

Approved 12/12/2006

**Faculty Senate Meeting Minutes
September 12, 2006
The Pyle Center – Madison, WI**

Call to Order/Certification of Open Meeting Notice Compliance

Chair Burke called the meeting to order at 1:10 p.m. and certified compliance with the Wisconsin Open Meetings Law. Introductions were made: Senators present: David Nack, Mary Gruenewald, Mark Kopecky, Rob Burke, Tom Hooyer, Karen Nelson, Mahlon Peterson, Greg Blonde, Barb Larson, Art Lersch, Annie Jones, Gail Huycke, David Hart, Kathy Hetzel, Luane Meyer, Judy Knudsen (by phone), Chuck Prissel (for Katy Forsythe), Marie Witzel, Pam Hobson, Courtney Derwinski. Others present: Neill DeClercq, David Prucha, Mary Grant, Jackie Gehin, Marv Van Kekerix, Ray Schultz, and Kate Wodyn.

Approval of Minutes of June 13, 2006 meeting:

Chair Burke, hearing no changes, approved the minutes of June 13, 2006.

Outreach Scholarship Conference Update

Mary Grant, Outreach & E-Learning, remarked that there is still time to register for the Outreach Scholarship Conference at Ohio State next month. Next year's conference will be hosted by UW-Extension at the Monona Terrace in Madison. She distributed a form for senators to indicate their interest in helping out, including reviewing proposals and facilitating conference sessions.

Chancellor/Vice Chancellor Report

Vice Chancellor Van Kekerix welcomed all to a new governance year. He thinks we will have some interesting discussions, starting with today and emphasized the importance of fully participating in these meetings. Chancellor Wilson will attend the December meeting. We have moved from a printed quarterly governance report to instead picking a few topics and sending information out in advance. New communication venues are under consideration by the Chancellor's office. There will no longer be the "FYI From the Chancellor", but instead a monthly communication from the chancellor. Van Kekerix mentioned that he is available by email or phone and welcomes suggestions on topics to cover. Board of Regents updates: a number of revisions to UWEX policies were approved by the Board of Regents in August. UPG 16 on family leave policy and the issue of definition of family is still pending. The Regents approved a budget proposal and included in that is the Growth Agenda which seeks to expand the number of students served by the UW System. The Adult Student Initiative is part of that (talking points document previously distributed). Cost to continue and pay plan components of the budget will be forthcoming. Van Kekerix also referenced the shared vision piece from the Chancellor and distributed a schedule of listening sessions. A brown bag teleconference is being scheduled for October 18—look for an announcement shortly. A commission has been created on enhancing the mission of the UW Colleges (document distributed). Part of the discussion is whether to change the Colleges to offer selected baccalaureate degrees. The Administrative Integration Steering Committee has not met but there have been slight changes in the membership due to changes in roles, such as the governance chairs. As we go further along in the integration process, some interim positions will be filled permanently. The Outreach & E-Learning Dean search will be commencing shortly. The HR subcommittee work is ongoing and a report with recommendations is due to the Chancellor in December. Other interim positions are the Directors of Broadcasting and Media Innovations and Business & Mfg because of recent retirements. Vallerie Maurice has reconstituted the Diversity Council with representation from both Colleges and UW-Extension. Recent Multicultural Awareness Training workshops have focused on the integration between Colleges and Extension. More are planned and have already filled. Discussion: Jones mentioned she enjoyed having the written governance reports and Van Kekerix commented that this was also expressed at the University Committee meeting. Lersch asked about attendance at listening sessions – Van Kekerix understands they have been well-attended.

Chair Remarks

Burke said most of his topics will be covered under other agenda items. He encouraged senators to start the process of getting to know Colleges colleagues--the first step in doing something together is just to get to know each other.

Roles & Responsibilities of Faculty Senators

Schultz distributed the faculty roles & responsibilities brochure (<http://www.uwex.edu/secretary/fbroch.pdf>). He urged all to be aware of Chapter 36 and feel free to ask questions—the rights are real and important. Shared governance is a right. Senators are the conduit back to all the faculty in Extension.

Library Access for Faculty

Schultz mentioned that UW-Extension staff identifiers have been put into the UW-Madison library patron database. This is electronic access. The librarian at Steenbock Library will continue to provide training on accessing these electronic materials. Physical access is another matter – requires a UW System ID card. Dane County UWEX employees can already obtain these, but not employees outside Dane County.

Ad Hoc Committee Response to Proposed UWS Chapter 7

Hooyer provided background around the proposed UWS 7 for dismissal of faculty in special cases, which is in addition to UWS 4. The ad hoc committee has prepared a response to the proposed draft UWS 7 adopted by the Board of Regents in June. (refer to Tom's slides). UWS 7 attempts to shorten timelines, provides for suspension without pay, and separates serious criminal misconduct from bad behavior (UWS 4). Now accepts UWS 7 in concept but serious concerns about content. David Nack distributed copies of a resolution that has come up from the American Federation of Teachers (AFT) and adopted by the UW-Whitewater Senate. Discussion followed looking at the UW-W resolution as well as the committee's draft. Motion to approve resolution as amended by Blonde; seconded by Peterson. Motion carried unanimously. **(See attached executive summary and resolution)**

Identity Theft Issue

Jackie Gehin, an academic staff member from Dane County addressed the group. She has been a victim of ID theft and now speaks on it often. It has taken her years to get this straightened out. She is understandably very cautious about her SSN and was surprised to see recent earnings statements distributed electronically, especially when hers went to her supervisor. She is seeking support in asking that these not be sent out in a mass email. David Prucha responded that we are the ninth institution in the UW System to adopt this method and further pointed out that there is nothing on the statement other than the name that could be used for ID theft (handout). A decision has been made to continue with electronic distribution. He added that there is always the possibility of it being intercepted but this existed with paper distribution as well – there is no system that is 100% secure. The institution is moving to a more secure IT environment using a portal. The issue of individuals opting out has been explored but this requires annulling their email address for all purposes. Some employees do not use email (mostly custodial staff) and they continue to get theirs via paper. Leave statements will eventually be emailed as well with eventual electronic check-off by supervisor. A related issue is requiring the SSN on travel expense reports. Van Kekerix will follow-up on how far away we are from the portal. Nack requested that Gehin put her concerns in a draft and feels that the Senate would be agreeable to considering it.

UWS Criminal Background Check Policy

This is mostly an information item. UW System is drafting a policy on criminal background checks for new hires, which is largely based on our policy. Karen Nelson learned from the faculty reps meetings that other campuses have not engaged their faculty governance in this process. Prucha thinks the System policy will exempt LTEs and students and UWEX may revisit this as well.

Shared Governance Model Building Discussion

This is really a discussion about a possible discussion. Burke recapped that the Chancellor asked us in June to search for a model of joint governance that would be the envy of other land-grant institutions. Burke thinks this is a "gigantic" task. Burke has met with his Colleges counterpart, Doug Hosler at UW-Marathon County. They both agreed that it is perfectly legitimate to think that we may not find a model that will serve us better. One of the main concerns is to streamline the Chancellor's communication with governance groups. What would a committee look like if we formed one? Vice Chancellor Van Kekerix's email dated 8/11/06 was a summary of the August University Committee discussion and can serve as a

starting point. Blonde thinks that the proposal makes sense and provides flexibility. Blonde motioned to support the proposal outlined in Van Kekerix's email memo of 8/11; Peterson seconded. Discussion: Peterson felt it important that both institutions keep their senates and have a group that promotes the communication between the two. This proposes a mechanism to explore the topic. Nelson would be more comfortable with calling it a study group rather than going ahead with an assumption that we are going to change things. Hooyer mentioned we could look at our own two groups within Extension, Faculty Senate and Academic Staff Council, which are separate. Van Kekerix agreed this is about exploring and assessing what the possibilities are. Blonde felt it important that a timeframe be assigned. Lersch asked about the proposed student member from Colleges and suggested a community person could be added for Extension. Peterson proposed that the two faculty members be senators and Van Kekerix commented that past chairs of the senate could be considered. Amendment to motion by Blonde to adopt that this study group be an ad hoc committee of the faculty senate and that the faculty members on this committee be approved by the Faculty Senate. Peterson expressed concern that this doesn't fully recognize academic staff representatives and that this group should also be an ad hoc committee of the Academic Staff Council and subject to a report no later than June 30, 2007. Motion carried unanimously. Van Kekerix commented we've created a setting for this conversation but haven't talked too much about what the conversation will be. *Note: This motion was clarified as follows at the October 10, 2006 meeting of the University Committee:* **Moved and seconded to form a Shared Governance Work Group of the Faculty Senate to begin discussions about a unified shared governance structure for UW-Extension and UW-Colleges. The Faculty Senate expressed active interest in this work group being associated with the University of Wisconsin-Colleges Senate to facilitate cross communication between our two institutions.**

The UW-Extension part of the committee will be composed of:

- **Chief Academic Officer - Provost Marv Van Kekerix**
- **Faculty Senate Leadership - Rob Burke UW-Extension University Committee**
- **Faculty Representation – 2 faculty members nominated through a call from Faculty Senate and approved by the Faculty Senate**
- **Academic Staff Leadership – 1 position**
- **Academic Staff Representation – 1 position**

This work group will be subject to a report to the Faculty Senate no later than June 30, 2007.
Motion passes unanimously September 12, 2006

Scholarship Committee

Kopeccky recapped the numerous discussions on this topic, including having more examples of scholarship and determining who our audience is, as well as the chancellor's comments at the June meeting on understanding our system of tenure and scholarship. Reference was made to the article on scholarship by Wise, Retzleff, and Reilly that is posted on the secretary website.

<http://www.uwex.edu/secretary/JoHEO&E.pdf>

Senators to serve on this committee: Kopeccky, Burke, Gruenewald, Blonde, Huycke

Blonde feels the need to articulate our value locally is still very important, and you can always use local examples. Hooyer felt it would be good to have an example from each department. **Blonde motioned to put the scholarship document on the next meeting agenda for adoption. Kopeccky seconded. Motion carried unanimously.** The scholarship committee will meet in the meantime to make any revisions.

Discussion of Institutional Issues and Opportunities Appropriate for Faculty Governance

Nelson asked for information at the next meeting on what the policy is about employees coming in with tenure. Schultz explained that a faculty member can be hired with tenure, early tenure consideration, or with the regular tenure timeline. Another situation is with administrators hired into a limited appointment with a concurrent appointment as a faculty member. The concurrent appointment can be with tenure at hire or early tenure consideration if they were tenured at their former institution, however the academic department considers the admittance to the department and tenure. (reference to Regent resolution

passed last year). Huycke asked about emeritus faculty. Mahlon mentioned county-based employees who technically work without a contract between June and December because Extension and the county operate under different fiscal years. He wondered if this would be something to be brought before Senate.

Meeting adjourned at 5:02 p.m.

Recorded by Wodyn, 9-12-06.

To: University of Wisconsin – Extension Faculty Senate

From: Ad Hoc Committee on Proposed Chapter UWS 7, Wisconsin Administrative Code, Procedures for Dismissal of Faculty in Special Cases

Date: April 10, 2009

RE: Executive Summary of the Senate's Position, September 12, 2006

Executive Summary

The Faculty Senate of the University of Wisconsin-Extension entertains serious concerns about the document titled *Proposed Chapter UWS 7, Wisconsin Administrative Code Procedures for Dismissal of Faculty in Special Cases (Board of Regents Resolutions II.8, dated June 9, 2006)*.

Item 1:

The Senate agrees with the concern stated in the proposed UWS 7.01 and shares with the Board of Regents concerns for maintaining a work environment free from serious and substantial physical and psychological safety risks. However, we disagree with the means proposed to address these concerns.

Item 2:

The Senate believes that UWEX 4 does not provide ample guidance for handling situations of serious misconduct involving faculty members. The concerns include elucidating the conditions under which a faculty member may be suspended, and providing for rapid action in a way that both protects the faculty member's right to due process while promoting a safe workplace. Thus, the revised provisions of the proposed UWS 7 (dated 6/8/06), provided herein, were created by the Faculty Senate to address the demand for an expedited process while balancing individual rights with public good.

Item 3:

The Senate believes that the measures proposed in the latest version of UWS 7 (dated 6/9/06), although an improvement over an earlier version, still do not address all of the Senate's concerns. The Senate's continuing concerns include due process, conditions for suspension without pay, make-whole remedies, and the practicality of the expedited process within the stated time schedule.

Item 4:

The Faculty Senate believes that shared governance has not been included in the process of formulating UWS 7. Wisconsin Statutes Chapter 36.13(3) and (5) provide respectively:

RULES. The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty

performance and for the nonretention and dismissal of faculty members. Such rules shall be promulgated under ch. 227 [Wisconsin Statutes]; and,
PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matter shall be final, subject to judicial review under ch. 227 [Wisconsin Statutes]. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227 [Wisconsin Statutes].

Item 5:

The Faculty Senate believes that the current version of UWS 7 (6/9/06) demonstrates a disregard for due process and has concerns about the following provisions:

7.02(1)(a)

At what point in the disciplinary process is a faculty member "being charged," versus "been charged." This seems to be inconsistent with 7.04 where a faculty member has to be "charged with" serious criminal misconduct.

Another concern is that a district attorney will often "overcharge" a suspect with the intent of arranging a plea bargain. Thus, there are times when a felony charge is not filed with the expectation of an actual judgment.

From reviewing the definition of serious criminal misconduct, it also appears that the list of misconduct is too broad and in some instances ambiguous. For example, some felonies are much more serious (sexual assault) than others (criminal damage to property).

7.02(1)(b)

What constitutes "substantial risk?" and what criteria will be used to determine it? The way this is currently written seems not only to be job related but to the broader behavior of a faculty members life beyond university employment. Thus, is the intent of UWS-7 to discipline a faculty member with regards to employment issues or broader issues encompassing a faculty member's personal life? The committee feels that there must be a nexus between the behavior and employment – either it is so egregious that it affects the university or it directly involves another employee or student.

7.02(1)(c)1

What does it mean to "seriously impair the public trust in the university?" The public trust in the university can change as a result of the political climate thus making this statement particularly broad and vague.

7.04

Does the self-reporting requirement by a faculty member to the chancellor result in self-incrimination? In addition, what is the penalty if a faculty member fails or chooses not to report being "charged with, pleading guilty or no contest to, or being convicted of a felony, in state or federal court?" Would this then constitute separate grounds for dismissal under UWS-4?

In addition, the language is inconsistent with 7.02 – the “is charged” is not consistent with “being charged” in 7.02.

7.05(1)

What constitutes “credible information”? It seems that whenever the Chancellor receives a report under s. UWS7.04, there should be “credible *evidence*” not just information that may be based on someone’s hidden agenda.

In addition, what constitutes a “working day”? What if a faculty member is on a 9-month appointment or sabbatical when the serious criminal misconduct occurs? Overall it seems that the tightened timeline creates a problem with due process

Also, under part (a), who are the “appropriate institutional governance representatives?” Is this the head of the University Committee? a member of the Faculty Senate? or simply someone who is deemed appropriate by the chancellor.

7.06

The expedited process within the stated time schedule is insufficient because a faculty member’s suspension without pay is primarily dependent upon the opinion of the chancellor. Such an opinion made within a relatively short time frame could potentially be based on a lack of data leading to a decision that would adversely affect the living of a faculty member. The way this provision is worded puts the onus on the individual rather than the university administration that would be required to act within a strict time frame potentially without sufficient data. The faculty senate believes that under 7.06(1)(a) a faculty member should continue with pay and be reassigned responsibilities so as to protect all parties until the expedited process is completed..

Also, in part (a), is there a reason why the wording does not include the complete definition of serious criminal misconduct as outlined in UWS 7.02 (a)? In other words, why is 7.06(a) not more complete? It seems that 7.06(a) should read like the following:

(a) The faculty member has been charged with, pleading guilty or no contest to, or being convicted of a felony, in state or federal courts, of a type listed in UWS 7.02(1)(a) and the chancellor...

7.07

The ad-hoc committee is puzzled by the word “first” in this provision. The inclusion of this word implies that there is a “second” applicability.

Adopted unanimously September 12, 2006

To: University of Wisconsin – Extension Faculty Senate

From: Ad Hoc Committee on Proposed Chapter UWS 7, Wisconsin Administrative Code, Procedures for Dismissal of Faculty in Special Cases

Date: April 10, 2009

RE: Resolution - Offered for consideration at the Faculty Senate meeting, September 12, 2006

Whereas, the Proposed Chapter UWS 7, Wisconsin Administrative Code Procedures for Dismissal of Faculty in Special Cases fails to provide adequate due process; and

Whereas, a number of ambiguities exist in the proposed definitions and procedures, such as to what constitutes serious criminal misconduct and credible information when deciding whether to proceed in a case against a faculty member; and

Whereas, a faculty member could conceivably be suspended without pay upon the opinion of the Chancellor without sufficient data; and

Whereas, shared governance has been consulted only in a *pro forma* fashion in development of the proposed procedures.

Therefore, be it resolved that the Faculty Senate of the University of Wisconsin-Extension hereby forwards to the Board of Regents the Executive Summary of comments about the proposed UWS 7 and recommends that the Board of Regents not adopt UWS 7 as currently amended, and that the Board of Regents include the “several faculties” to promulgate new rules governing “Procedures for Dismissal of Faculty in Special Cases” as stated in Chapter 36.13(3) and (5). Thus, the faculty believes that UWS 7 should be amended to address the issues raised by faculty governance groups.

Adopted unanimously September 12, 2006