

# **UWEX ACADEMIC STAFF POLICIES AND PROCEDURES**

## **Chapter UWEX 11**

### **DISMISSAL OF ACADEMIC STAFF FOR CAUSE**

A member of the academic staff may be dismissed only for just cause under Chapter UWEX 11 or for reasons of budget or program under Chapter UWEX 12. A non-renewal of a fixed term or probationary appointment is not a dismissal under this chapter. Members of the academic staff enjoy and exercise all rights of United States citizens and are entitled to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

#### **11.01 Responsibility for charges.**

- (1) Whenever the Chancellor receives an allegation which concerns an academic staff member which appears to be substantial and which, if true, might lead to dismissal under Chapter UWEX 11, the Chancellor shall request within a reasonable time that the appropriate dean/director (as defined in Chapter UWEX 9.08) investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which members of the academic staff are entitled under this chapter. In those cases where the immediate supervisor of the academic staff member concerned is a dean/director, the Chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean/director under this section. In those cases where the dean/director is the subject of the allegation, an appropriate impartial review procedure will be developed by the Chancellor.
- (2) If the dean's/director's investigation and discussion does not result in a resolution of the allegation, then the dean/director must present a written statement to the Chancellor and the academic staff member. If the allegation is not deemed sufficiently serious to warrant dismissal, the dean/director shall recommend proceeding under Chapter UWEX 13.01. If the allegation is deemed sufficiently serious to warrant dismissal, the dean/director shall prepare a written statement of specific charges.
- (3) Any formal statement of specific charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days of the investigation and discussion described in Chapter UWEX 11.01(1), service shall be accomplished by first class mail and by publication as if the statement of charges were a summons. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper serving the community in which the academic staff member resides.
- (4) A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a conference with the appropriate dean/director or his/her designee. A conference with the dean/director or designee shall be held not

later than 20 days following the original request for such a conference. The conference with the dean/director or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Determination of just cause for dismissal shall be made by the dean/director or designee and reported to the Chancellor and the staff member.

- (5) Dismissal shall be effective immediately on receipt of written notification of the decision of the dean/director or designee, except in the case of indefinite appointment [see UWEX 11.03], unless a different dismissal date is specified by the dean/director or designee.

#### **11.02 Hearing.**

- (1) Dismissals for cause shall be appealable by filing an appeal with the Secretary of the Academic Staff. If the staff member requests a hearing within 20 days from the service of the statement of charges or receipt of written notification of the decision of the dean/director or designee (25 days if notice is by first class mail and publication), such hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the Hearings Committee. The hearing will be conducted as provided in Chapter UWEX 13.03 and 13.04.
- (2) The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. If a staff member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit. In no event, however, shall a decision favorable to the appellant extend the term of the existing appointment and notice periods.
- (3) If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the Chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the Chancellor's decision or the end of the contract period, whichever is earlier, shall be restored.
- (4) In the event of a hearing, the Hearings Committee established under Chapter UWEX 9.17 shall operate as the hearing agent pursuant to s. 227.44 and 227.45, Stats. The Hearings Committee shall forward its report to the Chancellor and the parties involved. After reviewing the matter on record and considering arguments if submitted by the parties, the Chancellor shall issue a decision. In that decision, the Chancellor may order dismissal of the staff member, or may impose a lesser disciplinary action, or may find in favor of the staff member.

#### **11.03 Exceptions for Indefinite appointment.**

- (1) Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except where, after

consultation with the appropriate administrative officer, the Chancellor finds that substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the Chancellor makes a decision as to dismissal.

- (2) A decision by the Chancellor ordering dismissal shall specify the effective date of the dismissal.
- (3) A member of the academic staff on indefinite appointment who has been dismissed for cause by the Chancellor following a hearing may appeal this action to the board. Any appeal must be made within 30 days of the date of the decision of the Chancellor to dismiss.

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