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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)

Original URL: <http://www.jsonline.com/news/editorials/sep05/352840.asp>

UW System strives to have its policies match its principles

By KEVIN P. REILLY

Posted: Sept. 3, 2005

The people of Wisconsin deserve to have absolute confidence in how their public university system teaches students, performs outreach and research, and conducts its day-to-day business.

When I became president of the University of Wisconsin System last September, I pledged that the UW System 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.

The Board of Regents and I are taking a hard look at the rules and market factors that govern terms of employment for university faculty and staff. This includes information about the UW's national competitive position, so-called back-up appointments and how our institutions implement these policies.

Our study continues to be thorough and deliberative, and we are preparing to adopt constructive changes for the future. I will see to it that our policies match our principles.

Recently, as a complement to our internal review, I asked the state's Joint Legislative Audit Committee to authorize an audit of the university's employment policies and practices. I welcome a review by the non-partisan Legislative Audit Bureau to help answer additional questions raised by legislators, media and citizens, and at the same time, offer a valuable, independent perspective on our reform efforts.

The personnel structure necessary for public colleges and universities is complex and, in some ways, very different from common practice in the private sector.

At its core, I have found ours to be a fundamentally sound system. Our internal reforms and the independent audit I have requested will only strengthen how we attract top-quality employees, address personnel problems and respect the rights of those who work in public university service. I appreciate that the committee co-chairs have agreed to begin an audit, and I am committed to working closely with them to renew the public's trust in the UW System.

The positive impact this university makes in the lives of students and citizens has been overshadowed in recent months by transgressions and allegations related to a very few UW employees. Now, I hope due attention is also given to the remarkable contributions of our more than 30,000 hard-working university employees. Wisconsin must return its focus to the real work of this university.

The job of the UW System is to provide quality education and broad access to students of all backgrounds. Our institutions work with local business and industry to build Wisconsin's work force and to improve the quality of life in local communities. The UW System is responsible for some of the world's most ground-breaking discoveries, and our researchers are making scientific advances every day.

To Wisconsin's elected representatives: I thank you for your continued interest in the success of the state's public university system. During and following these reviews, I look forward to working with you and your constituents to meet the needs of our students and the state.

To all taxpayers of this state: I want you to know that you have my full respect and gratitude. Without you, this public university would not have the basic funding it needs to educate Wisconsin's children and grandchildren. I thank you for your continued support, and I pledge to do what it takes to rekindle your trust.

Our faculty, staff and academic leaders hold dear the UW System's core missions to educate students and serve Wisconsin communities. As our campuses come alive at the start of this new academic year, I hope all citizens will join me in wishing our students and campus communities a safe, healthy, and invigorating new beginning.

Kevin P. Reilly is president of the University of Wisconsin System.

From the Sept. 4, 2005, editions of the Milwaukee Journal Sentinel
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Rein in generous UW backup jobs

September 7, 2005

Backup jobs for certain University of Wisconsin System administrators make sense.

Backup jobs for 1,097 administrators -- almost 80 percent of administrative employees in the 26-campus system -- is a stretch.

Surely the generous perk -- which protects administrators in the event they are fired or leave their appointed positions -- isn't needed in that many cases.

And the first place to draw the line is on administrators hired from outside who don't deserve guaranteed job protection.

The UW Regents should take a hard look at the high number of backup jobs when they meet to discuss hiring practices and other issues today. A report released by UW officials last week helped define the scope of backup jobs. But more detail is needed to justify such wide use of the potentially expensive benefit.

That's where the Legislative Audit Bureau would be helpful. UW President Kevin Reilly has himself asked for an audit by the respected bureau to help clear the air, restore confidence in the wake of scandal, and fix what needs fixing.

Almost 700 of the administrative positions come with backup jobs required by state law. This mostly covers faculty and academic staff who are appointed to administrative posts.

A good example of how this perk works is with the proven professor. Suppose a chancellor wants to appoint that professor to an administrative post. The professor is unlikely to give up the job security of tenure to take an administrative job with the risk of being fired at will. The guarantee of returning to a backup job if things don't work out solves that concern. To deny a backup job in those situations would deprive the university of a talent pool for administrative jobs.

But suppose the UW hires an administrator from outside -- someone who isn't proven on a Wisconsin campus and someone who may not have had any job protections to begin with. Does that administrator really deserve a golden parachute at taxpayer expense?

Probably not.

Almost 400 of the 1,097 administrative people with backup-job protections did not previously hold a position within the UW System before landing their jobs, according to UW officials. Some of those people might have been tenured professors, but certainly not all.

That's a good place to start scrutinizing. And in a way, UW officials already have. They have suspended the practice of offering backup-job protection to outside hires. That shows they are serious about the problem and getting past a difficult summer of related, assorted controversies.

After more study, a hard-and-fast rule to limit the number of administrative positions with backup jobs must be adopted.

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LOCAL NEWS from **Northwestern**

Posted Sept. 07, 2005

Editorial: Return backup contracts at UW to restricted use

A little tweaking can return a prized University of Wisconsin privilege back to the stature and honor that it deserves.

At issue are backup contracts. These are supposed to be awarded under condition of tenured faculty who may want to become university administrators. The idea is that not all professors make good administrators, so if the job doesn't work out, there can be a teaching position waiting in the wings.

That's fine when it works. However, in recent weeks University of Wisconsin System President Kevin Reilly said our state has up to 1,100 people with these contracts. Many didn't know they had these contracts, including some of the group of 39 at UW-Oshkosh with them. The procedure was suspended in July pending systemwide reform.

Don't construe this as UW System or UWO criticism. Both institutions have been very forward in sharing the information to show the issue. They are due major praise for their decision to reveal which people had backup contracts. It's a necessary step in returning the privilege to its past height.

Some positions beg curiosity as to why the position needed a backup contract. The parking director at the University Bookstore or the manager of the UWO news bureau don't need them. Someone like Chancellor Richard Wells would probably get hired elsewhere before needing a contract.

What we really need at UWO and the UW System is an application sequence that can decide whether the backup contract truly meets the spirit of the hiring process. It doesn't have to be an added level of bureaucracy. An existing person in the hiring process could handle the detail. But we need an independent eye to ensure the backup contract truly gets awarded to people making that first step from tenure to administration.

Again, the UW System and UWO have been forthcoming with this information. Their bold move builds credibility with a public that has a vested interest in public education.

Now our state should resolve this issue. Restore the meaning behind the contracts with a more selective issuance of them.

The Final Thought: The backup contract method in use at the UW System and UWO needs a little work to become effective again.

Original URL: <http://www.jsonline.com/news/state/sep05/354298.asp>

Regents vow to curb backup jobs, leaves

Action on UW policies may come Friday

By MEGAN TWOHEY
mtwohey@journalsentinel.com

Posted: Sept. 8, 2005

West Bend - The University of Wisconsin Board of Regents pledged Thursday to rein in backup appointments and paid leaves granted to university administrators as early as today, saying recent news reports highlighting the perks showed that change was needed.

"We've made big mistakes," regents President David Walsh said during the first day of a two-day meeting. "There are five or six incidents where we blew it. We have to do something about freewheeling contracting."

Among the episodes reported this summer:

- UW-Madison's handling of Paul Barrows. Legislators and Gov. Jim Doyle were outraged to learn that Barrows was given a backup job and paid at the rate of nearly \$200,000 a year during a seven-month leave after he resigned as vice chancellor amid allegations of an improper relationship with a student. Later reporting showed that nearly 80% of administrators in the UW System, including the housekeeper of the UW System president, have been guaranteed fallback jobs should they resign or be forced to step down.
- UW-Madison's decision to not immediately fire three professors who had been convicted of crimes ranging from sexual assault of young girls to stalking. Legislators were upset to learn that under UW System policy, university officials can't be fired solely because they've been convicted of a crime. The university must conduct its own investigation to determine whether there is cause for dismissal and grant due process and accrued vacation time to those who are subject to dismissal - even if they are behind bars.
- UW-Milwaukee's decision to pay four former administrators more than \$600,000 in taxpayer dollars for yearlong leaves granted after their resignations. The cases shed light on the common practice of granting administrators paid leave after they resign. The UW System said the paid leaves were designed to help administrators prepare to return to the classroom. UWM said the paid leaves were required to buy the administrators out of the lifetime faculty jobs they had been promised as backups. But UWM could produce no documentation of work done during the administrators' leaves, causing legislators to question the oversight of such leaves.

What will change?

While almost all of the regents voiced concern over the practices, they appeared divided over what reforms were needed. Any effort will be complicated by the complex web of state law, administrative code and university policies.

Regents were confused over what they could and couldn't change.

Backup jobs are given to university administrators who serve in limited appointments and have no fixed contracts. State law guarantees backup jobs to administrators promoted within the UW System. About 65% of backup appointments in the UW System fall into this category; the other 35% have been guaranteed to administrators who came from outside the system.

University of Wisconsin

9/2/05: 80% of UW officials have fallback jobs

8/10/05: Editorial: Taking job security too far

8/9/05: UW-Madison keeps jailed professors on payroll

7/18/05: Lawmaker seeks ban on UW resignation payoffs

7/16/05: UWM grants leaves after resignations

Paul Barrows Controversy

6/28/05: Independent probe of UW official possible

6/27/05: UW denies official asked to return

6/26/05: Editorial: When will UW learn?

6/24/05: Regents to investigate backup jobs

6/23/05: New allegations against UW official

6/20/05: UW official gets new title

6/17/05: UW official paid while on 7-month leave

While he complained of "freewheeling contracting," Walsh also defended backup appointments as a necessary form of job security. What needs reform, he said, is the way that backup appointments are given to administrators hired from outside Wisconsin. Those administrators, he said, should be given fixed contracts instead of limited appointments and the backup jobs that come with them.

But Thomas Loftus and other regents suggested that the problems with backup appointments were larger than that. UW System officials have defended backup jobs as a common practice across the country. But an informal survey of universities in other states by UW System staff showed that none guarantees backup jobs. Such jobs are sometimes given to administrators who are tenured professors, but only on a case-by-case basis, the survey found.

"I disagree that this is a solid system," Loftus said of the UW System's handling of backup appointments. "No peers offer backup without tenure. That's in direct contradiction to the claim that this is common practice. . . . We don't know how far down the ranks these backup jobs go."

'We have fallen on our face'

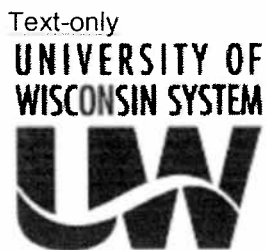
Regent Peggy Rosenzweig echoed Loftus' concerns, saying, "It breaks my heart that we have fallen on our face for this."

She also was among regents who called for changes in the way the system handles those convicted of a crime. Rosenzweig suggested that the Legislature could pass a law that would allow them to be fired immediately after felony conviction.

"We hear that felons are behind bars, but that they still have jobs and that they may still be getting paid," she said. "People find that unacceptable."

From the Sept. 9, 2005, editions of the Milwaukee Journal Sentinel
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September 8, 2005

**University of Wisconsin System Board of Regents
September 2005 Meeting
Day One News Summary**

Board of Regents to improve UW System employment policies

WEST BEND — The University of Wisconsin System Board of Regents will consider immediate and long-term changes to the state public university system's personnel structure following weeks of scrutiny of the UW's employment policies and practices.

After discussion at an all-Regents session on Thursday (Sept. 8), hosted in Washington County by the University of Wisconsin-Extension, the Board's Business and Finance Committee planned to draft a set of recommendations for consideration by the full Board.

"We've made big mistakes," said Regent President David G. Walsh of Madison. "There are some instances in which we blew it. We've got to give more direction, and we've got to do it right."

UW System President Kevin P. Reilly suggested that the Board consider actions to restore confidence with the public, fix aspects of personnel policies and practices that need fixing, utilize best practices, and ensure the UW System can remain competitive.

"We take very seriously our role and responsibility and will be open, diligent and accountable to our stakeholders," Reilly said, reiterating that, overall, he believes the university's personnel system to be "solid and fair."

"We value and respect all of our employees," Reilly said. "The vast majority of university employees are dedicated, hard-working professionals. I am proud of them, I am proud to be associated with them and all that they do to keep this system great."

Reilly noted that, with Board leadership, he has already suspended offering concurrent appointments to individuals from outside the system who are hired for limited appointments. He has also directed that the system's General Counsel must review any settlement arrangements, financial and otherwise, with individuals departing from "at will" appointments. He also said those employees must include a documented work product when a period of leave is granted.

The system has been criticized in recent weeks for the actions of some employees related to university policies and practices, including so-called "back-up" appointments, compensation of use of sick and vacation leave.

Reilly also reiterated his commitment to working with the Legislature to provide information and context for a nonpartisan audit.

The Regent Business and Finance Committee agreed to incorporate the suggestions of the full Board into a set of recommendations to be considered for implementation.

The suggestions included:

- requiring a vote of the full Board of Regents to lift the suspension on granting limited appointees rights to another position as part of employment terms;
- beginning investigations of university employees accused of crimes immediately after charges are filed;
- a review of sick leave and vacation policies
- reviewing chancellor compensation packages with all members of the Board; and
- in line with President Reilly's actions, requiring central review of all employment settlements, and a documented work plan, similar to a sabbatical, for employees in transition to another position.

The committee members agreed to work into the evening to draft a resolution for the full Board's consideration Friday.

Campus chancellors noted that broad systemwide policies could be problematic in the future, as each campus has different personnel needs.

"We have to keep our eye on the whole as we review the parts," said UW-Oshkosh Chancellor Richard Wells.

UW-Parkside Chancellor Jack Keating said the committee would have a tough task in applying general rules to all campuses. UW-La Crosse Chancellor Doug Hastad said he thought the current rules have worked well for his campus.

"I can think of many cases where the personnel rules have helped us, and helped the employees," Hastad said.

Others in the room noted that while universities across the country do offer some job security for employees, the UW's appear to be extensive in comparison.

Earlier, General Counsel Patricia Brady reviewed the historical roots of the UW's personnel policies, some of which trace back to the turn of the century and the university's commitment to academic freedom.

She outlined the differences in employment terms for classified staff, who are governed by rules under the state of Wisconsin and union contracts; faculty, who have often gained tenure; and academic staff, who can serve as instructors or in other academic-service roles.

Brady also explained the differences in terms of employment that provide those who agree to serve in limited administrative roles rights to assume another position they may have previously filled or been granted by contract. These employees serve "at will" of university leadership, and the majority of these employees gain these return rights under state statute, she noted.

Brady noted that many employees leave limited administrative roles in a straightforward manner, but that even in situations that involve disciplinary actions, employees do have rights under university rules, as well as state and federal law.

"Like any system, we can make improvements based on experience," Brady said, noting, however, that most public universities do offer employees some variation of the personnel rights offered within the UW System.

Regent Vice President Mark Bradley of Wausau said the Board and the state Legislature agree that some job protections are appropriate.

"My concern is when the discretion gets abused," he said.

Regent President Walsh reminded the Board that, by statute and rules, "there is no such thing as a back-up appointment." He said the review of employment policies and practices came about because of a very few "bad incidences."

"We're not monitoring the house," he said. "We're not paying attention to some aberrations."

Regent Thomas Loftus of Sun Prairie said he believed the use of return rights for limited appointees had exceeded the original intent.

"I think the public is saying 'run your business the way you need to to get the best people, but don't do it in a silly way'," said Regent Michael Spector of Milwaukee. "I think we're on the right track."

Regent Peggy Rosenzweig of Wauwatosa said she believes the Board must curtail the use of these kinds of terms of employment. She also urged the Board to take a strong stand on the proper use of employment policies, and advised that the Legislature may also attempt to change related state statutes.

Regent Jesus Salas of Milwaukee said he doesn't believe such action should be left to the Legislature.

"I think we have to direct [campuses] with some sense of the Board to the criteria that we need," Salas said, adding that he believes the Board should act before the completion of a state audit on these matters.

The Regents also noted the need to review policies related to employees with criminal convictions.

Regents agreed that on all related matters, the Board should act swiftly and strongly.

"I'm committed to changing those personnel practices that aren't compatible with a 21st century public university system," Reilly said. "It is just this kind of intense scrutiny that will make us stronger in the long run."

UW campuses assist students affected by Hurricane Katrina

President Reilly applauded UW campus communities on Thursday for their tremendous contributions to victims of Hurricane Katrina.

"As communities around the country do their part to aid the victims, I want to thank UW campuses for doing all they can to help these students maintain their footing on the path of higher education," Reilly said. "The Wisconsin Idea is about extending the UW borders to the state, and in this time of disaster we will extend them to the nation."

Reilly announced that nearly 100 students displaced by the hurricane have already enrolled in the UW System. He commended all of the campuses for their efforts to assist those affected, including UW-River Falls Chancellor Betz's proposal to adopt and help rebuild one of the damaged campuses.

[Learn more about the UW System's relief efforts](#)

Board outlines priorities for academic year

The Board agreed on Thursday to adopt several goals and priorities to guide discussion for the academic year.

Regent Vice President Mark Bradley highlighted four major themes that the Board will emphasize in the upcoming year. They include improving access to the UW System, increasing the number of baccalaureate degree holders in Wisconsin, improving the quality of the student experience, and strengthening and building relationships with stakeholders.

"These goals reflect the discussion we had at the retreat," said Regent Danae Davis of Milwaukee, who served on the committee that outlined the goals. "I think it's important that all the Regents are on the same page with these parameters before we move to something more specific."

President Reilly stated that next steps included consulting with the campuses to come up with specific strategies to drive these goals.

Regents get a firsthand look at community-based education

Before the start of their official meetings on Thursday, members of the Board of Regents participated in two "workshops on wheels"—concurrent bus tours that highlighted UW-Extension's work in Washington County.

State legislators, county board members, UW chancellors and other leaders joined the Regents for the tours, which focused on downtown revitalization and agriculture.

The downtown revitalization tour included a stop on Main Street in West Bend, for a presentation by Jon Lange, president of the Downtown West Bend Association, and Julie Cayo, West Bend's Community Development Planner. These and other local partners have worked closely with UW-Extension to increase local leadership capacity and organizational effectiveness in support of the economic development. This collaboration has resulted in one of Wisconsin's most successful Main Street Programs.

At the UW-Washington County campus, Dean David Nixon and Dan Anhalt, director of continuing education described collaboration with UW-Extension to serve working adults and other non-traditional students. In addition, Carol Vetter, president of United Steelworkers Local 850, praised the benefits of labor-education programs provided by UW-Extension's School for Workers. The human resources director at Regalware in West Bend, echoed that praise, explaining how both workers and managers alike have benefited from this unique program.

A second bus tour took Regents on a visit to Sunset Farms in Allenton, a progressively managed modern dairy operation with 625 cows. Owned and operated by members of the Wolf family, the farm has benefited from UW-Extension's successful "Milk Money" program, which helps producers improve milk quality and boost profits.

Local UW-Extension agriculture educators described how UW-Extension has leveraged university research to help local producers remain profitable and productive by adopting new technology and proven techniques. Participants learned about the ongoing importance of Wisconsin's agriculture industry, and the number of local jobs created by agriculture-related businesses.

Meeting at Washington County Fair Park, the Regents enjoyed a roundtable lunch with members of local 4-H clubs. The 4-H youth facilitated discussions about the morning bus tours and the importance of university-based youth programs statewide.

Education Committee

UW-Extension is working to expand access to baccalaureate degrees for adults and under-served students in Wisconsin, the Regent Education Committee learned Thursday.

Dean of Outreach and E-Learning Lee Zaborowski highlighted five strategies UW-Extension is using to reach its goals, including researching and analyzing the educational needs of adult students; finding and contacting potential adult students; providing information and advising, developing, coordinating and promoting online learning and developing a process for reviewing and awarding credit for nontraditional learning.

"We want to provide structure and eliminate the barriers that keep people from completing degree programs," Zaborowski said. "I believe UW-Extension can play a key role (for the university) and provide a lot of support in meeting this goal."

Zaborowski added that UW-Extension intends to match the \$500,000 provided in the 2005-07 state budget to the Committee on Baccalaureate Expansion to help campuses put baccalaureate degree programs online.

To clarify the priorities of the Education Committee, Regents discussed specific themes and priorities including increased access; enhancing student success and quality by ensuring academic programs meet the needs of students and the state; and strengthening teacher education, diversity and student support services.

"It is clear that our responsibility is to students and their search for knowledge," said UW System Senior Vice President of Academic Affairs Cora Marrett. "It is very important to look back on the university's mission statement and these priorities as we make decisions."

Student Regent Christopher Semenas of UW-Parkside asked if improving student support services would be a main priority for the Education Committee.

"We need more emphasis on reviewing student services if we want to retain the diverse and nontraditional students we wish to recruit." Semenas said. "We will lose these vital student populations without the proper services to advise and guide them."

The Education Committee on Thursday discussed and accepted the Annual Report on 2004 Undergraduate Drop Rates which, although systemwide drop rates were below 5 percent, will be presented to the Legislature's Joint Committee on Finance. UW Colleges were the only institution with a drop rate above the 5 percent threshold, but have reduced drop rates significantly since 1999.

In other business, the Education Committee:

- Examined the annual Program Planning and Review Report which will provide a sytemwide overview of academic program activity.
- Considered the addition of an online degree program for a Consortial Master of Business Administration, as well as a UW-Stout program for a B.S. in Golf Enterprise Management.
- Approved resolutions allowing UW-Eau Claire to offer a B.A. and B.S. in Women's Studies and authorizing a consortium between UW-La Crosse and UW-Milwaukee to offer a program for a Doctor of Physical Therapy.
- Approved a four-year extension for UW-Milwaukee's charter school, the School for Early Development and Achievement, to operate a public school.
- Passed a resolution approving amendments to the UW-Oshkosh Faculty Personnel Rules.
- Authorized UW-Madison, UW-Stout and UW-Superior to recruit for Provosts and Vice Chancellors within their respective salary ranges.

Physical Planning and Funding

The Physical Planning and Funding Committee heard a presentation on Thursday from Byron Knight, director of Broadcast and Media Innovations at UW-Extension, Michael Brophy, dean at UW-Baraboo/Sauk County and Tina Hauser, digital project manager at Wisconsin Public Television, about a new datacasting program being piloted at UW-Baraboo/Sauk County.

Datacasting, Knight explained, uses digital binary code to transmit information to computers and other data devices. Such technologies are currently used to deliver video content to K-12 classrooms for instruction, as well as to deliver important information to first responders, such as firefighters, in the case of an emergency.

The program at UW-Baraboo/Sauk County will utilize this technology to enhance student learning even further.

In a video presentation, Knight and his team explained that datacasting is advantageous to both instructors and students as it allows for the transmission of a tremendous amount of information in a very short amount of time.

Following the video, Hauser reviewed the details of how datacasting technologies will be used at UW-Baraboo/Sauk County – three instructors from the campus will create material available for datacasting, with help from Wisconsin Public Television to create video and audio material. A group of students will be loaned laptops equipped with datacasting receivers and will be able to receive course content datacast by WPT.

"Students using the laptops will receive information the same way students in the classroom do," she said.

The assessment for the project, Hauser said, will be based upon how effective datacasting is in delivering course content, and whether students' learning experience is improved. Hauser said the hope is that this project will create a model for datacasting for course delivery.

Brophy explained the specifics of the project on his campus, saying it will incorporate information from continuing education, Spanish and engineering courses.

He said one of the most beneficial aspects of datacasting technology is that it allows instructors to deliver timely content to their students, adding that datacasting also improves delivery of information.

"The idea is that if you create a program Wednesday afternoon ... that night it will be available to students," he said.

Brophy also noted the financial benefits of datacasting, saying that his campus is "saving a ton of money here."

"We hope this [pilot project] will put UW System at the forefront of this technology," Knight said.

In other business, the Physical Planning and Funding Committee passed the following:

- A resolution approving the implementation of the Master Term Sheet for the University Square Redevelopment Project at UW-Madison;
- A resolution naming the new UW-Madison Park Street Residence Hall the "Newell J. Smith Hall";
- A resolution granting authority to increase the scope and the budget of the UW-Madison University Ridge—Phase III project by \$1,192,200 Program Revenue Supported Borrowing;
- A resolution approving the Design Report for UW-Superior's Wessman Arena Locker Room Addition project for a total project cost of \$1,124,000;
- A resolution granting authority to construct various maintenance and repair projects at an estimated total cost of \$7,523,500;
- A resolution recommending the 2005-07 Capital Budget revision, which includes reduction of funding for the UW System Classroom Renovation/IT Improvements project from \$7 million to \$2.5 million General Fund Supported Borrowing and the reduction of funding for the UW-Stout Jarvis Science Wing Renovation and Addition project from \$40.6 million to \$35.1 million General Fund Supported Borrowing, be submitted to the Department of Administration and the state Building Commission.

Business and Finance Committee

UW-Extension is helping entrepreneurs in Wisconsin gain access to the resources they need to begin and grow their own business, the Regents Business and Finance Committee heard Thursday.

Erica Kauten, director of the Small Business Development Centers through UW-Extension, told the committee about the Wisconsin Entrepreneurs Network, a gateway to statewide services for entrepreneurs.

WEN also provides services for high-tech businesses seeking guidance on development and technology transfer, she said.

Kauten explained that working with educational and government agencies, WEN offers a range of technology and market tools, and efficiently uses state and federal dollars to maximize scarce services in Wisconsin.

In addition to the discussion on employment policies and practices, the Regents Business and Finance Committee:

- Approved a resolution that would authorize the UW System's participation in the Midwestern Higher Education Compact, an interstate initiative to increase educational opportunities for students;
- Approved a resolution to accept the 2005-06 Auxiliary Reserves Report and the 2004-05 Report

- on Base Salary Adjustments to Recognize Competitive Factors;
- Heard a quarterly report on Gifts, Grants and Contracts.

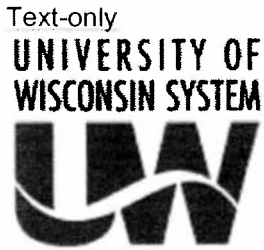
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The Board of Regents will resume its September meeting on Friday, Sept. 9, at 9 a.m., in room 1113 of the Washington County Cooperative Extension office in West Bend.

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September 9, 2005

University of Wisconsin System Board of Regents September 2005 Meeting Day Two News Summary

Board of Regents enacts changes to UW System employment policies

WEST BEND—The Board of Regents voted Friday to make changes to improve employment policies and practices of the University of Wisconsin System, and upheld a freeze on the granting of new concurrent positions to individuals who accept administrative limited appointments.

"These changes are the beginning of a process to reform employment policies within the state's public university system," said Regent President David G. Walsh of Madison. "This is a real commitment, and we should all be on board."

Walsh and UW System President Kevin P. Reilly froze the granting of concurrent appointments in August, pending the Board's review of a larger set of employment policies and practices, including terms of employment, use of accrued leave, compensation and competitiveness. The full Board will vote before the freeze is lifted.

According to Regent Charles Pruitt of Milwaukee, who chairs the Business and Finance Committee, the Board's actions are intended to ensure the principle that employees will be paid at rates that are commensurate for current duties, not those of any prior position.

"The status quo is not acceptable," agreed Regent Danae Davis of Milwaukee. "I do support the notion that we're not trying to tie hands and discourage, but I think we are also trying to be accountable."

Board members noted the deep concern they share with state citizens about felony crimes committed by UW employees, and voted to require that when any UW employees are accused of criminal activity, their respective institutions immediately commence internal investigations and take appropriate disciplinary actions.

"The bottom line is that the public doesn't understand why a person who has been convicted of a heinous crime has not been disciplined earlier, or why they are still on the payroll," Walsh said. "We need to tell the public why we can't move faster, and then move as quickly as possible."

Following Board action, the UW System will consult with faculty and staff governance groups to review position titles designated as limited appointments, and consider implementing a fixed-term contract system in lieu of limited-term appointments.

The Board also upheld Reilly's recent action to require the president's approval for any settlements involving the termination of a limited appointee, and required that such settlements also be reported to the Board.

The actions now require administrators who assume faculty positions to be compensated at a rate consistent only with their faculty duties, and the Board directed that any such employees granted leave

to transition to teaching must provide a work proposal and subsequent report, and will receive no more than one semester to do so. Administrators that do serve as limited appointees for more than five years would be eligible for two semesters of leave.

The Board's actions also require the UW System to develop a revised sick leave policy; to present for review by the full Board compensation offered to the president and chancellors; and to prepare a recommendation on the sufficiency of the UW's internal audit functions.

"I do believe that one of the key ingredients here was that we needed to send a very strong message," Pruitt said.

Regent Michael Spector of Milwaukee warned that the Board may be looking to make sweeping changes to UW personnel structures too quickly, and urged the Board to gather more information before enacting more changes.

"I understand the urgency of this response, but whatever we're doing, we need to make sure we're doing it right, and that we put in place something that will stand the test of time," agreed Regent Judy Crain of Green Bay. "I want to clear things up and to be able to explain what the university is doing about this, but I want the answers to be right."

The UW System will report to the Board on these matters by November 2005.

Board approves tuition waiver for hurricane victims

College students displaced by Hurricane Katrina and who now plan to attend UW System campuses will receive nonresident tuition remissions for the Fall 2005 semester, under a resolution approved Friday by the Board.

"We fully recognize the impact this disaster has had on the lives of university students on the Gulf Coast," Reilly said. "Allowing those victims to continue their education with little or no tuition cost is a way we can truly help."

On Sept. 2, Reilly announced the UW System's intention to assist victims of Hurricane Katrina by welcoming Gulf Coast college students to several UW campuses. In most cases, these students will enroll for the Fall 2005 semester as a class of students designated by the Board as "Hurricane Katrina Victims."

Students who qualify for this tuition assistance are those who were enrolled at, or had been actively attending, a higher education institution located in areas in Mississippi and Louisiana now designated as federal disaster areas. Many colleges and universities in these areas have been closed for a semester or longer — some indefinitely.

"These students have nothing," said UW-Madison Chancellor John Wiley. "They're scared to death that down the road they will get a tuition bill they won't be able to afford."

"If you remove any opportunity to receive financial aid, you may as well not admit them at all," agreed Regent Jesus Salas of Milwaukee. "They are coming here in some dire economic straits."

The Board directed Reilly and Regent President David G. Walsh to consult with legislative leadership and the Governor regarding options to reduce, not charge, or otherwise provide financial aid support for these students. A special meeting of the Board may be held after these consultations to establish a tuition rate for the "Hurricane Katrina Victims."

The action will not affect enrollment or financial aid already established for current UW students. The university may be able recoup some federal funds to cover the tuition waivers, Regents learned.

"Our hearts are open to these resilient students, and so must be our doors," Walsh said.

New Adult Student Initiative part of UW Colleges, UW-Extension integration

UW-Extension and UW Colleges are taking the lead in a collaboration with UW campuses to expand how the university serves working adults, President Reilly and two UW chancellors announced Friday.

The Adult Student Initiative will build on the statewide networks and locations of the UW Colleges and UW-Extension to reach out to adult students who wish to earn their bachelor's degrees. It is also a direct response to Board directives following the report of the Committee on Baccalaureate Expansion.

"It's a simple concept. By increasing the percentage of state residents who hold four-year college degrees, we can improve Wisconsin's economy," Reilly said. "The UW must have programs in place to educate more nontraditional students if we are to improve the quality of Wisconsin's workforce."

Reilly also outlined how the initiative would work with adult students to offer appropriate credit for prior learning, and that funds are available for the new initiative because UW-Extension plans to reallocate dollars from some programs that are no longer active. Savings will also be achieved by centralizing some administrative functions with UW Colleges.

The integration of the UW-Extension and the UW Colleges is progressing with a shared vision for the future, UW Colleges Interim Chancellor Margaret Cleek and UW-Extension Interim Chancellor Marv Van Kekerix told the Board of Regents on Friday.

The integration follows a proposal President Reilly put forth last February to combine administrative functions of the two institutions under a single chancellor.

Cleek and Van Kekerix said their coordinated efforts and joint planning emphasize ways the combined institutions can better serve students and the state.

"It's not exactly a simple undertaking," Van Kekerix said, noting the differences in organizational cultures and missions. "But we are excited about our progress and our prospects for the future."

Cleek said the joint committee has focused on how an integrated entity would further the system's commitment to access, active faculty and staff governance and strong partnerships with UW System comprehensive and doctoral campuses. She also said the goals of what could emerge as a new entity would be to increase access, quality and efficiency.

"The combination of our two institutions will preserve our unique missions," Cleek said, adding that the integration will also allow for joint improvements.

Van Kekerix highlighted programs that will focus on expanding student access to baccalaureate degrees, which include several adult-student initiatives, such as support for degree completion, distance-education programs and face-to-face instruction.

Along with reaching out to adult students, Cleek said efforts are being made to increase diversity among students.

"When do you begin to reach out to people who are interested in higher education?" she asked. "The answer is 'early on'."

Cleek said the committee's next step is to develop two fully integrated models for the likely new entity, one of which it will follow upon its creation.

"I think we've made some real steps in the right direction," Van Kekerix said.

Regent Charles Pruitt of Milwaukee praised the work of the committee, calling their efforts "right on point."

Reilly thanked the leadership and staff of UW-Extension and UW Colleges, who he said have put their

energies and ideas into shaping this dynamic, new direction.

"I am impressed, and inspired, by their efforts to make this an integration not just of paperwork and processing, but of one culture, mission and service," Reilly said.

As part of his report, Reilly also welcomed students back to campus for the start of the new academic year, and read "Marginalia," a poem by Billy Collins, as way of inspiring hard work in the classroom.

Board shows appreciation to UW-Extension

While hosting the Board's two days of meetings, UW-Extension truly showcased its ability to expand the boundaries of the university to the boundaries of the state, Regents noted today in a resolution of appreciation.

The resolution thanked UW-Extension for its presentations by youth members of 4-H, and for informational sessions on dairy modernization and community involvement, efforts to reach out to adult students, datacasting, and the Wisconsin Entrepreneurs Network.

The Board also honored George Brooks, former UW System Assistant Vice President for Human Resources, with a resolution of appreciation. Brooks recently retired after more than 30 years of service with the UW System.

In other business, the full Board:

- Authorized the UW System's participation in the Midwestern Higher Education Compact, an interstate initiative to increase educational opportunities for students;
- Accepted the 2005-06 Auxiliary Reserves Report and the 2004-05 Report on Base Salary Adjustments to Recognize Competitive Factors;
- Approved the implementation of the Master Term Sheet for the University Square Redevelopment Project at UW-Madison;
- Approved naming the new UW-Madison Park Street Residence Hall the "Newell J. Smith Hall";
- Granted authority to increase the scope and the budget of the UW-Madison University Ridge—Phase III project by \$1,192,200 Program Revenue Supported Borrowing;
- Approved the Design Report for UW-Superior's Wessman Arena Locker Room Addition project for a total project cost of \$1,124,000;
- Granting authority to construct various maintenance and repair projects at an estimated total cost of \$7,523,500;
- Recommended the 2005-07 Capital Budget revision be submitted to the Department of Administration and the state Building Commission;
- Accepted the Annual Report on 2004 Undergraduate Drop Rates;
- Approved the addition of an online degree program for a Consortial Master of Business Administration, as well as a UW-Stout program for a B.S. in Golf Enterprise Management;
- Approved allowing UW-Eau Claire to offer a B.A. and B.S. in Women's Studies and authorizing a consortium between UW-La Crosse and UW-Milwaukee to offer a program for a Doctor of Physical Therapy;
- Approved a four-year extension for UW-Milwaukee's charter school, the School for Early Development and Achievement, to operate a public school;
- Approved amendments to the UW-Oshkosh Faculty Personnel Rules; and
- Authorized UW-Madison, UW-Stout and UW-Superior to recruit for Provosts and Vice Chancellors within their respective salary ranges.

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The Board of Regents will hold its next regular meeting Thursday and Friday, October 6-7, 2005 in Madison.

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Posted Sept. 09, 2005

UW regents vow changes on backup jobs

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The Associated Press

WEST BEND — University of Wisconsin System regents said Thursday that they will put new limits on how universities grant backup positions and paid leaves to administrators.

Representatives of the 17-member board, who began reviewing personnel policies that have come under scrutiny, also indicated they would try to speed up the firing of employees convicted of felonies as part of an effort to restore public confidence in the 13 four-year universities they govern.

In all, regents said, negative coverage of the System's missteps in recent weeks had added up to erode public support for university funding and distract the schools from their teaching and research missions.

"We've made big mistakes," board President David Walsh told campus leaders as the board began a two-day meeting in this eastern Wisconsin city. "There's five or six incidents where we really blew it. And what we need to do is to give you guidance so we don't blow it anymore."

The board's business and finance committee began crafting proposals on Thursday to present to the full board for action today. Regent Thomas Loftus, a former Democratic leader in the state Legislature, called it "the start of the reform process."

The UW System has been under fire from lawmakers and the public after news that campuses routinely grant backup appointments at lower-paying jobs as a perk to employees in case they resign or are fired, and up to a year of paid leave to administrators transitioning back to teaching jobs. In addition, lawmakers have criticized UW-Madison for allowing three employees to collect vacation pay and appeal their firings while they are in jail.

Critics say backup appointments and paid leaves are perks for administrators who fail, and in some cases allow them to collect big salaries for doing little work.

Matthews, Pam

From: Handrick, Diane
Sent: Friday, September 09, 2005 8:57 AM
To: Matthews, Pam; SueHome
Subject: From boots and sabers today

Regents Stuck In Mindset

This article starts out sounding very promising.

The University of Wisconsin Board of Regents pledged Thursday to rein in backup appointments and paid leaves granted to university administrators as early as today, saying recent news reports highlighting the perks showed that change was needed.

But as you read further down...

While almost all of the regents voiced concern over the practices, they appeared divided over what reforms were needed. Any effort will be complicated by the complex web of state law, administrative code and university policies.

Regents were confused over what they could and couldn't change.

[...]

While he complained of "freewheeling contracting," Walsh also defended backup appointments as a necessary form of job security. What needs reform, he said, is the way that backup appointments are given to administrators hired from outside Wisconsin.

[...]

But Thomas Loftus and other regents suggested that the problems with backup appointments were larger than that. UW System officials have defended backup jobs as a common practice across the country.

It becomes painfully apparent that they *still don't get it*. It's a sage bet to say that nothing substantial will be done to reign in backup jobs. The Board of Regents is not looking for solutions. They are looking for excuses.

Posted by Owen at [0543 hrs](#) | [Spurs \(0\)](#) | [Trackbacks \(0\)](#) | [Politics + Politics - Wisconsin](#)

Diane Handrick

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UW employment practices discussed at Capitol

Contracts called preferable to backup jobs

By Aaron Nathans
September 13, 2005

Lawmakers and University of Wisconsin officials sparred over the UW's controversial employment practices this morning.

They disagreed in some areas, but appeared to agree that giving administrators fixed-term contracts rather than backup positions would be more palatable to taxpayers.

On the day before the Labor Day weekend, the university answered lawmakers' request to provide the number of UW employees with "backup positions." The number was higher than many had expected: 1,092.

This morning, UW System President Kevin Reilly addressed the Joint Audit Committee at the State Capitol.

"The Board of Regents and I are making substantial progress in tightening up our employment practices," Reilly said.

Administrators, especially those hired from outside institutions, appreciate the job security that backup positions provide, Reilly said. The positions allow an administrator to have a job in faculty or lower administration if their boss says they're not working out in a top job.

The general public is more familiar with the concept of contracts, which provide job security, too, Reilly said. When someone doesn't work out in that situation, they tend to reach a cash settlement with the school. Reilly noted that the Wisconsin Technical College System uses contracts instead of backup positions.

He wondered aloud whether it would save the university money, but he said it would be a more "transparent" practice.

Sen. Carol Roessler, R-Oshkosh, the co-chairwoman of the committee, said, "I think a contract would be a cleaner, and clearer, arrangement."

The use of backup positions need to be better managed, said Rep. Dean Kaufert, R-Neenah.

"I personally feel no one was watching, and it got totally out of control,"

Kaufert said.

Committee members also discussed whether state law needed to be changed to allow the university greater flexibility to fire people convicted of felonies. But Reilly said each case is different, and may involve the question of whether a crime compromises an employee's ability to do a job. An employee may have vacation time that can be used while in jail, he said. And UW General Counsel Pat Brady said constitutional matters complicate the issue further.

Rep. Samantha Kerkman gave an emotional defense of the Legislature in response to a stinging message from UW-Madison Chancellor John Wiley in the latest edition of the UW alumni magazine. Wiley wrote that the Legislature was irresponsibly using "a few individual personnel decisions" as an excuse for "political payback."

"I'm still paying back a lot of tuition" said Kerkman, R-Burlington, a graduate of UW-Whitewater. She called the message "disturbing."

"It's hard when you see that," Kerkman said.

[Return to story](#)

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UW professor convictions may spur change in state law

WSJ

Angry that three jailed professors remain university employees, state lawmakers on Tuesday complained that it takes the University of Wisconsin System far too long to fire convicted felons.

UW System President Kevin Reilly pledged that UW campuses would speed up the dismissal of employees convicted of crimes, but changes in state law may be needed to do so. Members of the Legislative Audit Committee, responding to public outrage over the recent cases, called for a quick solution.

"I don't know how long it is going to take you to do this, but the heat is on," Sen. Robert Cowles, R-Green Bay, told Reilly.

State law prevents the university from firing employees based on court convictions alone, instead requiring a separate investigation to demonstrate the offense is related to their employment. Once that investigation is complete, tenured professors can appeal any punishment and collect accrued vacation pay in the meantime.

Lawmakers suggested they could amend the law to require the immediate dismissal of professors convicted of certain crimes or tell the System to write into employee contracts that certain offenses would result in automatic termination.

UW System's top lawyer, Pat Brady, said both of those options could be challenged on constitutional grounds, but she was willing to look into them.

Three cases this year involving UW-Madison faculty members have sparked outrage. Physiology professor Roberto Coronado, sentenced to eight years in prison for sexually assaulting three young girls, collected his \$137,000 salary from a March 28 conviction until Monday, when his vacation pay expired. UW-Madison's provost recommended that he be fired in June, but he continues to appeal.

Investigations into whether two other professors — one serving a one-year jail term for felony stalking, the other serving a 30-day sentence for exposing a child to harmful material — should be fired will be done by the end of the week, UW-Madison spokesman Brian Mattmiller said Tuesday.

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Lawmakers question UW System on slow firing of felons

September 14, 2005

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Three cases this year involving UW-Madison faculty members have sparked outrage. Physiology professor

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Investigations into whether two other professors - one serving a one-year jail term for felony stalking, the other serving a 30-day sentence for exposing a child to harmful material - should be fired will be done by the end of the week, UW-Madison spokesman Brian Mattmiller said Tuesday.

Lawmakers said campus investigations and the appeals process were taking far too long for the handful of employees convicted of heinous crimes. "Folks that are in prison right now are still getting benefits from the System," said Rep. Samantha Kerkman, R-Burlington.

"Why does it take so long for the universities to act?" Rep. Dean Kaufert, R-Neenah, asked Reilly.

Reilly said many internal probes were hampered when law enforcement officials refused to share evidence or asked the campus investigator not to interview witnesses until court proceedings were over. In the future, "we are committed to making sure we move as promptly as we can," Brady said.

Associated Press

UW Felon Still Working On Campus

Wed 09/14/2005 -

27 News has uncovered UW-Madison literature professor Lewis Cohen, a convicted sex offender, works on campus as part of a state work release program and has access to student records.

"To give this person, who's been convicted of a serious crime against children, access to student records, simply doesn't make sense," Rep. Scott Suder (R-Abbotsford) told 27 News.

"This offender should not be on campus," said Rep. Samantha Kerkman (R-Burlington).

Kerkman, Suder and several other state lawmakers have criticized UW officials for their allegedly slow response to the felony convictions of Cohen, medical school professor Roberto Coronado and associate medical school professor Steven Clark. Coronado was convicted of several first degree sexual assaults of a child and is serving an eight year prison sentence. Clark was convicted of felony stalking and is serving one year in the Dane County jail.

In July, Cohen was convicted of exposing a child to harmful materials. Court documents state Cohen transmitted nude photographs of himself and other men to a 14 year old Greendale boy, and was arrested when he arranged what he believed would be a rendezvous with the boy.

Cohen's sentence was a probation term, to include thirty days in jail, with work release privileges. A September 7 news release from UW-Madison officials stated Cohen was not teaching any courses, but did not reveal whether Cohen was accessing his court approved work release. Clark's attempt to access potential work release was denied when Dane County Sheriff's officials said there would not be adequate supervision of Clark at his campus job.

Cohen is serving his jail term at the state operated, Community Correctional Center in Milwaukee.

Department of Corrections spokesperson John Dipko told 27 News Cohen's approved work release involves Cohen's commute from Milwaukee to Madison. Dipko said Cohen's work consisted of library duties at the UW-Madison campus' Van Hise Hall.

"Lewis Cohen's work also involves reviewing written samples and entrance applications from prospective graduate students," Dipko told 27 News.

Dipko said the terms of Cohen's probation prohibit him from using computers. Cohen's office computer in Van Hise Hall was seized during a police search earlier this year. Dipko said Cohen's campus work release assignment restricts him to his office.

Dipko said Cohen's work release also involves part time employment at a private law firm.

Suder said Cohen's placement on campus undercuts assurances from UW-System President Kevin Reilly that system officials are prioritizing the issue of the university system's continued affiliation with convicted felons. Reilly appeared before a state committee September 13 and has joined in a call for a state audit of university employment practices, including those pertaining to felons. "President Reilly came in, and claimed things were turning around," said Suder. " Well, clearly this situation was not fixed."

Reilly was unavailable for comment. Cohen's campus work release assignment is in the same building as Reilly's office.

UW-Madison spokesperson Brian Mattmiller had yet to return a call from 27 News by our news deadline.

Dipko said Cohen's scheduled jail release is September 18.

Reilly has said investigations into the potential for firing Cohen, Coronado and Clark are almost complete. Reilly has said state statutes protect a university employee's right to due process and require a criminal conviction to be related to an employee's job to justify a termination.

Dipko said information on Cohen would be placed on the state's online sex offender registry on September 15.

This news printed courtesy of 27 WKOW-TV.

UW settles personnel case

00:00 am 9/19/05

KAREN RIVEDAL krivedal@madison.com

UW-Madison paid a former School of Music employee one month's salary and \$10,000 in attorney fees to settle allegations that he mishandled cash received for instrument rentals and cheated students who used the band facilities at the Humanities Building.

In exchange, the employee, James W. Jordan, an academic staff member described as a senior instrumentation technologist, agreed to drop several counterclaims and resign from the university effective July 31, 2004. He earned about \$56,000 a year and worked at UW- Madison for 21 years.

Details of the case - obtained recently in a public records request by the Wisconsin State Journal - shed some light on the complex and often time-consuming process required to fire a university employee accused of misconduct. In some ways, it echoes the higher-profile cases of employee misconduct that caused some lawmakers to criticize UW-Madison this summer, prompting some rule-tightening for all campuses by the UW Board of Regents earlier this month.

Those cases involved three UW-Madison professors who were convicted of felonies but remain employed - though not actually working, two without pay, one with pay - pending appeals of the university decisions to dismiss them. Those appeals are available under state law and university policy. The university investigations into their cases took months to complete; the last two finished Friday.

UW-Madison officials say reviews in such cases are often delayed by the demands of the legal system, such as when police seize evidence or university investigators are told not to talk to witnesses.

But Jordan's case shows that the disciplinary wheels at the university also grind slowly and deliberately even when the courts aren't involved. State rules require a formal complaint, an investigation, consultation with faculty and staff, a decision and then possible appeals to the provost or chancellor, faculty or academic staff review committees and the Board of Regents, as a last resort before possible outside court action.

"We always try to resolve these issues at the most local level," said UW-Madison Provost Peter Spear said. "We also have a real concern for due process. People sometimes get accused wrongly, and a lot of that process is there to make sure people have an opportunity to address the allegations."

Technically, the process could be streamlined somewhat while still respecting due process by changing rules so appeals go directly to the Board of Regents, said Lester Pines, a prominent Madison labor lawyer. But that would be impractical for a state agency with more than 30,000 employees, he said.

"The board would have to work full-time just hearing discipline cases," Pines said.

The regents' reforms haven't changed the basic structure of campus disciplinary processes. The board's rule change focused on speeding up initial university review of employees charged with felonies but not any subsequent steps that must take place whether someone is facing outside legal action or not.

Jordan's case took almost 19 months to resolve, spanning all or parts of three school years. Under the settlement, signed Nov. 10, 2004, neither side claims victory in the dispute and nothing in it can be interpreted as an admission of liability or wrongdoing by either side.

Settlement documents and other records obtained by the State Journal show UW- Madison first told Jordan he was being fired on Aug. 6, 2003. The letter from School of Music Director John Schaffer laid out five charges that Schaffer said were true after a three-month investigation during which Jordan was on paid leave.

Jordan, whose job involved repairing, renting out to students and keeping track of band instruments, was judged to have broken the rules by:

Waiving instrument rental fees contrary to school policy.

Failing to deposit cash received for rentals.

Maintaining a cash fund that he used to reimburse himself for expenses.

Hiring students with cash or by barter to work and/or run errands for the school.

Requiring band members to give him a cut of cash they earned on outside performances.

Schaffer said each of the charges was grounds for dismissal and told Jordan that he was suspended without pay. He also asked Jordan to return some university property, including a computer projector and a digital camera.

But that was far from the end of it. As the rules require, Jordan also was informed of his appeal rights. The dismissal would go into effect unless Jordan within 20 days requested a review by the dean of the College of Letters and Science or a person the dean designated.

Jordan apparently did that. Seven months later - university lawyers could not explain why it took so long - dean designee Herb Wang upheld the decision to fire Jordan in a letter dated March 8, 2004. Wang also informed Jordan that he had 15 days to appeal that decision to the Academic Staff Appeals Committee.

Jordan's lawyer, Richard Rice, did that three days later, protesting Jordan's firing on procedural grounds, including an assertion that Jordan should not have been suspended without pay. Jordan also went on the offensive, filing three claims to different state agencies alleging disability discrimination and whistleblower retaliation and seeking unemployment compensation.

Another eight months went by before the settlement was signed on Nov. 10, 2004.

The settlement terms rewrote history, rescinding Jordan's termination and stipulating that UW-Madison's records would show that Jordan had been "on a leave of absence without pay" from April 30, 2003, to June 30, 2004. (Jordan actually had been suspended without pay starting Aug. 6, 2003.)

The agreement also put him retroactively on the university payroll so he could receive one month of pay, from July 1, 2004, to July 31, 2004, his official resignation date.

Jordan was required to release the university from all pending or future claims and drop his appeal. Jordan also agreed not to discuss the settlement terms with anyone outside his family and not have any "substantive communication" with any UW-Madison employees about the School of Music.

UW-Madison senior legal counsel John Dowling negotiated the compromise settlement, which also was approved by the UW Board of Regents.

The agreement said the university would seal and permanently maintain the records but noted that the public might be able to access them under a records request. As required by law, Jordan was provided written notice informing him of the university's intent to release the records in response to the State Journal's request.

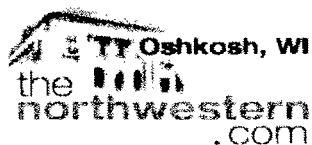
Whether employment disputes are resolved quickly or drag on for years, Dowling said, university officials must follow state rules for investigating employee misconduct. Many state employees have civil service protections that require due process and no disciplinary action without "just cause," according to Karen Timberlake, director of the Office of State Employment Relations.

Generally, bosses must meet with employees and do an investigation before firing them, after which employees in unions can file a grievance and seek arbitration by a third party. Employees not in unions can appeal the decision to a state employment commission, from which it also can go to circuit court.

No employers, private or public, Timberlake said, can fire employees solely because of a criminal conviction - echoing UW-Madison officials who have said repeatedly that state law prevents them from summarily firing the three professors recently convicted of felonies. A separate investigation must be done and the offense for which they were convicted must relate in some way to the person's job performance.

Pines also noted that public employees are protected by the Fifth Amendment to the U.S. Constitution, which states that "no person" can "be deprived of life, liberty or property," including their jobs, without due process. He cited a state Supreme Court decision in 1976 that confirmed the link between property and jobs for state workers, and a U.S. Supreme Court decision involving the Board of Regents in 1972 upholding protections for tenured employees.

"We have to give people due process before taking disciplinary action or terminating them because we are a public employer," Dowling added. "We are part of the state of Wisconsin."



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LOCAL NEWS from

Oshkosh
Northwestern

Posted Sept. 21, 2005

Editorial: Criminal conviction should be new cause for UW dismissal

Employees of the University of Wisconsin System who want to trade their academic robes for the orange jammies of jail life shouldn't continue to enjoy the perks they had while working for the state.

UW System processes have reached a point in time where a criminal conviction should also mean the end of a person's connection there as an employee. State statutes now require employers to validate a conviction has a connection to the job in order to force a termination. The public sector, however, depends on taxpayer dollars and should therefore be held to the standard that cheating on the public dime results in job loss.

To its credit, the UW Board of Regents earlier this month showed it is open to changing past practices. It adopted a policy in a memo that the board will "review and reform the employment policies and procedures." One of those items in the memo addressed the termination of an employee who is convicted of a crime. (The memo also addressed another contentious issue of changes to the loose awarding of backup contracts, among other issues.)

We think the UW Board of Regents and the UW System needs more spark than another memo. There's talk of a bill in Madison that would terminate a person's UW System employment upon a criminal conviction, backed most prominently by state Rep. Scott Suder, R-Abbotsford, and nine other legislators. This sounds like the kind of change that deserves support by the Regents. It would not only terminate employment but also deny a convicted person any accrued vacation pay.

Preferably, the UW Board of Regents would approach the Legislature for a solution. Admittedly, state-UW relations aren't at an all-time high. Still, the UW Regents should lay down their defenses and join legislators in this effort.

A unified show of support of UW Regents with legislators is important in order to show that the decision-makers understand that there is a problem and it needs resolution.

What will happen with a tougher law in this regard? Those who now are tempted with exposing children to harmful materials or who have repeated sexual contact with a child – the respective convictions that landed two former UW System employees in jail -- will have to think twice about their actions.

The smart ones will become aware of their problems and seek out the counseling and therapy that they need and for which the health policies of state employees are very well equipped to handle.

The bottom line is that the people of Wisconsin no longer can tolerate seeing their precious tax dollars wasted on processes or people who don't want to deliver a quality education. If the laws of the state need to be changed to protect the public in this way, then let's get busy and do it.

The Final Thought: The UW System needs to change its policies so that a person convicted of a crime loses a job, as a deterrent to people who might otherwise commit offenses.

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PRESS RELEASES

UW-Madison: Chancellor John Wiley's Public Response to the Steingass Report

9/22/2005

"Susan Steingass did an exhaustive job at uncovering the facts of the case and explaining them. I thank her for taking on this difficult job.


Paul was a longtime colleague and friend. He had a long record of achievement. I had no interest in ruining his career, and encouraged him to find a job elsewhere. As he searched, I continued to approve use of sick leave. While I requested medical verification in January, I was not diligent in following up to obtain documentation until June. That was a mistake, and I needed to be more attentive. I certainly will be in the future.

I took no pleasure in having to move Paul out of his role as vice chancellor. But this institution operates on trust and professionalism. I felt that he exercised poor judgment that called his professionalism into question, and it was clear to me that he could no longer serve in that capacity.

It also became apparent to me during this period that my trust in Paul was misplaced. That hits home on a personal level and leaves me with many lasting regrets.

One of my greatest regrets is that my handling of this situation caused the university to suffer in the public's estimation. Although this was an isolated incident, we are working to ensure that similar cases do not crop up in the future.

Finally, I am also grateful for the challenging roles that System President Kevin Reilly and Provost Peter Spear have taken in reviewing this report and deciding on action."

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News

Steingass Report review and actions taken by UW System, UW-Madison

September 22, 2005

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TO: Media Representatives

FROM: UW System President Kevin P. Reilly, UW-Madison Provost Peter D. Spear

SUBJECT: Steingass Report Review and Actions Taken

Since November 2004, UW-Madison has been involved in a protracted and painful personnel matter that has been difficult on the individuals, the university and UW System.

Before we address the substantive nature of the report submitted, we want to thank Attorney Susan Steingass for her professional attention to this matter and for her thoughtful presentation of the facts of the investigation.

We have reviewed the report, accepted the conclusions as presented, and have based our decisions upon those conclusions.

In accordance with state law, we have notified all individuals whose names appear in the Steingass Report, have followed all university rules regarding procedures in investigation and disciplinary matters, and have filled the pending public records requests that had been withheld during the investigation process. Dr. Barrows and his attorney received an unredacted copy of the Steingass Report on Sept. 6. Provost Spear followed up on the investigation, including meeting with Dr. Barrows and his attorney on Sept. 8 (investigatory meeting) and on Sept. 16 (predisciplinary meeting). Provost Spear consulted with university legal counsel and human resources personnel to ensure that due process was followed and outcomes were appropriate.

A summary of the decisions, including key findings and actions, is outlined below:

Conclusions as they relate to Dr. Barrows

- Provost Spear concurs with the report's conclusion that Dr. Barrows' conduct toward one individual "could reasonably be regarded as unprofessional" and that, if part of a pattern, "could reasonably be seen as violative of the university's sexual harassment policies and rules." Provost Spear also accepts the report's conclusion that Dr. Barrows' conduct toward a second individual, "no matter how intended, would be received by a reasonable person as sexual harassment."

Actions taken

In making his determination as to the appropriate response to Dr. Barrows' actions, Provost Spear took into account the nature of the behavior, Dr. Barrows' nearly 17 years of distinguished service to UW-Madison, and the fact that no other complaints had been made against him in that time. Provost Spear determined that there are insufficient grounds for dismissing Dr. Barrows from the university at this time. However, based on these considerations and the above conclusions, the following formal actions have been taken.

Provost Spear reaffirms the following employment actions regarding Dr. Barrows:

- Dr. Barrows was removed from his vice chancellor position; annual salary of \$191,749.
- The university withdrew an offer to Dr. Barrows of a consultant position; annual salary of \$150,000.
- Dr. Barrows was placed in a contractually required backup position; annual salary of \$72,881.
- A formal letter of reprimand has been sent to Dr. Barrows and placed in his personnel file indicating that future conduct of this sort will result in dismissal.
- Dr. Barrows will be required to undergo sexual harassment training by Dec. 31, 2005, because his behavior reflects a lack of understanding of policy and the impact of his actions.
- Provost Spear has instructed staff to replace 92 hours of sick leave, used by Dr. Barrows in March 2005, with 92 hours of floating holiday/Annual Leave Reserve Account (the amount Dr. Barrows had available at the time).

Conclusions as they relate to Chancellor Wiley

- The report indicates that Chancellor Wiley allowed Dr. Barrows to inappropriately use sick leave from March 2005 to mid-June 2005. In the report, Chancellor Wiley appropriately takes responsibility for not following up soon enough with Dr. Barrows for medical confirmation of Dr. Barrows' continued need to use sick leave.
- As a result of the report, President Reilly concludes that, after Dr. Barrows had resigned from his Vice Chancellor for Student Affairs position and the position had been abolished, Chancellor Wiley took an inordinate amount of time to place him in his backup appointment, continuing to pay him while on leave at his Vice Chancellor salary of \$191,749.

Actions taken

In making his determination as to the appropriate response to Chancellor Wiley's actions, President Reilly considered Chancellor Wiley's handling of this personnel matter within the context of his overall performance. Chancellor Wiley has spent more than 30 years at UW-Madison as an outstanding faculty member and administrator. Since 2001, he has done an exemplary job of overseeing a campus of more than 40,000 students and 16,000 employees, and an annual budget of nearly \$2 billion. He has demonstrated consistent and strong leadership in challenging times.

- President Reilly has sent Chancellor Wiley a letter criticizing his application of leave policy in this case and directing him to take corrective measures to prevent such problems in the future.
- President Reilly has directed Chancellor Wiley to report back to him on these corrective measures by Oct. 21, 2005.

Original URL: <http://www.jsonline.com/news/state/sep05/357734.asp>

Officials faulted but lose little in UW case

Probe finds harassment claim was mishandled

By MEGAN TWOHEY
mtwohey@journalsentinel.com

Posted: Sept. 22, 2005

An independent investigation into Paul Barrows' forced resignation as a vice chancellor of University of Wisconsin-Madison and his lengthy sick leave that followed has found fault with both Barrows and the university's chancellor, but neither will face major disciplinary action.

Barrows sexually harassed a female subordinate and was unprofessional in his handling of a consensual relationship with a graduate student, according to the findings, which were released Thursday.

But he will not be fired, said UW-Madison Provost Peter Spear. Instead, Barrows will keep the \$72,881 post he was given after his demotion last summer, receive a letter of reprimand and be required to give up 92 hours of floating holiday and accrued leave time.

Chancellor John Wiley, the investigation found, was responsible for Barrows' inappropriate use of sick leave, which allowed him to collect his nearly \$200,000 a year vice chancellor salary for seven months of no work. Kevin Reilly, president of the UW System, told Wiley to take corrective measures to prevent such problems in the future, but praised the chancellor for demonstrating "consistent and strong leadership in challenging times."

Reilly launched the investigation after legislators and Gov. Jim Doyle expressed outrage that Barrows was interviewing for jobs during his sick leave. They were upset to learn in news reports that Barrows had been given the leave and promised a backup job at UW-Madison even though a graduate student had complained about her relationship with him.

Susan Steingass, a UW-Madison law professor who conducted the probe, interviewed 27 people over the course of six weeks and created a 41-page account of the university's handling of Barrows. Her findings suggest the university could have avoided controversy had it not tried to contain the accusations of sexual harassment.

Barrows called the investigation unfair Thursday and insisted he had done nothing wrong. He filed a lawsuit Tuesday in Dane County Circuit Court alleging his civil rights were violated.

Wiley complimented the investigator and said in a written statement: "One of my greatest regrets is that my handling of this situation caused the university to suffer in the public's estimation."

'Containment' desired

According to the Steingass report:

A 40-year-old woman who attended graduate school at UW-Madison first complained last September about her sexual relationship with Barrows.

Casey Nagy, Wiley's assistant, confronted Barrows, who admitted to the relationship but said it was short and consensual and that the woman, called Jane Doe in the report, had pursued him.

UW Controversy



Photo/File

Paul Barrows



Chancellor John Wiley

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Nagy told Barrows that the relationship did not appear to violate any policies, but that "containment" of information about the affair was desirable.

Barrows repeated his version of events to Wiley, who said the relationship showed poor judgment but didn't violate university policy. Wiley asked Barrows if there was anything more to the relationship and if he had been involved with anyone else. "Absolutely not," Barrows told Wiley.

But a month later, Jane Doe offered a different version to Luoluo Hong, who worked for Barrows as dean of students at the time. Jane Doe said that her relationship with Barrows had lasted several months, that he called her late at night and early in the morning, and she felt used.

Hong concluded the relationship was predatory and Barrows had exploited his position of power. In a Nov. 1 memo to Wiley, she expressed her "extreme level of dismay, disgust and disappointment regarding the actions" of Barrows and described Jane Doe's version. Barrows had been a reference for Jane Doe, Hong said, and she did not believe their relationship was truly consensual.

Several years ago, UW-Madison had reorganized its student affairs operation to give Barrows control over all of its programs. In her memo, Hong asked that Barrows be removed as vice chancellor and that the programs, including hers, be reassigned. Wiley told Hong that Barrows' behavior was "unacceptable" and he had not known that Jane Doe was a student.

Three days later, Wiley told Barrows to step down as vice chancellor and that he was reorganizing the student affairs division. He didn't tell Barrows about Hong's memo, saying only that Hong and another official had told him that they didn't want to report to him because of the Jane Doe relationship.

In a public statement on Barrows' departure, Wiley said Barrows was stepping down and taking a leave because of "personal issues." He made no mention of the relationship with Jane Doe.

Backup job promised

Wiley and Barrows both expected that Barrows would take leave for several months until he found another job and agreed that he would continue to be paid his \$191,749 vice chancellor salary.

Because Barrows had been promised a lifetime, backup administrative job should he be asked to step down as vice chancellor, Wiley also promised him that if he didn't find a job by January of this year, he could return to the university as a consultant. That job would pay \$150,000 a year.

At Wiley's instruction, Barrows used accumulated sick leave during all but one month of the seven-month leave that followed his resignation. Steingass concluded that Barrows wasn't sick for most of that time and shouldn't have been allowed to use sick time.

UW-Madison agreed to allow Barrows to return to work the third week of June.

Several days before his scheduled return, Wiley gave Barrows a copy of the Hong memo. Upset, Barrows promised Wiley that there had been no other relationships or incidents.

But soon after, Hong told Wiley there had been another instance in which Barrows had allegedly sexually harassed a student several years earlier. Wiley also talked to another female university employee who said Barrows had sexually harassed her. Neither woman filed a formal complaint.

The next day, Wiley announced that he was launching an investigation to determine whether allegations against Barrows warranted disciplinary action. He demoted Barrows to an academic staff backup position at an annual salary of \$72,881 and placed him on paid leave pending the investigation.

Steingass concluded that Jane Doe's story was true, saying that Barrows' handling of her was inappropriate and unprofessional. She also found one other instance in which she believes Barrows sexually harassed another university employee.

Hong told Steingass that she was "sexually harassed indirectly by Barrows" because she was blamed by Barrows' supporters for his demise. Hong took a medical leave in February, and in June, she announced that she was leaving the university.

official asked to return

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Matthews, Pam

From: Handrick, Diane
Sent: Friday, September 23, 2005 8:33 AM
To: SueHome; Matthews, Pam
Subject: Cap Times article on reaction to Paul Barrows investigation

Reaction to Barrows-case report mixed

DANIELLE CORCORAN dcorcoran@madison.com
September 23, 2005

A report on the Paul Barrows case drew mixed reaction from the campus community Thursday.

UW-Madison Faculty Senate leader Patricia Brennan said she was "very, very pleased" that what she considered appropriate due process took place.

"I have a sense of great fairness about this," she said.

Brennan said she hoped the matter would be viewed positively in the sense that there was an investigation and action was taken which included demotion from Barrow's post as vice chancellor.

But, "it's always disturbing to find that there have been behaviors that are judged to be inappropriate in a work setting . . . I do find it disturbing that for a person in a leadership role, it required this level of oversight and investigation for full disclosure," she said.

UW-Madison sophomore Stephanie Biese, who chairs the Associated Students of Madison Academic Affairs Committee, said the scandal could negatively affect female students.

"We should be in a comfortable environment, and this shows there's the potential for sexual harassment on campus, and it scares us. It makes us want to watch out for ourselves when we should be focusing on our schoolwork or our jobs or whatever else is going on in our lives," Biese said.

Biese said she felt Barrows was getting off too easily, which could discourage women from reporting sexual harassment.

UW-Madison senior Mary Hegi said she didn't think it was appropriate for Barrows to continue to be on campus.

But UW-Madison graduate student Marla Delgado, who was an intern in Barrows' office as an undergraduate, said the punishment was too harsh for someone who had contributed so much to the university.

"It really disheartens me to see how the campus just turns its back on this person who has made diversity on the forefront of everybody's agendas," she said.

- Karen Rivedal contributed to this report.

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Diane Handrick

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Matthews, Pam

From: Handrick, Diane
Sent: Friday, September 23, 2005 2:15 PM
To: SueHome; Matthews, Pam
Subject: Nass response to Barrows report

Rep. Nass: UW System Fails Test in Barrows Case
9/23/2005

FOR FURTHER INFORMATION CONTACT:
Rep. Steve Nass (608) 266-5715

Nass: President Reilly Needs to take Stronger Action Against Madison Chancellor

State Representative Steve Nass (R-Whitewater) reacted to release of the Steingass Report reviewing the facts surrounding the personnel scandal involving UW-Madison Chancellor John Wiley and Dr. Paul Barrows. Attorney/Law Professor Susan Steingass found:

-Dr. Barrows engaged in behaviors which could reasonably be regarded as sexual harassment. She also found that Barrows pursued a relationship that could reasonably be regarded as the product of bad judgment.

-Chancellor John Wiley allowed Barrows to collect his \$191,749 salary by taking sick leave; Wiley even went so far as signing the sick leave report forms submitted by Barrows. Steingass found the Chancellor should have known that Barrows didn't meet the definition of "sick" for purposes of sick leave under state law and rules.

"Both Dr. Barrows and Chancellor Wiley need to be held accountable for their inappropriate actions. The discipline handed out to Barrows and Wiley is nothing more than a public relations gimmick," Nass said.

Nass noted that Barrows received a letter of reprimand, a backup position paying \$72,881 and a requirement to attend sexual harassment training. Chancellor Wiley received a letter "criticizing" his application of sick leave policy and a requirement that he write a report on what corrective actions he will undertake to prevent such problems in the future.

"Thank God President Reilly let the Chancellor have it by sending him home to write a paper on how he won't do it again. I just hope that Wiley doesn't get wine and cheese all over his homework," Nass said.

Nass, Chairman of the Assembly Labor Committee, is preparing to hold a public hearing on the Steingass Report in the middle of October. He suggested that the abuse of state sick leave policy to pay a good friend \$191,000 to stay home is a far more serious matter to the Legislature.

Diane Handrick

Cardinal View: The Steingass Report

With Thursday's release of the Steingass report—an investigation into the circumstances surrounding Paul Barrows' employment status—came a slew of new allegations of sexual harassment, decision-making errors and further knowledge of the debates among top UW-Madison officials as the Barrows controversy unfolded.

Barrows' alleged sexual solicitation of several university colleagues, including phone calls in which he requested sexual favors, if found to be accurate, should not go unpenalized.

We stand firmly resolved that Barrows should be immediately terminated from his position at UW-Madison, even though he has not been formally charged. Regardless, under similar circumstances, an employee in the private sector would already have been fired.

Nevertheless, Chancellor Wiley's hands are tied. He cannot issue Barrows' outright termination because of the restrictive red tape of administration employment policies. Although Steingass noted the widespread knowledge within Bascom Hall of the alleged harassment, there has been no formal complaint filed against Barrows. Therefore it is nearly impossible for Barrows to be let go.

The next best option for the university has been to place Barrows on leave and hope he is offered a position with another institution. Wiley gave him seven months to find a job at another university. During this time, Wiley approved months of sick leave without requiring medical documentation. "Sick leave," Steingass noted, "became an expedient way to continue a situation that went on far too long." Although Wiley's actions were not in accordance with university policy, his efforts to distance Barrows from this campus were in the best interest of the university. As the report concludes, "good intentions caused bad results."

When this plan failed in June, Barrows was demoted to a lesser position with approximately a third the salary. He is currently employed as senior administrative program specialist and will be required to undergo sexual harassment training by the end of the year, as directed by UW System President Kevin Reilly. We consider this "punishment" a mere slap on the wrist.

Equally troubling are the current university policies working against our administrators' best interests, potentially forcing them to leave an institution required to retain personnel, regardless of conduct. According to Steingass, Hong left the university because of Barrows' behavior. Clearly, UW-Madison's "lack of forthrightness" resulted in the loss of a competent administrator and this type of conduct will severely diminish the university's ability to attract and maintain a world-class group of educators.

UW-Madison students will feel the effects of this controversy as well. With our school frequently under heavy criticism for Halloween riots, birth control distribution and a top party school rank, media scrutiny of this kind will only lower the prestige of this university in the eyes of prospective students, employers and peer institutions around the country. Furthermore, such incidents will do little to reassure potential donors their dollars are being well spent.

Moreover, such blatant flaws in the policies and governance of the university will give credence to those in the state legislature who advocate funding cuts for the UW System. If the university's critics have their way, students will end up shouldering the burden of a significantly higher tuition. The continued employment of Barrows will only hurt UW-Madison's standing when it comes time to appropriate taxpayer dollars.

The policies that enable Barrows to stay must be altered if UW-Madison intends to retain its excellent employees, fire the less skilled ones, receive adequate support from the legislature and attract the brightest students and faculty.

Original URL: <http://www.jsonline.com/news/metro/sep05/358423.asp>

They swear, it only looks like hush money

Posted: Sept. 24, 2005

Spivak & Bice



Cary Spivak & Dan Bice

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For years, the University of Wisconsin-Madison has had a little-known fund that provides students with fast, no-interest loans for emergencies, such as when someone needs to rush home because of a death in the family.

But last year, creative UW administrators came up with a new use for the Dean of Students Crisis Fund: pay for counseling and other services for a graduate student who seemed to be reeling from an affair with a top administrator.

Give the UW brass an A for not caring what the public would think.

"Quite frankly, we knew people would look at it and say you're just trying to buy her silence," **Casey Nagy**, executive assistant to UW Chancellor **John Wiley**, said Saturday.

Gee, why would anybody think that?

Maybe because Wiley tried to keep the lid on the scandalous information that his friend, **Paul Barrows**, then a vice chancellor, had had a sexual relationship with a graduate student. Or that, contrary to UW policy, an investigation was not launched for seven months, allowing Barrows to continue taking down an annual salary of \$191,749 while he was on sick leave and looking for a job.

Or someone might get the idea that UW was trying to keep everything hush-hush because Wiley allowed Barrows' high-paid leave to continue even after the dean of students concluded that Barrow's affair was way out of line and that he had misused his position of authority. The dean, **Luoluo Hong**, later resigned.

All of that is laid out in a new 44-page report by former Dane County Circuit Judge **Susan Steingass** that concluded the university fumbled its handling of the messy situation and that Barrows had an inappropriate relationship with the 40-year-old grad student. Steingass, now a Madison lawyer, was paid \$9,869 for the report, which was released Thursday.

But not getting much attention are the payments from the crisis fund to the student, something first disclosed by Steingass.

Amount not revealed

The university will not reveal the amount paid out of the fund, arguing that this tidbit would somehow identify the woman. Neither Nagy nor UW spokesman **Dennis Chaptman** would explain why that would unmask the woman, repeatedly saying only that the lawyers told them to keep the figure secret.

Nagy, however, was quite talkative about why he urged the dean of students to tap the \$100,000 fund and why the chancellor later blessed the deal - even though both men knew the fund was not created to handle these types of situations.

"At the first meeting (with the woman), it was quite clear that she needed assistance," Nagy said, referring to an October 2004 meeting. "A question was raised if we could provide that assistance."

Specifically, Hong initially was not comfortable with the arrangement, but Nagy said he went ahead with it. Wiley blessed using the fund for the payments.

The administration will pay for therapy, tutoring and emergency assistance for the woman and a second person, whose name was redacted. The payments will continue through the end of the current semester. Unlike others getting help through the fund, she will not have to repay the money. At the time of the October 2004 meeting, the woman was already receiving counseling. Nagy said he felt UW should pick up the tab for future sessions because her finances were "quite precarious."

"I was not going to tell her there was nothing we could do. She was there at least in part as a result of an inappropriate action on the part of a person who worked for the university," Nagy said. "I felt we did not have a legal obligation, but we had a moral one."

But he realized that the payments would not look good if word ever leaked out about the deal.

You mean, the money would be seen as hush money?

"Absolutely, it could be," Nagy said. "I told everybody in the room (at the October 2004 meeting), 'Understand that down the road, people could say were buying her off.' I wanted to make sure everybody was OK with that."

So was the university providing her help in hopes the woman would keep her lips zipped?












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Wiley pledges workplace training at UW

KAREN RIVEDAL krivedal@madison.com
September 28, 2005

UW-Madison Chancellor John Wiley this week ordered training on sexual harassment policies for all employees who work at his discretion - mostly top supervisors - and asked faculty and staff governance groups to help him conduct a sweeping review of workplace policies.

After a summer of controversy over personnel matters, it's important for UW-Madison to rethink its practices, Wiley said. The controversies included three professors convicted of felonies and a long personal leave by a top administrator that prompted an investigation over sexual harassment and sick leave.

"We need to show the public that we take these issues seriously," Wiley said in a statement released Wednesday, after his annual speech Monday about the state of the university to the Faculty Senate. "This is a good time for us to reflect on some of our policies and rules."

Wiley said he also would ask the Faculty Senate and Academic Staff Assembly to review their policies on sexual harassment and consensual relationships, as well as the rules and timelines for disciplinary investigations of faculty members. Faculty and staff must be involved in all changes to policies that affect them under the state's shared governance law.

Key among Wiley's concerns is ensuring that women and minorities feel safe reporting allegations of harassment. He also wants the Faculty Senate to consider broadening the scope of expected conduct beyond professional integrity in the classroom and lab, perhaps to include conduct in the larger community.

"It's a very important consideration for the faculty to make of what the parameters of conduct should encompass," Wiley assistant Casey Nagy said Wednesday. "I don't think there will be a definition so much as a statement of ideals about what professional integrity encompasses."

Wiley told faculty members he had no "preconceived notions" about the precise outcome of the policy changes. "I just want (the policies) to be looked at again in light of recent cases," he said.

Wiley in an interview Tuesday said he was unable to fire former vice chancellor of student affairs Paul Barrows - who dated a graduate student and took the seven-month leave that prompted the investigation - because women who reported inappropriate conduct by Barrows were unwilling to make formal complaints out of embarrassment or fear of

career retaliation. Barrows was demoted, reprimanded and eventually placed in a contractually required, lower-level administrative post.

"We need to do whatever we can to repair the impression that it's not acceptable to come forward and report wrongdoing," Wiley said in the statement. "When most of the people of color on campus tell me that we have an unfavorable climate, or a hostile climate, in some parts of the campus and when most of the women tell me that it's very difficult to report sexual harassment, that's evidence."

Kevin Reilly, president of the University of Wisconsin System, praised the effort to re-tool policies. Reilly last week issued Wiley a letter of criticism for letting Barrows use sick leave inappropriately during part of his time away.

"These are precisely the kinds of issues and problems I expected Chancellor Wiley to seriously address," Reilly said Wednesday. "It is a good start and can strengthen his report - due to me by October 21 - on the corrective measures he's undertaken."

Besides ordering the training on sexual harassment policies, Wiley said he would consider mandating tougher standards for people who hold limited appointments on campus - top jobs from which they can be dismissed by the chancellor at any time.

Under state law or negotiated contracts, those with limited appointments are guaranteed a faculty or staff backup job permanently or for a set period of time if they quit or are fired from the limited appointment.

Wiley said he wasn't ready to announce yet how standards for limited appointees would change. He did pledge that tighter rules for leave reporting would be established.

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Matthews, Pam

From: UW-Madison Office of State Relations [staterelations@bascom.wisc.edu]
Sent: Wednesday, September 28, 2005 4:27 PM
Subject: Chancellor Calls for Policy Review
Importance: High

TO: All Legislators
Liam Goldrick
Tim Casper

FROM: Kristi Thorson and Don Nelson

RE: Chancellor calls for policy review

We thought you would be interested in the following release about Chancellor Wiley's call for policy reviews - and changes if necessary - regarding UW workplace climate and sick leave reporting. If you have any questions, please call us at 262-8967.

* * * * *

FOR IMMEDIATE RELEASE
9/28/05

CONTACT: Casey Nagy, (608) 262-8967, cnagy@mail.bascom.wisc.edu

NOTE TO EDITORS: A full audio transcript of Chancellor Wiley's State of the University address is available at http://chancellor.wisc.edu/chancellor0927_128.mp3

UW-MADISON CHANCELLOR LAUNCHES EFFORT TO REVIEW WORKPLACE POLICIES

MADISON - After a summer of controversy over university personnel matters, University of Wisconsin-Madison Chancellor John D. Wiley said the campus community needs to do a better job of protecting those who report wrongdoing and re-evaluate a number of workplace policies.

In his annual State of the University address to the Faculty Senate, Wiley said the university is committed to ensuring that those who report wrongdoing can come forward without fear of reprisals.

The chancellor said such an environment is essential on a campus that is trying to improve its climate. In a first step toward that goal, Wiley announced that all UW-Madison staff who are serving in limited appointments - meaning those who serve at the discretion of the chancellor - will be required to undergo sexual harassment awareness training.

"We need to do whatever we can to repair the impression that it's not acceptable to come forward and report wrongdoing," Wiley said. "I'm an experimentalist. I'm more impressed with data and evidence and facts than I am with abstract theories and theoretical speculations."

"When most of the people of color on campus tell me that we have an unfavorable climate, or a hostile climate, in some parts of the campus and when most of the women tell me that it's very difficult to report sexual harassment, that's evidence," he added.

The chancellor also urged a sweeping evaluation of a number of workplace policies.

"We need to show the public that we take these issues seriously," Wiley told the first senate meeting of the academic year. "This is a good time for us to reflect on some of our policies and rules."

Wiley urged a re-examination of campus faculty and staff policies on sexual harassment and consensual relationships, and said he intends to meet with campus governance groups to discuss change.

"I don't say that with any preconceived notion about what the outcome will be. I just want it to be looked at again in light of recent cases," he told faculty senators.

The circumstances surrounding the extended leave of former Vice Chancellor for Student Affairs Paul Barrows and three cases of UW-Madison faculty members convicted of felonies drew widespread media attention this summer. Although some lawmakers called for the immediate firing of the faculty members who were convicted, state law prohibits the university from immediately firing any employee based on a court conviction alone. It requires the university to investigate and demonstrate that the offense is related to their employment.

The chancellor said that he also would like to consider changes to the meaning of "professional integrity" in faculty policy. Wiley added that he would like to reconsider processes and timelines for disciplinary investigations of faculty members.

In addition to limited employees, the chancellor also wants to consider providing mandatory sexual harassment training to supervisors and tougher standards for those holding limited appointments on campus.

"I'd also like to reconsider whether we need to mandate sexual harassment or climate training for everyone having supervisory responsibilities," he said.

Although Wiley said he is not ready to announce the full extent of how standards for those with limited appointments would change, he said those individuals would be required to undergo sexual harassment and climate training.

Also, the chancellor pledged that tighter, clearer rules for leave reporting would be established to ensure that the reporting of leave is justifiable.

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- Dennis Chaptman, (608) 262-9406, dchaptman@wisc.edu

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Staff effort was spent on Barrows' future

KAREN RIVEDAL krivedal@madison.com 608-252-6106

October 2, 2005

Paul Barrows kept university staff busy during his seven-month personal leave, maintaining close contact about his benefits and various job possibilities inside and outside UW-Madison, records show.

According to internal e-mails obtained by the State Journal in a records request, Barrows was often focused on planning for his future.

He had been removed from his job as vice chancellor of student affairs in November for dating a graduate student, a fact not publicly revealed at the time, and he spent much of the subsequent leave he was granted job-hunting, with Chancellor John Wiley's approval.

On May 2, Barrows sent this e-mail to human resources associate director Steve Lund:

"Hello Steve. Any chance that you or someone on your staff can get me some information on the top five salaries/ institutions (public) for Vice Presidents of Student Affairs? Paul."

Lund sent the following reply after a little research:

"I don't have access to that, but I can give you the following for 'Chief Student Affairs Officer,'" he wrote, and then provided Barrows with recent salary data for that job title at peer institutions around the country, as compiled by a national association.

"Just what I needed. Thanks!" Barrows replied.

The records show Lund was called on repeatedly during the leave by Barrows, Wiley, other top officials and staff for updates on Barrows' status and benefits, especially concerning how much sick time and other types of time off Barrows had used at various points - sometimes in response to media inquiries, sometimes for their own knowledge.

The e-mails also reflect some confusion as to how the leave should be configured, and what exactly Barrows' status and title were at any point.

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Required by contract University staff were busy with Barrows because they were legally required by his contract to provide a lower-level job for him if he couldn't find work elsewhere. A March 23 e-mail from Lund for top officials describes "Options for Paul," with four possible types of

jobs listed.

A recent university report on the leave notes that Wiley hoped and expected Barrows would find another job quickly and never come back to UW- Madison, and it shows that university officials helped Barrows when they were able to, including Wiley serving as his No. 1 job reference.

"I found a great deal of evidence of these cooperative attempts to see Barrows well placed, either inside the university or out," investigator Susan Steingass said.

"I thought he'd have a job (away from UW-Madison) within weeks," Wiley said in a recent interview.

The record of e-mail contacts - at least 18 between Jan. 1 and June 16, including some setting up lunches or other face-to-face discussions and some responding to media questions or discussing the best way to respond to the media - reflect that cooperation between Barrows and university officials including Wiley, who considered Barrows both a friend and a work colleague.

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Investigation, lawsuit Times have changed: Wiley said he hasn't spoken to Barrows since mid-June, when Wiley called to let him know he was starting an investigation into allegations that Barrows sexually harassed women on campus. Barrows, in turn, is suing Wiley and former Dean of Students Luoluo Hong over those allegations, which resulted in a university reprimand that he says is false.

Official reasons given to justify Barrows' leave included "changing family circumstances" and mental stress.

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Original URL: <http://www.jsonline.com/news/state/oct05/364143.asp>

UW officials promise rewrite of discipline rules

Full audit of system's personnel practices ordered

By STEVEN WALTERS
swalters@journalsentinel.com

Posted: Oct. 18, 2005

Madison - University of Wisconsin System officials promised Tuesday to take the first steps in December to rewrite disciplinary rules so that administrators can more quickly fire those convicted of serious crimes or to begin investigating someone accused of a crime.

"Our disciplinary process needs to be examined," David Walsh, president of the UW System Board of Regents, told a legislative committee.

"It does not work, in egregious cases," he said.

Walsh said he has named a special panel - comprised of three regents, a UW System lawyer, the UW-Platteville chancellor and a faculty member - who will report back to the regents by their December meeting. That will be the first opportunity for the board to change any rules that hinder how regents respond to criminal probes of the system's 33,000 employees.

Walsh promised that the board would vote quickly to change disciplinary codes, but also said the Legislature may have to rewrite some laws to complete the reform process.

Two Republican senators, Carol Roessler of Oshkosh and Robert Cowles of Green Bay, said they would do all they could to rush any needed changes through the Legislature before it adjourns next spring.

Walsh said a "delicate balance" exists in cases involving UW System workers convicted or accused of crimes. They have constitutional due process rights to not lose jobs unfairly, he said, but the university system must assure the safety of its students and maintain "high standards."

The disclosures that three UW-Madison faculty members convicted of high-profile crimes had not been immediately fired "call for a fix," said Roessler, co-chairman of the Joint Audit Committee.

Although Walsh said changes in disciplinary procedures require consultation with UW faculty members, Rep. Suzanne Jeskewitz (R-Menomonee Falls), the other committee co-chairman, said the regents "can make decisions without the faculty."


The committee voted unanimously to order a full audit of UW System personnel practices.


The audit will review so-called "back-up" appointments that guarantee some administrators jobs if they are demoted; sick and vacation leave policies; comparable benefits provided by other university systems; and how many convicted felons work for the system.


State Auditor Jan Mueller said the audit would be finished by next spring.


Walsh and UW System President Kevin Reilly said the system in recent months has taken steps to reform personnel, sick leave and hiring practices.


University of Wisconsin


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 [9/2/05](#): 80% of UW officials have fallback jobs


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Paul Barrows Controversy


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 [6/24/05](#): Regents to investigate backup jobs

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For example, Reilly said, a new requirement will force workers' personal physicians to justify in writing when a state employee must take more than five days of sick leave. That will be the "most stringent" rule on that issue in state government - including the Legislature, Reilly added.

Some legislators had bitterly criticized the UW System for what they say are too generous hiring and benefit policies. Those lawmakers softened that criticism Tuesday.

UW System administrators "are finally getting it," said Rep. Dean Kaufert (R-Neenah), co-chairman of the Legislature's Joint Finance Committee and a member of the Audit Committee. "All these (changes) seem to be happening."

From the Oct. 19, 2005, editions of the Milwaukee Journal Sentinel
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