7, 2005, at my recommendation, the Board of Regents adopted Resolution 9069 that strengthens the internal audit function. The resolution outlines the revised duties and responsibilities and I am enclosing it for your reference (Attachment C).

Senator Alan Lasee  
Representative John Gard  
March 17, 2006  
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- On October 12, 2005, I provided Senator Harsdorf as Chair of the Senate Higher Education and Tourism Committee with a progress report on the employment practices and policies review. Enclosed is a copy of my progress report (Attachment D).
- On October 18, 2005, Regent President Walsh and I provided testimony to the Joint Legislative Audit Committee. Enclosed are the written testimonies (Attachment E).
- On October 19, 2005, I provided testimony to the Senate Higher Education and Tourism Committee on the progress report of the employment practices and policies review. Enclosed is a copy of my progress report (Attachment F).
- On November 11, 2005, the Board of Regents adopted Resolution 9091 that outlines the policies for use of limited appointments and concurrent appointments. The effect of the resolution is to eliminate "back-up" appointments. Resolution 9091 is enclosed (Attachment G).
- On February 10, 2006, the Committee on Faculty and Academic Staff Disciplinary Process presented to the Board of Regents a proposed UWS Chapter 7, Procedures for Dismissal of Faculty in Special Cases. The Proposed UWS Chapter 7 would create a new chapter of the Board's administrative rules outlining a new, expedited process for the disposition of disciplinary matters involving serious criminal misconduct.
- During the months of February and March, 2006, the proposed UWS Chapter 7 is in the university's shared governance review process.
- On February 28, 2006, the Legislative Audit Bureau issued its Letter Report, "Employment of Felons by the UW System." The LAB report contained four recommendations. The recommendations and the UWS action steps are:
  - *Recommendation 1: We recommend University of Wisconsin System Administration direct University of Wisconsin institutions to conduct internal investigations to determine whether the convictions of the felons we identified are substantially job related and whether any action is appropriate.*

**UWS Action Step:** Upon receiving the report, each institution with an identified felon was asked to immediately review the situation to determine the relationship of the felony to the job being performed and take appropriate action.

Senator Alan Lasee  
Representative John Gard  
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- *Recommendation 2: We recommend that the University of Wisconsin Board of Regents clarify the process and appropriate circumstances for terminating the employment of academic staff.*

**UWS Action Step:** The Regent Committee on Faculty and Academic Staff Disciplinary Process has been charged with this task.

- *Recommendation 3: We recommend that the University of Wisconsin Board of Regents discuss the process and appropriate circumstances for terminating the employment of classified staff.*

**UWS Action Step:** Processes for classified staff are largely governed by collective bargaining and policies issued by the State Office of Employment Relations and already provide for timely action. The Board of Regents' authority is limited to unclassified positions.

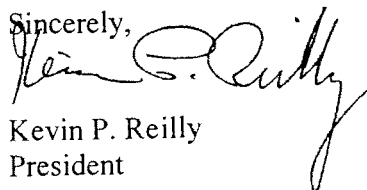
- *Recommendation 4: We recommend that the University of Wisconsin Board of Regents determine the types of jobs for which background checks should be conducted and promulgate system-wide policies for conducting background checks of candidates for employment.*

**UWS Action Step:** We've begun working with the UW institutions and the State Office of Employment Relations to develop uniform and consistent policies on conducting background checks. Discussions on this serious topic had begun before the LAB letter report was issued.

I would be pleased to discuss the actions outlined above with you in greater detail. I hope these steps demonstrate that we have listened and have responded to your concerns and advice. Based on these steps, I ask that you release the pay plan for the current biennium for our senior executives.

Thank you.

Sincerely,



Kevin P. Reilly  
President

Attachments

Copy: Members, Joint Committee on Employment Relations  
Karen Timberlake, OSER  
Board of Regents  
Chancellors  
Cabinet



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ATTACHMENT A

September 21, 2005

Senator Alan Lasee  
State Capitol, Room 219 South  
P.O. Box 7882  
Madison, WI 53708

Representative John Gard  
State Capitol, Room 211 West  
PO Box 8952  
Madison, WI 53708

Dear Senator Lasee and Representative Gard:

On July 19, 2005, the Joint Committee on Employment Relations (JCOER) approved the recommendations of the Director of the Office of State Employment Relations (OSER) for the 2005-07 pay plan for faculty, academic staff, non-represented graduate assistants, and university senior executives. At that time, the Committee also indicated that no salary increases could be provided during the 2005-06 and 2006-07 fiscal years to university senior executives until such time as I, on behalf of the Board of Regents, report to the Committee regarding concerns members raised about specific aspects of the employment practices of the university system.

Since your committee's action, the Board of Regents and I have taken various steps in response to your concerns:

- On July 26, 2005, I suspended new administrative back-up appointments in the UW System, effective immediately.
- On August 23, 2005, I requested of the co-chairs of the Joint Legislative Audit Committee that the Legislative Audit Bureau conduct an audit of our unclassified staff employment policies and practices.
- On September 2, 2005, I submitted a report to the co-chairs of the Joint Legislative Audit Committee in response to questions they and other legislators had regarding our use of so-called "back-up" appointments.

Senator Alan Lasee  
Representative John Gard  
September 21, 2005  
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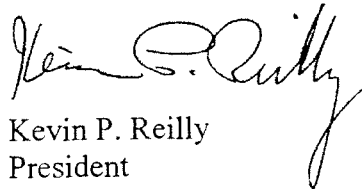
- On September 9, 2005, the Board of Regents passed the attached eight-point resolution which takes specific actions to reform our unclassified staff employment policies and practices, including requiring my approval of any settlements involving termination of limited appointees, revision to our sick leave policy, and assurances that employees charged with a felony will be immediately investigated and disciplinary action, if any, will be determined in a timely manner.
- On September 13, 2005, I testified before the Joint Legislative Audit Committee responding to questions members had asked based on my September 2<sup>nd</sup> report.

The testimony I provided to the Joint Legislative Audit Committee also addresses concerns you and your committee raised. I have attached a copy of my testimony as part of this report.

I would be pleased to discuss the actions outlined above with you in greater detail. We will also have the benefit of working with the Legislative Audit Bureau in further improving our employment operations. I hope these steps demonstrate that we have listened and have responded to your concerns and advice, and that based on these steps you will release the pay plan for the 2005-06 and 2006-07 fiscal years for our senior executives.

Thank you.

Sincerely,



Kevin P. Reilly  
President

Attachments

Copy: Board of Regents  
Chancellors  
Cabinet

**UWS BOARD OF REGENTS  
RESOLUTION 9068  
(adopted October 7, 2005)**

That, upon the recommendation of the Regent Business and Finance Committee, the following additions to Unclassified Personnel Guideline (UPG) 10 is recommended for adoption:

UW institutions shall require written certification from a health care provider of the medical necessity for use of sick leave for absences of more than 5 consecutive full working days, except where the use of sick leave is authorized in advance, pursuant to the Wisconsin or Federal Family and Medical Leave Acts.

Where an institution is aware of an emergency that prevents communicating with or obtaining information about the condition of the employee, such written certification shall not be required until such time as communication is possible and appropriate, given the condition of the employee.

In cases of suspected abuse of the sick leave privilege, the institution shall be authorized to require written certification from a health care provider to verify the medical necessity for the employee's absence regardless of the length of absence.

Supervisors will be provided a copy of the revised UPG 10, along with instruction and training on the application of policy by the Director of Human Resources of the UW institution or other appropriate officer, depending on the needs and organizational structure of the specific institution.



**UWS BOARD OF REGENTS  
RESOLUTION 9069  
(adopted October 7, 2005)**

That, upon the recommendation of the President of the University of Wisconsin System, The Board of Regents approves strengthening the internal audit function by the following:

1. The Business and Finance Committee will be renamed the Business, Finance, and Audit Committee, and the Director will meet quarterly with the Committee.
2. The Vice Chair of the Business and Finance Committee will be officially designated as the audit liaison to the Board of Regents.
3. Any Regent may submit a request for an audit, or review, for consideration by the Business and Finance Committee through the Audit Liaison.
4. The Director will present an audit plan for periodic approval by the Business and Finance Committee, report to the Committee on audits completed and underway, and solicit from the Committee input for proposed audits and reviews.
5. At the sole discretion of the Director, he or she will have unfettered access to the UW System President and /or the Board at any time.
6. The Director will meet at least quarterly in a private conference with the UW System President.
7. The organizational chart will be formalized to show the special reporting and access relationships described above between the Director and the Board, and the Director and the UW System President.



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ATTACHMENT D

October 12, 2005

Senator Sheila Harsdorf  
131 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Harsdorf:

Thank you for the invitation to discuss the changes the University of Wisconsin System is making in its employment practices. I look forward to joining you and your colleagues on October 19.

As you know, the UW System has been working diligently to review and reform policies and procedures with the Board of Regents and the Chancellors. We have now taken numerous actions, such as accelerating the investigation of those convicted of felonies, suspending the granting of all administrative back-up positions, and requiring written approval of sick leave by a health care professional triggered by a 5-day absence.

Outlined below is the chronology of all of our actions taken to date:

- On July 19, 2005, I testified before the Joint Committee on Employment Relations that we would review our employment policies and procedures and if we found them broken, we would fix them.
- On July 26, 2005, I suspended offering new administrative back-up appointments in the UW System, effective immediately.
- On August 23, 2005, I made a request of the co-chairs of the Joint Legislative Audit Committee for an audit of our unclassified staff employment policies and practices.
- On September 2, 2005, I submitted a report to the co-chairs of the Joint Legislative Audit Committee in response to their questions regarding our use of so-called "back-up" appointments, including a detailed listing by campus, and at UW System, of every employee with, or in, a "back-up" appointment.
- On September 9, 2005, the Board of Regents passed an eight-point resolution which takes specific actions to reform our unclassified staff employment policies and practices, including requiring my approval of any settlements involving termination of limited appointees, revision to our sick leave policy, and assurances that employees charged with a felony will be immediately investigated and disciplinary action, if any, will be determined in a timely manner (see Attachment I).

- On September 13, 2005, I testified before the Joint Legislative Audit Committee responding to questions members had asked based on my September 2<sup>nd</sup> report.
- On October 7, 2005, the Board of Regents passed a resolution strengthening our sick leave policy for UW System unclassified staff requiring a written certification from a health care provider of the medical necessity for use of sick leave for absences of more than 5 days, and in cases of suspected abuse regardless of the length of absence (see Attachment II). This makes the UW System sick leave policy the most stringent of all state agencies.
- On October 7, 2005, Regent President Walsh announced that he would appoint a committee to review university rules and policies, and state law, and make recommendations of changes that will balance due process requirements with the need to act expeditiously in disciplinary matters, particularly those involving criminal activity.
- On October 7, 2005, at my recommendation, the Board of Regents also passed a resolution to strengthen the internal audit function by:
  - renaming the Business and Finance committee the Business, Finance, and Audit Committee;
  - officially designating the Vice Chair of the Business and Finance Committee as the audit liaison to the Board of Regents;
  - authorizing any Regent to submit a request for an audit, or review, for consideration by the Committee through the Audit Liaison;
  - requiring the audit plan be presented to the Committee for approval;
  - providing the Audit Director unfettered access to the President and the Board;
  - requiring the Director to meet at least quarterly with the President in a private conference; and
  - revising the organizational chart to formalize the special reporting and access relationship between the Audit Director and the Board, and the Audit Director and the President. (See Attachment III).

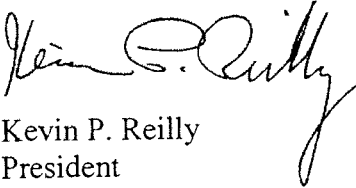
I am happy to discuss these and other changes that we are making and outline the reviews still under way. As you know, the Joint Legislative Audit Committee will be meeting October 18th to define the scope of their audit. I requested this third party independent review of our actions in order to strengthen the confidence of the public in the appropriateness of our procedures, and to assure that they are being followed.

The attached documents should facilitate our dialogue on these subjects. With regard to any specific, individual personnel matters however, I am sure that you understand that I will not be able to discuss details that might affect the outcome of pending litigation.

Senator Sheila Harsdorf  
October 12, 2005  
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I look forward to discussing all these actions in greater detail and working with the Legislative Audit Bureau to address issues you and other legislators have raised. I believe these steps demonstrate that we have listened and are responding to your concerns and advice.

Sincerely,



Kevin P. Reilly  
President

Attachments: Board of Regents resolutions (3)

Copy: Senate Higher Education Committee  
UW Regents  
UW Chancellors  
Cabinet

**Testimony to  
Joint Legislative Audit Committee  
Kevin P. Reilly, President  
University of Wisconsin System  
Tuesday, October 18, 2005**

Thank you, Senator Roessler and audit committee members. Good morning. I must admit that appearing before you as many times as I have in the past few months, I'm beginning to feel like a member of the committee.

Seriously, there are worse things than being a student of the Joint Legislative Audit Committee, and my interactions with all of you over the last several months have added to my appreciation for the work that all of you – and our state auditor Jan Mueller and her staff at the Legislative Audit Bureau – do. Thank you for those efforts, and for the opportunity to continue the dialogue on the important issues before us.

When I wrote to the co-chairs of this committee on August 23<sup>rd</sup> and requested this audit, I told them that I wanted the people of Wisconsin to have every confidence that their public university system respects, and properly invests, in the employees who serve UW students, campuses and communities all over the state. I also indicated that a review by the nonpartisan Legislative Audit Bureau would reassure the public and strengthen actions that the Board of Regents, the chancellors, and I would be taking during our own thorough look at employment policies and practices.

I am pleased to report that the UW System has been working diligently to review and reform policies and procedures with the Board of Regents and the Chancellors. We have now taken numerous actions, including:

1. Suspending the offering of new administrative back-up appointments in the UW System, effective July 26<sup>th</sup>.
2. Submitting a report to the co-chairs of this committee on September 2<sup>nd</sup> in response to their questions regarding the use of so-called "back-up" appointments. The report included a detailed listing by campus, and at UW System, of every employee with, or in, a "back-up" appointment.
3. Passing an eight-point resolution at the September 9<sup>th</sup> Board of Regents' meeting which identified specific actions to be taken to reform our unclassified staff employment policies and practices, including requiring my approval of any settlements involving termination of limited employees; revision to our sick leave policy; and assurances that employees charged with a felony will be immediately investigated and disciplinary action, if any, will be determined in a timely manner. Regent President David Walsh, who as you noticed is here with me today, can explain more about the Regent actions in a moment.

4. Testifying before this committee on September 13<sup>th</sup> and responding to your questions about the September 2<sup>nd</sup> report.
5. Strengthening our sick leave policy for UW System unclassified staff by requiring a written certification from a health care provider of the medical necessity for use of sick leave for absences of more than 5 days, and in cases of suspected abuse regardless of the length of the absence. This makes the UW System sick leave policy the most stringent of all state agencies, including the policy that applies to state legislators and staff.
6. Appointing a committee to make recommendations of changes that will balance due process requirements with the need to act expeditiously in disciplinary matters, particularly those involving criminal activity. Again, I'll defer to Regent Walsh to elaborate on this reform measure.
7. Strengthening our internal audit function in a number of important ways, including:
  - o Renaming the Business and Finance committee the Business, Finance, and Audit Committee;
  - o Officially designating the Vice Chair of the Business and Finance Committee, Regent Eileen Connolly-Keesler, as the audit liaison to the Board of Regents;
  - o Authorizing any Regent to submit a request for an audit, or review, for consideration by the Committee through the Audit Liaison;
  - o Requiring the audit plan be presented to the Committee for approval;
  - o Providing the Audit Director unfettered access to the President and the Board;
  - o Requiring the Director to meet at least quarterly with the President in a private conference; and
  - o Revising the organizational chart to formalize the special reporting and access relationship between the Audit Director and the Board, and the Audit Director and the President.

So, I am happy to discuss these and other changes that we are making and outline the reviews still have under way. My hope is that we have not only shown our commitment to rebuilding a long-term, productive, trustworthy relationship with the public and the Legislature, but that we have also established a solid foundation for the Legislative Audit Bureau to undertake its assessment. We will work with you and the Legislative Audit Bureau on that and will provide access and as much assistance as we can.

Before I turn this over to our Regent President, let me point out that we are also joined today by UW System colleagues associate vice president for human resources, Al Crist; director of operations review and audit, Ron Yates; and general counsel, Patricia Brady. They are available to help in the question and answer period as needed.

As I mentioned earlier, the Board of Regents and I believe have made substantial progress in tightening up our employment practices, and the leadership of our Regent President has been very, very instrumental in our progress. David Walsh is a proud alumnus of the UW-Madison, and has given substantial time and resources to his alma mater for more than three decades now.

Let me turn this over to David for a few brief remarks from him, and then we'll do our best to respond to your questions.

**Testimony to  
Joint Legislative Audit Committee  
David G. Walsh, President  
UW System Board of Regents  
Tuesday, October 18, 2005**

Thank you, President Reilly. On behalf of my Board of Regents colleagues, I want to extend our appreciation for your time and consideration. And a special thanks to co-chairs, Rep. Jeskewitz and Senator Roessler, for their courtesy and assistance.

I should note that Rep. Jeskewitz and I have had an energetic dialogue about university employment practices and state statutes. I also appreciate the fact that she joined us at our Board of Regents meeting in West Bend in September to listen to our discussion about these complex issues which resulted in our eight-point resolution. We appreciate her concern, and also her participation.

Let me reassure you that my Regent colleagues and I are taking all these matters very seriously. We take our jobs seriously, and when there is criticism it is our responsibility to act, and to act quickly.

Since July, we have dedicated most of our time and attention to reviewing employment policies and practices. As public trustees, we are working hard, as is President Reilly, to ensure openness, public accountability, and, just as important, the stewardship of the UW System's funds and resources.

As I said in July, if this review determines that any policy, practice, or public trust is broken, we will "fix it." Well, there is one practice that I believe needs fixing, and it has to do with the university's disciplinary process when there are charges of criminal conduct against one of our employees. I've identified this issue as one of concern, and we are going to move quickly.

The disciplinary system of UW employees honors a delicate balance. On the one hand, our System tries to preserve and afford due process to all employees giving appropriate consideration for concepts of academic freedom and an individual's property right in employment. But, on the other hand, our disciplinary process also attempts to recognize and give deference to the need for public safety, enforcement of high standards of behavior, and good stewardship of public funds.

Recent incidence of felony charges against UW System employees demonstrate that our disciplinary process needs to be re-examined. Stated simply, in egregious cases, the process is broken. It does not work in egregious cases. It needs to be fixed. We owe it to the public to determine the problems with it and to take those steps to guarantee the safety of our many, many stakeholders and also to assure the public that we take seriously the discipline of such conduct.



After broad consultation with attorneys, legislative leadership, including Rep. Jeskewitz, Speaker Gard, Senate Majority Leader Schultz, outside labor counsel, and campus administrators, I have appointed a committee as of this Monday to examine the UW System's disciplinary process to identify what restricts us from making more expeditious decisions in egregious situations, including recommending statutory changes. In other words, we need help from you for making decisions in personnel matters to eliminate the restriction on the use of criminal convictions as a basis for discrimination.

Regent Michael Spector of Milwaukee will lead this effort and will be joined by Regents Peggy Rosenzweig and Brent Smith, UW System General Counsel Pat Brady, UW-Platteville Chancellor David Markee, and law school professor and former head of the Wisconsin Department of Corrections, Walter Dickey. I have asked the committee to prepare recommendations to the Board to be considered at our December meeting. That will be a very tight timeline given what's before us, but we recognize the need to move quickly.

Thank you again for your time and attention. My fellow Regents and I pledge to continue our commitment to serving students and Wisconsin citizens, to be responsible in our stewardship, and to be forward-thinking and innovative – as a world-class university should be. We stand ready to work with the Legislative Audit Bureau as it conducts its review of employment policies and practices, in light of constitutional rights, academic freedom, and the need for shared governance. The bottom line for us is to assure the public that on an issue that involves the safety of our students or visitors, we will move to fix the problem.

President Reilly and I and our UW System colleagues would be happy to respond to any questions.

**Testimony**  
**Senate Higher Education and Tourism Committee**  
**UW System President Kevin P. Reilly**  
**Wednesday, October 19, 2005**

Thank you, Senator Harsdorf and committee members. Good morning. I appreciate the opportunity to be with you today and to sustain a dialogue with you on the University of Wisconsin System's employment practices and policies.

When I became president of the UW System a year ago September, I pledged that the university would be open and transparent in all that it does. This includes sharing information about the policies and practices that allow the UW System to attract the best and brightest teachers, researchers, and other staff to serve our students and communities.

Yesterday, I testified before the Joint Legislative Audit Committee regarding a proposed LAB audit of our employment policies and practices. I had initially requested this audit in August, because I wanted the people of Wisconsin to have every confidence that their public university system respects, and properly invests, in the employees who serve UW students, campuses and communities all over the state. I also said I believed that a review by the nonpartisan Legislative Audit Bureau would reassure the public and strengthen actions that the Board of Regents, the chancellors, and I would be taking during our own thorough look at employment policies and practices.

I am pleased to report that the UW System has been working diligently to review and reform policies and procedures with the Board of Regents and the Chancellors. We have now taken numerous actions, including:

1. Suspending the offering of new administrative back-up appointments in the UW System, effective July 26<sup>th</sup>.
2. Submitting a report to the co-chairs of the Joint Legislative Audit Committee on September 2<sup>nd</sup> in response to their questions regarding the use of so-called "back-up" appointments. The report included a detailed listing by campus, and at UW System, of every employee with, or in, a "back-up" appointment.
3. Passing an eight-point resolution at the September 9<sup>th</sup> Board of Regents' meeting which identified specific actions to be taken to reform our unclassified staff employment policies and practices, including requiring my approval of any settlements involving termination of limited employees; revision to our sick leave policy; and assurances that employees charged with a felony will be immediately investigated and disciplinary action, if any, will be determined in a timely manner.

4. Testifying before this committee on September 13<sup>th</sup> and responding to your questions about the September 2<sup>nd</sup> report.
5. Strengthening our sick leave policy for UW System unclassified staff by requiring a written certification from a health care provider of the medical necessity for use of sick leave for absences of more than 5 days, and in cases of suspected abuse regardless of the length of the absence. This makes the UW System sick leave policy the most stringent of all state agencies, including the policy that applies to state legislators and staff.
6. Appointing a committee to make recommendations of changes that will balance due process requirements with the need to act expeditiously in disciplinary matters, particularly those involving criminal activity.
7. Strengthening our internal audit function in a number of important ways, including:
  - Renaming the Business and Finance committee the Business, Finance, and Audit Committee;
  - Officially designating the Vice Chair of the Business and Finance Committee, Regent Eileen Connolly-Keesler, as the audit liaison to the Board of Regents;
  - Authorizing any Regent to submit a request for an audit, or review, for consideration by the Committee through the Audit Liaison;
  - Requiring the audit plan be presented to the Committee for approval;
  - Providing the Audit Director unfettered access to the President and the Board;
  - Requiring the Director to meet at least quarterly with the President in a private conference; and
  - Revising the organizational chart to formalize the special reporting and access relationship between the Audit Director and the Board, and the Audit Director and the President.

I am happy to discuss these and other changes that we are making and outline the reviews still have under way. My hope is that we have not only shown our commitment to rebuilding a long-term, productive, trustworthy relationship with the public and the Legislature, but that we have also established a solid foundation for the Legislative Audit Bureau to undertake its assessment, which they Joint Legislative Audit Committee voted to do yesterday. We will be working with them and will provide access and as much assistance as we can. I welcome your reactions and suggestions about this as well.

Before I read you some remarks from our Regent President, who will be joining us a little later, let me point out that I am also joined here today by my UW System colleagues vice president for finance Debbie Durcan; associate vice president for human resources, Al Crist; and general counsel, Patricia Brady. They are available to help in the question and answer period as needed.

As I mentioned earlier, I believe that the Board of Regents and I have made substantial progress in tightening up our employment practices, and the leadership of our Regent President has been very, very instrumental in our progress. David Walsh is a proud alumnus of the UW-Madison, and has given substantial time and resources to his alma mater for more than three decades now.

If I may, let me read a few brief remarks from him, and then we'll do our best to respond to your questions.

**UWS BOARD OF REGENTS  
RESOLUTION 9091  
(adopted November 11, 2005)**

Whereas, at its September, 2005 meeting, the Board of Regents approved an eight-point resolution addressing University of Wisconsin System personnel policies and practices; and

Whereas, among other items included in that resolution, the Board of Regents directed that "with input from appropriate governance groups, position titles designated as limited appointments shall be reviewed, and the practice of negotiating fixed-term contracts for administrators in lieu of limited term appointments shall be considered. A report on that assessment will be presented to the Board of Regents no later than its November, 2005 meeting;" and

Whereas, the advice of the governance groups has now been received, and it is the general consensus that fixed-term contracts for administrators should not be substituted for the current limited term appointments because of the likely additional costs associated with such a system, and the related loss of flexibility in dealing with administrators who no longer fulfill the requirements of the position; and

Whereas the governance groups have further suggested that, going forward, limited appointments should be restricted only to those identified in s. 36.17, Wis. Stats., unless otherwise authorized by the UW System President; and

Whereas, the position titles designated as limited appointments and the practice of using fixed-term contracts for administrators in lieu of limited term appointments, have also been reviewed by appropriate UW System staff;

Now therefore be it resolved:

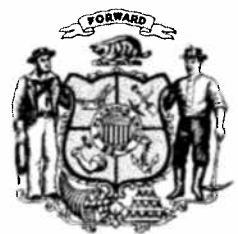
That, upon the recommendation of the President of the UW System, the Board of Regents adopts the following principles:

- (1) As required by s. 36.17, Wis. Stats., limited appointees holding concurrent UW System faculty or academic staff appointments under ss. 36.13 and 36.15, Wis. Stats., shall not lose those faculty or academic staff appointments upon accepting a limited appointment.
- (2) Limited appointees entering UW System employment from other institutions and either: (a) holding a tenured faculty position elsewhere or (b) having been recruited to a position with a requirement or expectation of tenurability, and who have been recommended for tenure by the appropriate UW department may be granted a concurrent tenure appointment as part of the employment contract process.
- (3) The status or the length of the term of a concurrent appointment held by a limited appointee may not be altered while the individual is serving in the limited appointment.
- (4) Limited appointees entering UW System from other institutions who do not hold tenure elsewhere and were not recruited with a tenurability requirement shall not be granted concurrent appointments; however, at the discretion of the appointing authority, such employees may be granted not more than six months notice of termination as permitted under s.UWS 15.01, Wisconsin Administrative Code, at the same salary, and with possible reassignment to other duties during this period.
- (5) From and after the date of this resolution, notwithstanding any institutional policies to the contrary, limited appointments shall be permitted only for those positions enumerated in s. 36.17, Wis. Stats., unless an institution demonstrates circumstances justifying the creation of additional limited appointments and the UW System President authorizes, in writing, the addition of such a limited appointment.

The effect of this resolution is to eliminate "back-up" appointments.



# WISCONSIN STATE LEGISLATURE





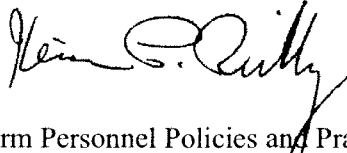
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March 31, 2006

To: All Legislators

From: Kevin P. Reilly, President 

Subject: Action Steps Taken to Reform Personnel Policies and Practices

I believe the University of Wisconsin System has made substantial progress in tightening up personnel policies and practices. I would like to take this opportunity to provide you with an update on the steps the Board of Regents and I have taken:

- On September 21, 2005, I reported action steps that the Board of Regents and I had taken as of that time in response to concerns expressed by the Joint Committee on Employment Relations (Attachment A).
- On October 7, 2005, the Board of Regents adopted Resolution 9068 (Attachment B) that strengthens the sick leave policy for UW System unclassified staff. The resolution requires a written certification from a health care provider of the medical necessity of use of sick leave for absences of more than 5 consecutive days or in cases of suspected abuse. The UW sick leave policy for unclassified staff is now the most stringent of all state agencies.
- On October 7, 2005, Regent President Walsh announced he would appoint a committee to review university rules and policies, and state law, and make recommendations of changes that will balance due process requirements with the need to act expeditiously in disciplinary matters, particularly those involving criminal activity. The Committee on Faculty and Academic Staff Disciplinary Process was formed and is chaired by Regent Michael J. Spector.
- On October 7, 2005, at my recommendation, the Board of Regents adopted Resolution 9069 that strengthens the internal audit function. The resolution outlines the revised duties and responsibilities and I am enclosing it for your reference (Attachment C).
- On October 12, 2005, I provided Senator Harsdorf as Chair of the Senate Higher Education and Tourism Committee with a progress report on the employment practices and policies review. Enclosed is a copy of my progress report (Attachment D).



- On October 18, 2005, Regent President Walsh and I provided testimony to the Joint Legislative Audit Committee. Enclosed are the written testimonies (Attachment E).
- On October 19, 2005, I provided testimony to the Senate Higher Education and Tourism Committee on the progress report of the employment practices and policies review. Enclosed is a copy of my progress report (Attachment F).
- On November 11, 2005, the Board of Regents adopted Resolution 9091 that outlines the policies for use of limited appointments and concurrent appointments. The effect of the resolution is to eliminate “back-up” appointments. Resolution 9091 is enclosed (Attachment G).
- On February 10, 2006, the Committee on Faculty and Academic Staff Disciplinary Process presented to the Board of Regents a proposed UWS Chapter 7, Procedures for Dismissal of Faculty in Special Cases. The Proposed UWS Chapter 7 would create a new chapter of the Board’s administrative rules outlining a new, expedited process for the disposition of disciplinary matters involving serious criminal misconduct.
- During the months of February through April, 2006, the proposed UWS Chapter 7 is in the university’s shared governance review process.
- On February 28, 2006, the Legislative Audit Bureau issued its Letter Report, “Employment of Felons by the UW System.” The LAB report contained four recommendations. The recommendations and the UWS action steps are:

- **Recommendation 1:** *We recommend University of Wisconsin System Administration direct University of Wisconsin institutions to conduct internal investigations to determine whether the convictions of the felons we identified are substantially job related and whether any action is appropriate.*

**UWS Action Step:** Upon receiving the report, each institution with an identified felon was asked to immediately review the situation to determine the relationship of the felony to the job being performed and take appropriate action.

- **Recommendation 2:** *We recommend that the University of Wisconsin Board of Regents clarify the process and appropriate circumstances for terminating the employment of academic staff.*

**UWS Action Step:** The Regent Committee on Faculty and Academic Staff Disciplinary Process has been charged with this task.

All Legislators  
March 31, 2006  
Page Three

- **Recommendation 3:** *We recommend that the University of Wisconsin Board of Regents discuss the process and appropriate circumstances for terminating the employment of classified staff.*

**UWS Action Step:** Processes for classified staff are largely governed by collective bargaining and policies issued by the State Office of Employment Relations and already provide for timely action. The Board of Regents' authority is limited to unclassified positions.

- **Recommendation 4:** *We recommend that the University of Wisconsin Board of Regents determine the types of jobs for which background checks should be conducted and promulgate system-wide policies for conducting background checks of candidates for employment.*

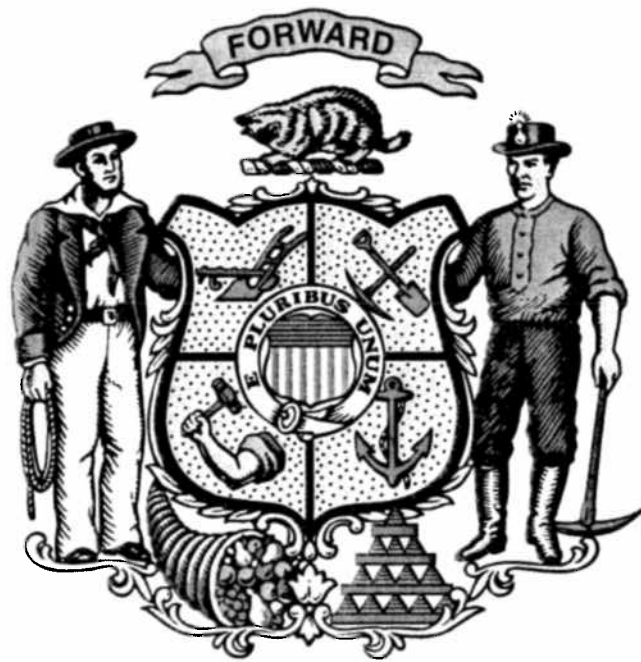
**UWS Action Step:** We've begun working with the UW institutions and the State Office of Employment Relations to develop uniform and consistent policies on conducting background checks. Discussions on this serious topic had begun before the LAB letter report was issued.

I would be pleased to discuss the actions outlined above with you in greater detail. I hope these steps demonstrate that we have listened and are responding to your concerns and advice.

Thank you.

Attachments

\*  
Copy: Board of Regents  
Chancellors  
Cabinet





## AMERICAN COUNCIL OF TRUSTEES AND ALUMNI

Date:	7/14/06	To:	Rep. Suzanne Jeskewitz
From:	Anne D. Neal, President	Fax::	608-282-3624
Pages:	4	Phone	608-266-3796

*(including cover sheet)*

### REMARKS:

Dear Rep. Suzanne Jeskewitz,

Given your concern for the issue of education in Wisconsin, I thought you might be interested in the attached letter to the president of the UW Board of Regents. In it, my organization, the American Council of Trustees and Alumni, makes a series of suggestions to UW as to how future controversies such as that involving Kevin Barrett can be avoided while maintaining respect for academic freedom.

The enclosures referred to in this letter will be sent via US Mail.



AMERICAN COUNCIL OF TRUSTEES AND ALUMNI  
 for academic freedom and excellence

July 17, 2006

Lynne V. Cheney  
 Chairman Emeritus

Richard D. Lamm  
 Vice Chairman

Jacques Barzun  
 William J. Bennett  
 Georgie Anne Geyer  
 Judith Richards Hope  
 Irving Kristol  
 Hans Mark  
 Martin Peretz  
 Laurence H. Silberman  
 William K. Tell, Jr.  
 Curtin Winsor, Jr.

Philip Merrill  
 (1995-2002)

Jerry L. Martin  
 Chairman

Anne D. Neal  
 President

David G. Walsh  
 President, Board of Regents  
 University of Wisconsin  
 P.O. Box 1497, 150 E. Gilman St.  
 Madison, WI 53701-1497

**VIA US MAIL AND FACSIMILE: (608) 258-4258**

Dear Mr. Walsh:

I write on behalf of the American Council of Trustees and Alumni, a non-partisan, non-profit organization dedicated to academic freedom, accountability, and excellence in higher education.

We followed with interest the news coverage surrounding the fall course "Islam: Religion and Culture" slated to be taught by Dr. Kevin Barrett. We write to congratulate the University of Wisconsin-Madison for appropriately reviewing the course in question and defending the principle of academic freedom—and also to respectfully offer some suggestions for how the entire UW System can prevent similar controversies from arising in the future.

As you know, academic freedom does not mean freedom from responsibility. Faculty bear primary responsibility for maintaining professional standards and, in exchange, the public grants the academy the institutional independence that allows faculties to support those standards as they see fit.

When, however—as in Barrett's case—there is *prima facie* evidence that a faculty member may not be abiding by professional standards or may be putting personal, social or political agendas ahead of a fundamental commitment to the objective search for the truth, then review is salutary.

Academic freedom not only covers professors' right to seek the truth in their scholarship and their teaching. It also applies to students' right to learn. As the American Association of University Professors noted in its 1915 Declaration of Principles:

The university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit in dealing with such subjects set forth justly, without suppression or innuendo, the divergent opinions of other investigators. ... he should, above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves ... The teacher ought also to be especially on his guard against taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters of question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own.

Thus, while college teachers do have academic freedom to teach as they see fit, colleges themselves have an obligation to ensure that those they place in the classroom are intellectually suitable and can be trusted to teach responsibly. We therefore respect and commend the University's desire to ensure that courses are taught appropriately by qualified instructors, and that no instructor seeks to indoctrinate students in the name of educating them. And as this case makes clear, it is as important to scrutinize the qualifications of adjunct faculty as it is to do so with tenure-track faculty.

ACTA has devoted considerable attention to devising ways universities can ensure an intellectually vibrant environment while at the same time maintaining strong quality control. To that end, I have enclosed copies of two of our most recent publications, *How Many Ward Churchills?* and *Intellectual Diversity: Time for Action*. The first documents the widespread problem of politically tendentious college courses; it more than confirms the legitimacy of UW's—and the public's—concerns that individual courses might allow ideology to trump academic inquiry. The second shows how administrators can ensure the quality and integrity of students' education while still respecting academic freedom. These include post-tenure review, assessing hiring and promotion practices to ensure that quality of research and teaching—not ideological litmus tests—are the criteria for job security, incorporating intellectual diversity concerns in guidelines on teaching, and including intellectual diversity issues on course evaluations.

I'd like to draw your attention particularly to our suggestions regarding institutional self-study to assess the classroom atmosphere. While it is chilling to use political criteria to single out individual instructors for review, reviewing course offerings and content *as part of a broader, established mechanism of quality assurance* is an excellent practice. Recognizing this critical responsibility, the Association of American Colleges and Universities—of which both the UW System and UW-Madison are members—recently issued a statement on Academic Freedom and Educational Responsibility saying the following:

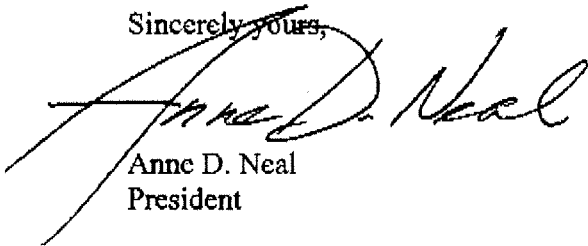
Some departments fail to ensure that their curricula include the full diversity of legitimate intellectual perspectives appropriate to their disciplines. Individual faculty members sometimes express their personal views to students in ways that intimidate them. ... [T]here is room for improvement.

It is also noteworthy that interim University of Colorado chancellor Philip DiStefano recently called on CU's deans to ensure that existing internal procedures adequately identify violations of accepted scholarly standards at both the hiring and performance review levels. This is surely a valuable recommendation—not only to CU, but to institutions across the country.

To avoid future controversies like the one involving Barrett, I hope you and your fellow regents will insist that the institutions you oversee develop measures for ensuring the excellence and integrity of UW's curriculum. You and your fellow regents owe it to taxpayers, families, and students to guarantee that UW not only receives the public's tax dollars, but also deserves its trust.

Please do not hesitate to contact us if we can be of any assistance. We would welcome the opportunity for further discussion.

Sincerely yours,



Anne D. Neal  
President

Enclosures

CC: The Board of Regents, University of Wisconsin System  
Dr. Kevin Reilly, President, University of Wisconsin System  
Dr. John D. Wiley, Chancellor, University of Wisconsin-Madison  
Dr. Patrick V. Farrell, Provost and Vice Chancellor for Academic Affairs, University of Wisconsin-Madison