Chapter UWS 7

PROCEDURES FOR FACULTY DISMISSAL IN SPECIAL CASES

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

History: CR 06–078; cr. Register May 2007 No. 617, eff. 6–1–07; 2015 Wis. Act 330 s. 20; am. Register April 2016 No. 724, eff. 5–1–16; CR 20–060; am. Register May 2021 No. 785, eff. 6–1–21.

UWS 7.015 Definitions. (1g) “Affected party” means any student, employee, visitor, or an individual participating in a university program or activity, who is a victim of a faculty member’s serious criminal misconduct.

(1m) “Clear and convincing evidence” means information that would persuade a reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than “preponderance of the evidence.”

(3) “Complaint” means an allegation against a faculty member having a probationary appointment who has engaged in serious criminal misconduct, as defined in s. UWS 7.02.

(4) “Consult” or “consulting” means thoroughly reviewing and discussing the relevant facts and discretionary issues.

(5) “Preponderance of the evidence” means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than “clear and convincing evidence.”

(6) “Serious criminal misconduct” is defined in s. UWS 7.02.

History: CR 15–001: cr. Register June 2016 No. 726, eff. 7–1–16; s. 35.17 correction; (2) Register June 2016 No. 726: CR 20–060; cr. and recr. (2) Register May 2021 No. 785, eff. 6–1–21; remum. (1), (2) to (1m), (1g) under s. 13.92 (4) (b) 1., Stats., Register May 2021 No. 785.

UWS 7.02 Serious criminal misconduct. (1) In this chapter, “serious criminal misconduct” means:

(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:

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

(b) A substantial risk to the safety of members of the university community or others is posed.

(c) The university’s ability, or the ability of the faculty member’s colleagues, to fulfill teaching, research or public service missions is seriously impaired.

(d) The faculty member’s fitness or ability to fulfill the duties of the faculty member's position is seriously impaired.

(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 7.03 to 7.06.

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

History: CR 06–078; cr. Register May 2007 No. 617, eff. 6–1–07; 2015 Wis. Act 330 s. 20; am. Register April 2016 No. 724, eff. 5–1–16; CR 20–060; am. (1) (d) Register May 2021 No. 785, eff. 6–1–21.

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

(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

History: CR 06–078: cr. Register May 2007 No. 617, eff. 6–1–07; CR 20–060; am. (1) Register May 2021 No. 785, eff. 6–1–21.

UWS 7.04 Reporting responsibility. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

History: CR 06–078: cr. Register May 2007 No. 617, eff. 6–1–07.

UWS 7.05 Expedited process. (1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 7.04 or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, the chancellor shall:

(a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the chancellor as to whether to proceed under this section or ch. UWS 4. If the university knows the identity of an affected party, the university shall make a reasonable attempt to notify the affected party of the report or information at the same time as the faculty member.
(b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.

(2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator’s appointment.

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

(a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within 2 working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. UWS 4, the chancellor receives a report under s. UWS 7.04 or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under chs. UWS 4 and 6, and implementing institutional policies, shall be followed.

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

(5) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written recommendation on the matter as follows:

(a) If the recommendation is for dismissal, the chancellor shall transmit it to the board for review.

(b) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member. The faculty member shall receive a copy of the chancellor’s final decision. If the identity of an affected party is known to the university, the university shall make a reasonable attempt to provide the affected party a copy of the chancellor’s final decision.

(6) Upon receipt of the chancellor’s recommendation, the full board shall review the record before the institutional hearing committee and shall offer an opportunity for filing exceptions to the recommendation, as well as for oral argument. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor’s recommendation. If the university knows the identity of an affected party, the board shall make a reasonable attempt to notify the affected party of its decision at the same time as the faculty member.

(7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.

(8) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration shall demonstrate by clear and convincing evidence that the faculty member engaged in serious criminal misconduct, as defined in s. UWS 7.02.

(9) The chair of the faculty hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

History: CR06−078 cr. Register May 2007 No. 617, eff. 6−1−07; CR15−061 am. (1) (a), (b), (5) (c), (6), r. and recr. (8) Register June 2016 No. 726, eff. 7−1−16; CR20−0660 am. (1) (a), (b), (3) (intro.), (e), r. and recr. (5), am. (6), (8) Register May 2021 No. 785, eff. 6−1−21.
not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

History: CR 06−078: cr. Register May 2007 No. 617, eff. 6−1−07; CR 20−060: am. (1) (intro.) Register May 2021 No. 785, eff. 6−1−21.