

**UW-Madison
FACULTY LEGISLATION**

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II-100: ACADEMIC YEAR AND CALENDAR

1. The contractual academic year shall consist of a full nine months (39) weeks and shall include not fewer than 34 weeks of organized services for students including classroom instruction, registration, advising and examining.

The chancellor of each institution, in consultation with the faculty, should determine the primary divisions of the academic year calendar. The calendar may be organized in two semesters, three quarters, or modules of semesters or quarters and shorter terms (mini-sessions, inter-sessions, etc.) within the academic year period.

After the institution has determined its calendar and designated periods for instruction, registration, advising, examination, and official state holidays, the time remaining which is not on the organized calendar shall be used by faculty members for scholarly pursuits and instructional development as individual, self-directed professionals.

2. Conclusions concerning the academic calendar, excerpted from Faculty Documents 269 (7 February 1977) and 285 (9 May 1977 and reaffirmed 6 March 1989), follow:
 - A. The University of Wisconsin-Madison should continue the use of a two-semester academic calendar.
 - B. From an educational point of view, the problems associated with the unequal length semesters of the present calendar are serious enough that the University of Wisconsin-Madison should further investigate the possibility of using a calendar having semesters of more equal length.
 - C. In its attempts to obtain a calendar having semesters of more equal length, the University of Wisconsin-Madison should not consider the use of a calendar having a lame duck session after the Christmas holidays.
 - D. Assuming that the University of Wisconsin-Madison continues to use the traditional final examination period, then in its attempts to obtain a calendar having semesters of more equal length, it should not consider the use of a calendar having no closed study days or a final exam period of less than seven days.
 - E. It is a hardship on students, and perhaps on faculty, to schedule final exams through December 23.

*[UW-Madison Faculty Documents 269, 7 February 1977; 285, 9 May 1977; and 790, 6 March 1989]
[Reaffirmed by the Faculty Senate 6 March 1989]*

II-101: COLLECTIVE BARGAINING BY FACULTY

The Faculty Senate approved the following resolution on faculty collective bargaining on 2 May 2005.

The Faculty Senate affirms its support for the seven principles enumerated below as essential features of any collective-bargaining enabling legislation affecting faculty and academic staff employed across the UW System. It instructs PROFS to communicate its support for these principles to the state legislature while continuing to oppose any enabling legislation that fails to conform to these principles, which are, that any enabling legislation should:

- (1) provide that the board of regents shall have sole responsibility for negotiations and administration of any collective-bargaining agreements for faculty;
- (2) preserve the independence of the Madison faculty by permitting it to elect whether, as a separate and distinct group of individuals apart from other academic employees and from the faculties of other universities in the system, it wishes to engage in collective bargaining;
- (3) permit the faculty of each institution in the system to make the same choices concerning the desirability of collective bargaining and the make-up of the bargaining unit;
- (4) subordinate all other provisions of the enabling legislation to the overriding provision that nothing in the law or in bargaining agreements shall be construed or allowed to diminish academic freedom or tenure, or prohibit or restrict the full exercise by the faculty of its functions in any shared-governance mechanisms or practices;
- (5) clarify which faculty (e.g., principal investigators, department chairs, center directors) will be considered supervisory or management personnel;
- (6) exclude from the definition of unfair labor practices the failure to implement improvements in compensation or working conditions gained at a campus regardless of whether the faculty are represented or not, if such improvements are based upon comparisons with comparable higher education institutions or other competitive practices; and
- (7) include effective fact-finding provisions to resolve bargaining impasses.

The Faculty Senate reserves its judgment on the endorsement of any specific bill so as not to contravene the provisions of the following paragraph.

When legislation that seems to meet the above requirements is introduced in the state legislature, a meeting of the UW-Madison faculty will, upon the recommendation by the University Committee and a vote of the Faculty Senate, be convened to discuss and determine whether to support such legislation.

[UW-Madison Faculty Senate reaffirms its resolution of 2 April 1973, Minutes, 2 December 1974]

[UW-Madison Faculty Senate adopts resolution 9 May 1983]

[UW-Madison Faculty Senate adopts resolution 7 February 1994]

[UW-Madison Faculty Senate reaffirms its resolution of 7 February 1994, Minutes 5 May 1997]

[UW-Madison Faculty Senate revises the resolution of 7 February 1994, Faculty Document 1623c, Minutes 1 April 2002]

[UW-Madison Faculty Senate amends resolution of 1 April 2002, Faculty Document 1623d, Minutes 2 May 2005]

II-102: DIPLOMA SIGNING

The president of the University System, the president of the Board of Regents, and the chancellor of UW-Madison are authorized to sign diplomas as certified by the registrar. The lists of diplomas are filed in the permanent records of the Office of the Board of Regents.

II-102: DISMISSING CLASSES FOR SPEECHES

University classes may be officially dismissed at any campus whenever they conflict in time with:

1. a previously announced public appearance on or near that campus of the President of the United States; or
2. a previously announced public appearance, during presidential election years, of the nominee of a major party for President of the United States.

II-103: GRADING SYSTEM POLICY (UNDERGRADUATE)

The resolution below was approved by the Faculty Senate at its meeting of 15 January 1973. Section 1 of the grading policy was adopted by the Faculty Senate at its meeting of 5 May 1980, to be effective in the first semester of the 1980-81 academic year.

The present grading system (A-F) will be retained with the following exceptions:

1. Undergraduate students may repeat any course once without special permission of the dean, with all grades (A through F) and their associated gradepoints included in the gradepoint average, but with credits counted only once for any other purpose.
2. The academic rationale for certain courses may most appropriately be served by grading the entire course outside the usual grading system. The grades for these specially approved courses shall be CR for credit and N for no credit. These grades will carry no grade points. Approval for such courses shall be obtained through the appropriate divisional executive committee. The divisional committee is to take into account the possible effects of such action on other departments and majors. All approvals must be obtained prior to the publishing of the Timetable for the initial semester in which the course is to be offered. Subsequent offerings of the course do not require further authorization. All future Timetables and all subsequent catalogs must indicate the special grading rules in effect for such courses. The CR/N courses are independent of the student-option pass/fail system.
3. Intermediate grades of AB and BC shall be added between A and B and between B and C, respectively.
4. For courses taken under the pass-fail option, the grade of S shall be recorded by the registrar in place of instructors' grades of A, AB, B, BC, or C.

[UW-Madison Faculty Senate Minutes - 15 January 1973]

[UW-Madison Faculty Senate Minutes - 5 May 1980]

II-104: HONORS DESIGNATIONS AT COMMENCEMENT

1. Invitation to the Honors Convocation. Invitation to participate in the honors convocation will be extended to students who are expected to graduate and who either:
 - A. have a cumulative grade point average which places them in the top 20 percent of students in the school or college in which they are enrolled who have earned 60 credits or more at the University of Wisconsin-Madison, or
 - B. are candidates for an honors degree, whether they are in the top 20 percent of their class or not.
2. Notations. Notations citing graduation distinction or honors will be made as follows on the diplomas and transcripts of students who complete degree requirements:
 - A. A notation of the honors degree (i.e., Bachelor of Arts–Honors) will be placed on the diploma and the transcript of students who have completed the requirements of an honors program.
 - B. The notation “Graduate with Distinction” will be placed on the transcript of any student who has earned a cumulative grade point average which places that student within the top 20 percent of students graduating that term in his or her college.
3. Implementation.
 - A. The revised criteria noted above will go into effect with the May 1979 honors convocation and commencement.
 - B. The registrar shall determine cumulative grade point average and student rank as required by these criteria employing procedures approved by the Associate Administrative Council.
4. Other Forms of Recognition. These criteria for the designation of honors at graduation and graduation with distinction shall not preclude schools and colleges from specifying additional types of recognition, such as high honors, or thesis honors.

[UW-Madison Faculty Document 298 - 6 February 1978]

II-105: SUMMARY PERIOD FOR ACADEMIC SEMESTER

1. The academic semester consists of a regularly scheduled instructional period, and no more than a 7-day summary period. The first day of the summary period is for individual study and review, and no classes or exams are to be scheduled then. The other days are prescheduled to include one two-hour summary block for each course of two or more credits. This two-hour block shall be used for an examination or for other instructional activities as deemed appropriate by the instructor and as approved by the instructional unit offering the course. Final examinations or other summary period activities cannot be scheduled during the two weeks preceding the summary period. Take-home final examinations are due at the scheduled two-hour block.
2. The summary period block schedule must be published and must be adhered to by all faculty in accordance with faculty legislation requirements. The Office of the Registrar is authorized to prepare the summary period block schedule without submitting it to the faculty for approval, except that any college or school may prepare its own summary block schedule.
3. The time of a two-hour block for a class and/or the due date for the take-home examination may be changed only with the prior approval of the dean. Where a student has more than two summary blocks scheduled within a period of 24 hours, the instructor may, within guidelines adopted by the college or school faculty, reschedule a final exam to avoid hardship. Rescheduled summary blocks shall be of the same general nature and quality as the activities of the regular two-hour summary block.
4. Special hours within the prescribed summary period shall be assigned by the Office of the Registrar, in consultation with the dean, for combined summary periods in multiple-section courses that have no common meeting hour.
5. Undergraduate seminar courses, independent study, and directed study courses are exempted from the above rules. Also, the rules apply only to courses numbered 699 or below.
6. Course grades must be completed by each instructor and submitted to the Office of the Registrar within six calendar days (144 hours) from the date and hour of the two-hour block scheduled during the summary period.

[UW-Madison Faculty Senate Minutes - 9 May 1977]

[UW-Madison Faculty Document 2074 and Faculty Senate Minutes - 6 October 2008]

[UW-Madison Faculty Document 20636 and Faculty Senate Minutes - 26 September 2016]

II-106: POLICY ON REVIEW OF TENURED FACULTY

Each departmental executive committee shall establish written criteria and procedures governing the periodic review of each tenured faculty member.

I. PURPOSE

The purpose of the review of tenured faculty is to assess periodically each faculty member's activities and performance, in accordance with the mission of the department, college, and institution in such a way as to determine that the faculty member is meeting his or her obligations to the university and the State of Wisconsin. The review is to be appropriately linked to the merit process, and "should not involve the creation of unnecessary additional bureaucracy."

II. CRITERIA

- A. The criteria should reflect the overall mission of the department and should be sufficiently flexible to accommodate faculty with differing responsibilities. In developing such criteria, departments may draw on statements used in their current faculty review procedures, such as merit or promotion review.
- B. The executive committee of each department shall ensure that the criteria governing faculty review do not infringe on the accepted standards of academic freedom of faculty, including the freedom to pursue novel, unpopular, or unfashionable lines of inquiry. Nothing in the criteria or application of these policies shall allow the review to be prejudiced by factors proscribed by applicable state or federal law, such as race, religion, sex, sexual orientation, ethnicity, age, and handicap.

III. PROCEDURES

- A. Reviews shall occur at least once every five years unless delayed because the faculty member is on leave or because his or her promotion to full professor is anticipated for the following year. These reviews may be incorporated into the annual merit review process or combined with promotion or other reviews including but not limited to nominations for chaired professorships, major teaching awards, and national professional honors or awards. In the case of combined reviews, the department may require supplementary documentation from the faculty member, which meets the criteria of C.1. below, that would not otherwise be required for the other review.
- B. Each review, as determined by each department's executive committee, shall be carried out by one or more tenured faculty members. No individual shall serve as a reviewer if the faculty member under review formally objects to his or her service in that capacity. Such formal objections should be kept confidential. In the case of a faculty member with appointments in more than one department, the department chairs of the affected departments shall agree on procedures for the conduct of the review.
- C. Review procedures shall include
 1. A review of qualitative and quantitative evidence of the faculty member's performance over at least the previous five-year period. The evidence should include a current curriculum vitae, annual activity reports, teaching evaluations or summaries of evaluations, and other materials providing evidence of the faculty member's accomplishments and contributions that the department or the faculty member feel are relevant to the review. The faculty member should provide the reviewer(s) with a brief summary of career plans for the future. Letters from outside the university would not ordinarily be a part of the review process. The faculty member under review, however, may submit appropriate letters if she or he so chooses. The reviewer(s) shall examine materials to the degree needed to accomplish the purposes of this review, which are to assess whether the faculty member is satisfactorily performing his or her

duties to the university and the State of Wisconsin, and to encourage the improvement of faculty skills.

2. Discussion with the faculty member about his or her contributions to the profession, the department and the university if either the reviewers or the faculty member so desire.
 3. Appropriate consideration of a faculty member's contributions outside the department to interdisciplinary and other programs, governance, and administration.
 4. Other steps the reviewers consider useful in making a fair and informed judgment, including but not limited to consultation with individuals who have knowledge of the faculty member's work.
- D. The reviewer(s) shall provide the faculty member with a written summary of the review. The faculty member shall have the opportunity to prepare a written response to the summary. A copy of the summary and any written response to it shall be given to the department chair and shall be placed in the personnel file of the faculty member for uses deemed appropriate by the departmental executive committee. Any recommendations for action in response to the results of the review should be forwarded by the department chair to the appropriate individuals or bodies.
- E. The department shall also preserve in the faculty member's personnel file all documents that played a substantive role in the review (other than documents such as publications that are readily accessible elsewhere), and a record of any action taken as a result of the review.

IV. ACCOUNTABILITY

- A. Copies of the departmental criteria and procedures for reviews of tenured faculty shall be filed with the appropriate dean.
- B. Departments shall maintain a record of reviews completed, including the names of all reviewers.
- C. At the end of each academic year, the appropriate dean shall receive a report from the department chair listing the names of faculty members reviewed during that academic year and summarizing the outcomes of those reviews.
- D. Any exceptions to this review process must be approved by the appropriate dean.
- E. The periodic review of each department, in which the department's mission, personnel, and development are now evaluated, shall include review of the process for review of tenured faculty in the department.

V. IMPLEMENTATION

The executive committee of each department shall prepare a plan for scheduling reviews of tenured faculty. This plan shall provide for the first five-year cycle of reviews to begin during the 1993-94 academic year.

[UW-Madison Faculty Document 1001b - 19 April 1993]

II-108: CLASS ATTENDANCE POLICY

Faculty and instructors may require students to attend scheduled meetings of a class and/or to participate in other course-related activities, including distance activities. Students are responsible for materials presented in such meetings or activities. Because courses are designed and conducted in diverse ways, faculty and instructors should inform students in writing at the beginning of each course if there are specific expectations for attendance/ participation, including whether any component of the grade is based on such attendance/participation.

Faculty and instructors are encouraged to extend reasonable consideration to accommodate students should their university-endorsed extracurricular activities, not including practice activities for performances or athletic events, conflict with class attendance requirements. It is expected that students provide adequate and reasonable advance notice to faculty and instructors in order that they can ensure that an accommodation, if granted, not jeopardize or compromise the pedagogical goals and requirements of the course and students' learning.

[UW-Madison Faculty Document 1308b - 1 December 1997]

[UW-Madison Faculty Document 1308e - 4 December 2006]

II-109: POLICY ON THE AWARDING OF POSTHUMOUS DEGREES

Schools and colleges may be interested in conferring posthumously a degree to a student who is near completion of her/his degree so as to recognize the academic achievement of that student who, in all likelihood, would have fulfilled the requirements of the degree. In all such cases, conferral of a degree must also be balanced with attention to academic and institutional integrity.

Criteria

Decisions on awarding of posthumous degrees will be made using the following criteria:

For award of a posthumous baccalaureate degree in memoriam:

- The student was a senior.
- The student was enrolled in a degree program at the time of death and was in good academic standing.

For award of a posthumous graduate degree in memoriam:

- For graduate degrees not requiring a research product, the student was enrolled in courses that would have completed the degree requirements at the time of death, and he/she would have passed the courses with an acceptable grade.
- For graduate degrees requiring a research product, the student had completed all course and other requirements pursuant to the degree and was near completion of his/her dissertation/thesis; and the student's committee determines his/her scholarship to be substantial work and worthy of the degree.

For award of a posthumous commendation in memoriam:

- A continuously enrolled student who dies before meeting the criteria listed above may be nominated for a posthumous commendation. Such a nomination would be appropriate for a student who has made substantial progress toward a degree or has achieved particular distinction during her/his tenure at the university.

Procedure

1. When a recommendation for the awarding of a posthumous recognition is received, the student's academic department and appropriate student services office determines whether to recommend the degree based on the above criteria.
2. The appropriate dean or director, or the dean of the Graduate School in the case of a graduate student, forwards the recommendation to the chancellor for conferral.
3. Upon approval, the Office of the Registrar will be notified and will record the awarding of the appropriate degree in memoriam in the student's transcript.
4. The registrar will send a diploma to the student's family and invite the family to send a representative to participate in the commencement ceremony on behalf of the student.
5. The student's name will be listed in the appropriate commencement ceremony program.

[UW-Madison Faculty Document 2146a - 7 December 2009]

II-300: AFFIRMATIVE ACTION RESOLUTION OF THE FACULTY

The Faculty Senate hereby declares its support for vigorous implementation of the university's program of affirmative action in hiring women and members of minority groups. We therefore recommend:

1. That departmental faculties use all appropriate avenues and procedures to seek qualified women and minority faculty members. This should include listing positions in national professional journals and with appropriate agencies, and giving the same consideration to applicants identified through these means as is given to those identified through more traditional means.
2. That deans and other administrators, before approving new appointments, ascertain whether the departments involved have made appropriate efforts to recruit qualified women and minority group faculty members.
3. That where departments having few women or minority members have identified women or minority candidates for faculty appointments, additional budget support, where necessary, be provided to facilitate such appointments.
4. That departments encourage qualified undergraduate women and minority students to attend graduate school, and that particular efforts be made to provide such financial assistance as is necessary to make graduate study feasible for these students, who will be a future source of university faculty members.

[UW-Madison Faculty Senate Minutes - 1 April 1974]

II-300: NONDISCRIMINATION AND AFFIRMATIVE ACTION IN FACULTY EMPLOYMENT

The following recommendations of the Committee on Nondiscrimination and Affirmative Action in Faculty Employment were approved by the Faculty Senate 13 September 1976:

1. That funds be available beyond normal allocations to bring women or minority candidates to the campus for employment interviews.
2. That deans withhold approval of any tenure-track appointment not accompanied by specific evidence of a search in which every reasonable effort was made to identify and interest qualified women or minority candidates, and that such evidence be forwarded to the chancellor whenever a dean recommends a tenure-track appointment.
3. That departments be given encouragement and resources to make positions at Wisconsin attractive to particularly well-qualified women or minority candidates, especially when they meet a particular need of the department.

[UW-Madison Faculty Document 257 and Faculty Senate Minutes - 13 September 1976]

II-301: NONDISCRIMINATION RESOLUTIONS OF THE FACULTY

It is the sense of the Faculty Senate that all policies on nondiscrimination in effect at UW-Madison should include sexual preference as one of the bases on which discrimination is prohibited.

[UW-Madison Faculty Senate Minutes - 7 May 1979]

The Faculty Senate condemns the practice of age discrimination. It is the sense of the Faculty Senate that all policies on nondiscrimination in effect at UW-Madison must include age as one of the bases on which discrimination is prohibited.

[UW-Madison Faculty Senate Minutes - 1 May 1989]

II-302: NONDISCRIMINATION POLICY OF THE ATHLETIC BOARD

1. It is the policy of the Athletic Board to make intercollegiate athletic competition, facilities, administrative resources, coaching, and ancillary personnel available to all qualified undergraduate students without regard to race, creed, religion, national origin, or sex in a manner consistent with law and the needs and interests of the student body and the university. It is recognized that in some sports combining men and women on the same team would virtually eliminate women competitors and that the sponsoring of separate teams would foster additional opportunities for competition. Therefore, this policy is not intended to mandate abolition of "men's" and "women's" teams but to permit either integrated or separate programs for men and for women where desirable because of competitive opportunities, conference rules, and the like.
2. Employment in any position in the Division of Intercollegiate Athletics must be in accordance with the principles and practices established by the government of the United States and the State of Wisconsin for affirmative action.
3. Whenever a Wisconsin team plays the team of another institution in any athletic event, the members of the Wisconsin team shall be permitted to travel together, lodge and dine together, and play together as a team without discriminating against any member of the team regardless of the policy of the institution, or of local or state laws, or of local customs or practices. This declaration of policy shall be included in all contracts executed to play other institutions, and shall be a condition upon which the contract is entered into. Inability to comply with this anti-discrimination policy after a contract to play has been signed shall result in cancellation of the game or contest.

[UW-Madison Faculty Document 164 - 5 November 1973]

II-303: PROHIBITED HARASSMENT: DEFINITIONS AND RULES GOVERNING THE CONDUCT OF UW-MADISON FACULTY AND ACADEMIC STAFF

Part I. Sexual Favors as a Basis for Actions Affecting an Individual's Welfare as a Student or Employee

A member of the university faculty or academic staff is subject to discipline if he or she behaves, while engaged in official university business, toward another university employee, student, or recipient of university services in any of the following ways:

- A. Uses, offers to use, or threatens to use one's status as a member of the university faculty or academic staff to bring about decisions or assessments affecting an individual's welfare on the basis of submission to, or rejection of, requests for sexual favors.
- B. Accepts an offer of sexual favors in exchange for an agreement to use one's status as a member of the university faculty or academic staff to bring about favorable decisions or assessments affecting an individual.

Part II. Flagrant or Repeated Sexual Advances, Requests for Sexual Favors, and Physical Contacts Harmful to Another's Work or Study Performance or to the Work, Study, or Service Environment

A member of the university faculty or academic staff is subject to discipline if, in a work or learning-related setting, he or she makes sexual advances, requests sexual favors, or makes physical contacts commonly understood to be of a sexual nature, and if

- 1. the conduct is unwanted by the person(s) to whom it is directed, and
- 2. the actor knew or a reasonable person could clearly have understood that the conduct was unwanted, and
- 3. because of its flagrant or repetitious nature, the conduct either
 - a. seriously interferes with work or learning performance of the person(s) to whom the conduct was directed, or
 - b. makes the university work, learning, or service environment intimidating or hostile, or demeaning to a person of average sensibilities.

Part III. Expression in Instructional Settings

The University of Wisconsin-Madison endeavors to maintain an environment that challenges students, faculty, and staff to develop their critical thinking capacities to their fullest potential—an environment in which controversial, provocative, and unpopular ideas can safely be introduced and discussed. The university is, therefore, unswervingly committed to freedom of speech as guaranteed under the First Amendment to the Constitution of the United States and to the principle of academic freedom adopted by the Board of Regents in 1894, which states in part: “whatever may be the limitations which trammel inquiry elsewhere, we believe that the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone truth can be found.”

Beneficial to students, academic staff and professors alike, academic freedom has special application to the classroom and has been described by U.S. Supreme Court Justice William Brennan as “...of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom....The classroom is peculiarly the marketplace of ideas.”

Adherence to the right of freedom of speech and to the principle of academic freedom requires that all thoughts presented as ideas or the advocacy of ideas in instructional settings, if they are germane to the subject matter of the course being taught, must be protected. This applies to the ideas of faculty and students alike. The maintenance of intellectual freedom through the open expression of ideas will sometimes be unavoidably hurtful. Some hurtful expressions, however, play no meaningful role in the free exchange of ideas; they may, indeed, inhibit that exchange, thereby denying some individuals full participation in the learning experience. These expressions are those that clearly derogate and debase a student or students in the class on the basis of gender, gender identity and expression, race, religion, ethnicity, sexual orientation, or disability.

Within the framework of academic freedom, the faculty and academic staff have a responsibility to foster an environment of tolerance, civility, awareness, and respect. The university community can thrive and serve its members equally only when the community recognizes the inherent worth and dignity of every human being and affirms the principle of mutual respect as an integral aspect of the pursuit of knowledge. The integrity of the University of Wisconsin-Madison rests upon its ability to guarantee freedom from intimidation or injury generated by intolerance or harassment. The freedom of all members of the university to express openly their ideas and opinions, however, must be maintained.

Accordingly, all expression germane to the instructional setting—including but not limited to information, the presentation or advocacy of ideas, assignment of course materials, and teaching techniques—is protected from disciplinary action.

A student who finds that an instructor uses expressions that are hurtful to him or her is strongly urged to discuss these concerns with the instructor. If for some reason this is not possible, or does not produce results the student finds satisfactory, he or she is urged to contact his or her advisor, the instructor's department chair, or the Dean of Students, for mediation between the student and the academic staff or faculty member. If the student still believes the expressions were not germane to the instructional setting, he or she is referred to *Faculty Policies and Procedures* Chapter 9 or *Academic Staff Policies and Procedures* Chapter 6.

Part IV. Protected and Unprotected Expression in Non-Instructional but Work-Related Settings

Faculty and academic staff are subject to discipline for using derogating and debasing expression in a non-instructional but work-related setting according to the following definitions and rules.

A. Definitions

1. "Expression" is communication in any format—including but not limited to oral, visual, literary, recorded, or symbolic. Expression includes the presentation of factual information and opinion, and the advocacy of ideas.
2. A "non-instructional but work-related setting" is any situation except those described in Definition 3 below in which a member of the faculty or academic staff, while engaged in a university-related task, communicates with students, University employees or recipients of university services. Non-instructional but work-related settings include, but are not limited to, such situations as discussion about what graduate school a student might attend or what career options a student might pursue, or comments to a staff member in the Department office.
3. An "instructional setting" is any situation in which the instructor of a course communicates about course content with one or more students enrolled in the course, or in which an instructor who has partial responsibility for communicating course content but is not the individual delegated with particular authority to record student grades communicates with the student(s) about the course content (e.g., as a member of a thesis committee; as a lecturer in a team-taught course), or in which an instructor, acting as an advisor, discusses courses taught by other instructors. Instructional settings include, but are not limited to, lecture halls, seminar rooms, laboratories, field trips, and instructors' offices. Instructional settings do not include public lectures where attendance by students is not required, published scholarship, commentary advanced in or reported via any public medium, and the like.

B. Protected and Unprotected Expression

1. Expression is protected if it involves the presentation or discussion of any material that is appropriate to non-instructional but work-related activities.

The use, in addressing a specific student, university employee, or recipient of university services, of an epithet or a comment concerning that student, employee or recipient of services that clearly derogates and debases him or her on the basis of his or her gender, gender identity and expression, race, religion, ethnicity, sexual orientation, or disability is not appropriate and therefore is not protected.

2. Expression can be the basis for discipline only if all of the following conditions apply:
 - a. The expression is clearly and patently not protected under IV.B.1; and
 - b. one or more student(s), university employee(s), or recipient(s) of university services have

- asked on one or more previous occasions that the faculty or academic staff member stop using such expression; and
- c. the expression is, and is commonly considered by the university community—including individuals who belong to a group targeted by the faculty or academic staff member—to be, seriously derogating and debasing; and
- d. the expression is likely seriously to interfere with an individual’s academic or professional performance, or receipt of university services.

Part V. Procedures for the Implementation of Part IV

The procedures below distinguish between (a) situations in which someone believes that a member of the faculty or academic staff has engaged in prohibited expression, but there could be no violation of Part IV, because there had been no prior request not to engage in that expression, and (b) situations in which the claim is that Part IV has been violated, because such a request had been made and the expression was subsequently repeated.

In the first situation, the procedures deal with communication between the person who engaged in the expression and the person who objects to it. This may lead to agreement on whether the expression is or is not protected. If no such agreement emerges, the procedures provide mechanisms for obtaining clarification on whether the expression is protected.

The second situation is one in which it is claimed that unprotected expression has been repeated and constitutes a violation of these rules. Experience demonstrates that most such claims can and should be dealt with through informal processes whose goal is to enhance the understanding of those concerned and to fashion a resolution that each of them will perceive as fair and reasonable. The procedures for seeking such a resolution are set forth below. In addition, the university’s formal disciplinary processes are explained, as is the grievance process available to a faculty member who believes that his or her rights have been violated by proceedings under these rules. Whether a matter is being pursued informally or through formal disciplinary proceedings, expression cannot be deemed a violation of these rules unless all of the requirements of Part IV.B.2 are satisfied.

A. Procedure prior to a repetition of expression believed to be unprotected

1. A person who objects to expression and believes that, if repeated, it could be the basis for disciplinary action, should, either directly or through an intermediary of his/her choice, explain to the faculty or staff member in question why the expression is considered objectionable and request that the expression not be repeated. If the faculty or staff member considers the expression to be protected, he/she is encouraged to discuss the matter with the person who has complained. If such a discussion fails to produce agreement on whether the expression is protected, the faculty or staff member whose expression is in question, if he or she wishes, may ask, as appropriate, the secretary of the faculty to convene a panel of at least three former chairs of the Committee on Faculty Rights and Responsibilities and/or the University Committee, or the secretary of the academic staff to convene a panel of at least three former chairs of the Academic Staff Appeals Committee and/or the Academic Staff Executive Committee to provide advice on this question, or may ask his/her department to ask for such advice.
 - a. If requested by a student, the Dean of Students office shall facilitate communication between the student and the faculty or staff member, either by helping and advising a student who wishes to speak directly with the faculty or staff member or by acting as an intermediary between them.
 - b. Oral and written communications occurring during this process between or among the person objecting to the expression of the faculty or staff member, that faculty or staff member, and an intermediary may not be used as evidence in any university disciplinary proceeding. This provision does not apply to a request that expression not be repeated.

B. Procedure following repetition of expression believed to be a violation of these rules

1. The Informal, Non-Disciplinary Process. A person who believes that these rules have been violated is encouraged, though not obliged, to discuss the matter with the faculty or staff member involved, either directly or through the intervention of an appropriate intermediary at the departmental, school/college, or campus level. Similarly, faculty or staff members are encouraged, though not obliged, to participate in efforts to resolve complaints in this informal manner.

Oral and written communications occurring during the informal process may not be used as evidence in any university disciplinary proceeding.

- a. When an individual believes that these rules have been violated and seeks to deal with the problem informally, he/she should be prepared to identify precisely the conduct believed to constitute the violation. Precision is often aided by expressing the complaint in writing. If the matter is not promptly resolved, and if the person complained against so requests, the complainant shall provide such a written statement.
- b. A complainant who believes that informal approaches are inappropriate, or that an informal process that has been invoked is not functioning satisfactorily, is entitled to invoke the formal disciplinary process.
- c. A faculty or staff member is entitled to refuse to participate, or cease participating, in informal processes and insist that the matter be dropped or handled through the disciplinary process.
- d. If a complaint about harassment is being handled informally, and there is a dispute about whether the alleged conduct constitutes a violation of these rules, the person or body handling the matter shall seek advice on this question from the Administrative Legal Services Office and inform those concerned of the advice received.

2. The Disciplinary Process.

- a. Discipline can be imposed on faculty members for violation of these rules only in compliance with the requirements of the formal processes delineated in Chapter 9 of FPP (*Faculty Policies and Procedures*). This process is instituted by the filing of a written complaint with the Provost. If the faculty conduct in question does not constitute a violation of these rules, the complaint is dismissed. If the conduct would be a violation, an investigation is conducted, including a discussion with the faculty member, if he/she wishes. Depending on the outcome of the investigation, the Provost will either dismiss the case, refer it to the faculty member's department, or proceed with disciplinary action. If discipline is proposed, the faculty member is entitled to have the matter fully heard and considered by CFRR (Committee on Faculty Rights and Responsibilities), a committee of nine faculty members elected by the faculty at large. CFRR makes specific findings of fact and forwards them to the chancellor together with its recommendation as to the disciplinary action it considers appropriate. A determination by CFRR that there is adequate cause for discipline requires a majority vote with no more than two dissenting votes. FPP Chapter 9 should be consulted for further information concerning the details of the formal disciplinary process.
 - b. Discipline can be imposed on academic staff members for violation of these rules only in compliance with the requirements of the formal processes of chapters 6, 8 and 9 of the *Academic Staff Policies and Procedures* (ASPP).
- C. Grievances by Faculty Members. A faculty member who believes that he/she has been treated unfairly or that his/her rights have been violated by efforts to deal with a complaint of harassment is entitled to pursue a grievance under FPP 8.15. Such a grievance, if not otherwise resolved to the faculty member's satisfaction, can be brought to the University Committee, which has full power to consider it and take whatever actions it deems appropriate.
- D. Grievances by Academic Staff Members. An academic staff member who believes that he/she has been treated unfairly or that his/her rights have been violated by efforts to deal with a complaint of harassment is entitled to pursue a grievance under ASPP chapter 7.

[UW-Madison Faculty Document 458a - 2 November 1981]

[UW-Madison Faculty Document 758 - 2 May 1988; UW-Madison Faculty Document 786 - 6 February 1989]

[UW-Madison Faculty Document 1402c - 1 March 1999]

II-307 STATEMENT ON CONSENSUAL RELATIONSHIPS

UW-Madison Statement on Consensual Relationships

Guidelines

It is in the interest of the University of Wisconsin-Madison to provide clear direction and educational opportunities to the university community about the professional risks associated with consensual romantic and/or sexual relationships between members of the university community where a conflict of interest and/or a power differential between the parties exists. Individuals entering such relationships must recognize that:

(1) Conflicts of Interest may arise when such relationships occur between and among faculty, staff, students and prospective employees. University policies and ethical principles already preclude individuals from evaluating the work or academic performance of others with whom they have intimate familial relationships, or from making hiring, salary or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships and require, at a minimum, that appropriate arrangements be made for objective decision-making.

(2) Power Differentials between the parties in a consensual romantic and/or sexual relationship may cause serious consequences even when conflicts of interest are resolved. Individuals entering into such relationships must recognize that:

- A. the reasons for entering, maintaining, or terminating such a relationship may be a function of the power differential;
- B. where power differentials exist, even in a seemingly consensual relationship, there are limited after-the-fact defenses against charges of sexual harassment. Furthermore, under certain situations consensual relationships may be outside the scope of employment for university employees and, if so, an individual would not be covered by the state's liability protection in subsequent litigation; and
- C. it is almost always the case that the individual with the power or status advantage in the relationship will bear the burden of accountability.

Reporting Policy

Where a conflict of interest exists, or may exist, in the context of a consensual romantic and/or sexual relationship, the individual with the power or status advantage shall notify his or her immediate supervisor. The supervisor shall have the responsibility for making arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the university or to either party in the relationship.

Consequences

Failure to report a consensual romantic and/or sexual relationship, or to comply with an arrangement to mitigate conflict of interest, may result in discipline or dismissal according to the rules appropriate to the individuals involved.

[UW-Madison Faculty Document 940 - 6 April 1992]

[UW-Madison Faculty Document 940a - 7 February 2011]

II-308: PARENTAL LEAVE POLICY

Background

In October, 1987, acting chancellor Bernard Cohen, based on a recommendation from the University Committee, appointed an ad hoc committee to study the university's policy on parental leave for unclassified staff. Committee members included Janet Hyde, Professor of Psychology and Women's Studies (Chair); Jeanne Hendricks, Senior Administrative Program Manager, College of Engineering; John Lemke, Systems Programmer, Space Astronomy Lab; Virginia Sapiro, Professor of Political Science and Women's Studies; Donald Schwab, Professor of Business; and Steve Lund, Director of Personnel Support Services (ex officio).

The committee's charge was as follows:

“While there is pending State legislation on parental leave, we believe that the circumstances of university employment are sufficiently different—e.g., nine-month and 12-month appointments, tenure rules, etc.—to warrant our own effort to review our policy. We are asking you to serve as a committee to address the general question of parental leave policy for all unclassified staff. You should lay out the options available to the university under existing Regent policy and State legislation and administrative rules to clarify our policies. Suggestions for improvements in fringe benefits would be welcome. When that has been accomplished, we would like the faculty members on the committee to address the implications of the leave policy for tenure policies for probationary faculty.”

The committee collected data in two areas. It conducted a survey of department chairs at the University of Wisconsin-Madison to determine the extent and nature of the use of parental leave by faculty and academic staff in the last two years. It also collected information on parental leave policies at peer institutions.

Issues in Parental Leave Policy

When evaluating an employer's parental leave policy—whether the employer is a corporation, a university, or a small business—the following questions need to be asked:

- (1) Is the leave job-guaranteed? That is, does the employee have the right to return to the same or a similar job at the end of the leave?
- (2) What is the maximum length of leave permitted?
- (3) Is the leave paid? That is, is there some provision for continuation of income during the leave? For how long? How much additional unpaid leave may be taken?
- (4) Do benefits—especially health insurance and life insurance—continue during the leave? Who bears the cost—the employer, the employee, or is there a sharing?
- (5) Is the policy gender fair? That is, are fathers covered in a policy that gives them leaves comparable to mothers?
- (6) Are adoptive parents given equal access to parental leave?
- (7) For university faculty, what happens to the tenure clock for untenured faculty who take a leave?

Current Policy at the University of Wisconsin-Madison

- (1) In practice there is an assumption that parental leaves are job-guaranteed, although this point is not stated explicitly in written policy.
- (2) For those on nine-month appointments, the mother or father has a right to take unpaid leave for any number of consecutive days to the end of the semester in which the baby is born plus unpaid leave for the entire next semester. They do not have a right to elect to take just a portion of the second semester. (Source: Board of Regents Resolution #506: System Sick Leave Policy for Faculty and Academic Staff.)

Thus, depending on the timing of a birth relative to the semester, a faculty or academic staff member might have a maximum unpaid leave that varied from approximately six months to approximately 12 months.

For those on 12-month appointments, after taking sick leave and vacation days, the mother or father has a right to take any number of consecutive days of unpaid leave to the end of that six-month period (January to June, or July to December) and has a right to take the next entire six-month period. (Source: UW-Madison Policies and Procedures Handbook.) Again, the maximum leave might range from approximately six months to approximately 12 months, depending on the time of the birth.

(3) A woman can use her accumulated sick leave to gain paid leave at the end of pregnancy and/or following delivery. Typically the length of paid leave using this method is six weeks or less; it may be longer if her physician certifies that she is medically not yet capable of returning to work. It is important to note that those having babies are typically young women who have not worked at the university for a long period and therefore have not accumulated extensive sick leave. In addition, faculty and academic staff with teaching responsibilities may use colleague coverage, i.e., they may have paid leave without using sick leave for any portion of the semester during which they are unable to work for medical reasons, provided that colleagues assume their duties and no one has to be hired to replace them.

(4) The university can provide its contribution to health insurance for approximately five months. Employees prepay two months, the university pays during sick leave, and the university pays an additional three months during unpaid leave. After that time, if the employee is taking an unpaid leave she may continue coverage but must pay the entire charge. For state group life insurance, the university contribution continues during unpaid leave for a maximum of three years. (Source: UW-Madison Staff Benefits Booklet [Faculty, Academic Staff, Limited Appointees])

(5) Fathers can take paid leave using accumulated sick leave only if an immediate family member is ill and needs his direct care. Typically one–two weeks would be considered acceptable for care of a wife and infant immediately after birth.

In addition, written policy states that if both parents are employed at the University of Wisconsin, both should not be on leave at the same time. (Source: Board of Regents Resolution #506: System Sick Leave Policy for Faculty and Academic Staff.) In practice this is typically not enforced.

(6) Under current policy, adoptive parents may have unpaid leaves as stated in (2) above. However, they have no right to paid leave; sick leave cannot be used because there has been no pregnancy and delivery. (Source: Wisconsin Administrative Code–UWS19.) Should the infant need medical attention, then the adoptive mother or father has the right to take sick leave to care for the infant.

(7) Any time a faculty member takes an unpaid leave for a semester, the tenure clock stops for a semester, i.e., the tenure decision is postponed by a semester. (Source: UW-Madison *Faculty Policies and Procedures* 7.04.E.) Thus, although there is no stated policy on the tenure clock for persons taking parental leave, the existing, more general policy can be applied. There currently is no stated policy for the case in which a faculty member has a baby and takes no leave or a very short leave (e.g., two weeks).

In summarizing the existing situation, it is important to make a distinction between policy and practice. For example, although the stated policy is that if both parents are employed by the UW, they may not both take leave at the same time, in practice this rule is typically not enforced. There seems no reason for it to be, particularly if the parents work in different units.

In addition, despite a written policy, actual practices may vary widely across departments. For example, one department chair communicated to us the lengths to which he had gone to obtain the longest and most favorable leave possible for a woman in his department. In another department, a pregnant faculty member consulted with the department administrative assistant, who believed that there was no provision for parental leave, much less paid leave, and so the woman took no leave, managing only by rearranging her schedule slightly. Such wide variations are created by some vagueness in written policy, but more importantly by a lack of communication throughout the university about existing policy.

Survey Results

In January, 1988, our committee sent a survey to all department chairs in the university. The purpose of the survey was to collect data on the number of women and men who had given birth or adopted babies, and on the type of leave they had taken. We asked for information for the two most recent years: 1985-86 and 1986-87. Of the 145 questionnaires that were mailed, 116 (80%) were returned.

A summary of the results is provided in Appendix A. In 1985-86, 16 faculty women out of the 311 women in these departments gave birth to or adopted a baby. In 1986-87, 13 faculty women out of 329 in those departments gave birth or adopted. The leaves they took were highly individualized, and almost all were short. It was typical to take six weeks of paid sick leave.

In 1985-86, 25 academic staff women out of 623 in these departments gave birth to or adopted a baby. The comparable statistics for 1986-87 were 24 women out of 688 in those departments. Again, the leaves were highly individualized and generally short, with six weeks sick leave being a common pattern.

In 1985-86, 32 faculty men had wives who gave birth, or adopted a baby, out of 1,572 men in those departments. The comparable statistics for 1986-87 were 45 men out of 1,644. For men on the academic staff, in 1985-86 nine adopted babies, or had wives who gave birth, out of 606 men in those departments. The comparable statistics for 1986-87 were 13 men out of 658. As with the women, leaves were highly individualized but were typically quite short. Most men took one–five days of vacation or sick leave.

Two important conclusions emerge from these data. First, the number of women giving birth to or adopting babies is small in any given year. If we apply a statistical correction because only 80% of departments responded to the questionnaire (and we surveyed only academic departments), we might project that only about 18 faculty women per year in the entire university would be eligible for a maternity leave, as would approximately 70 academic staff women (see Figure 1). Therefore, the cost of providing more generous benefits, such as longer paid leaves, should not be great because the number of persons served would not be great. There is no reason to think that women would have more babies if paid leave were available. Second, men tend to take very short leaves, typically less than a week. Other research, conducted by Professor Hyde (see Appendix D), indicates that even if men were given the option of longer paid parental leaves, they would still choose short ones. Thus the cost of extending equal benefits to men is negligible.

Policies at Peer Institutions

The committee also collected information on parental leave policies at some peer institutions. These policies are summarized in Appendix B.

Legal Considerations

Parental leave legislation is pending before the U.S. Congress. Family leave legislation was signed into law for the state of Wisconsin in April, 1988, and was effective immediately. It requires that employers provide a minimum of (a) six weeks of unpaid leave for care of a newborn or newly-adopted child, provided that the leave begins within 16 weeks of the birth or adoption; and (b) two weeks of unpaid leave for the care of seriously-ill family members. University policy is basically in conformity with the new state legislation, with one exception. Current policy for a teaching faculty member giving birth on, say, January 5, would not permit her to take a leave of exactly six weeks. Current policy would allow her to take either a very short leave until the beginning of the semester, or else a leave for the entire semester. This issue is addressed in Recommendation 2 below.

The university should continue to monitor legislation at the federal level.

Recommendations

In dealing with the demands placed on faculty and unclassified staff by the birth or adoption of a child into the family, the committee recommends that the university—through its supervisors, personnel offices, departments, and faculty committees—respond to the needs of the parents with as much flexibility and creativity as possible. Not all employees will benefit from the same response. Each employee should be encouraged to discuss his or her needs with the appropriate supervisor and work out an employment plan that responds to the employee's needs and the needs of the employing unit.

Based on the committee's study of our own policy, the data from our survey, a consideration of policies at other universities, and much discussion, the committee recommends the following:

(1) Compliance with Family Leave Law. In order for the university to be in conformity with state legislation, we recommend that both mothers and fathers be granted six weeks unpaid leave at the time of the birth or adoption of a child (provided that the leave begins within 16 weeks of the birth or adoption), regardless of where the leave falls in relation to the semester.

(2) Accumulation of Paid Vacation. We recommend that each year faculty and academic staff on 12-month appointments be permitted to reserve all or part of their vacation days for later use as paid parental leave. There should be no limit to the total number of days so reserved, nor should there be a fixed number of years within which the reserved days must be used. (Current regulation: UW System, UPG-9, Regent approval will be needed for the change.)

(3) Flexibly Scheduled Leaves for Those with 12-Month Appointments. We recommend that employment policies for new parents be as flexible as possible, consistent with work obligations. As one concrete instance, we recommend that policy be made more flexible for academic staff and faculty with no teaching responsibilities. The current policy frames 12-month faculty and academic staff leave options in six-month blocks, presumably to correspond to semesters, making their policy equivalent to that for nine-month faculty and staff, and in recognition of the special responsibilities of teaching staff. For academic staff and faculty with no teaching responsibilities, there is no need for this restriction. We recommend that they simply be allowed up to 12 months of job-guaranteed leave without pay. (Current regulation: UW Madison Personnel Policies and Procedures Handbook.)

(4) Easing the Transition Back to Work. We recommend that serious attention be given to the issue of easing the transition back to work and facilitating employment and new parenthood. A stated policy is probably not appropriate here. However, a set of recommendations to department chairs and other supervisors is. Appendix C contains a set of suggestions on this topic. We recommend that it be distributed and that department chairs and other supervisors be urged to pay careful attention to these issues. Some may want to adopt them as department policy.

(5) Part-Time Appointments. As one concrete instance of easing the transition back to work, we recommend a policy that faculty and academic staff be permitted to return to work part-time for the first year after birth or adoption, so long as part-time work is consistent with the requirements of the job. Those who work part-time should be paid proportionately to the percentage of time they work. Employees may wish to work part-time either because of medical limitations or because they wish to devote more time to childcare. All employing units should be receptive to reductions in percentage appointments for those individuals.

(6) Both Parents May Take Leave at the Same Time. We recommend that the stipulation be dropped that two parents both employed at the university may not be on leave at the same time. The present policy should apply only if both are employed by the same department and a hardship to the department can be demonstrated if both take leave simultaneously. Both parents should be permitted to take childcare leave, whether at the same or different times. This policy would allow both parents to be involved in childcare if they desire. (Current regulation: Regent Resolution #506. Regent approval would be needed for change.)

(7) Use of Sick Leave by Father. The current rules permit a spouse to use sick leave during the prenatal, delivery, and post-delivery period only if there are documented medical reasons requiring both parents to be absent. We recommend that the father be allowed to use sick leave for all prenatal physician's visits and the delivery without need for medical documentation. We also recommend that the father be allowed to use sick leave for the post-delivery period at the recommendation of a physician that his presence and care would be helpful, although perhaps not required. (Current regulation: Administrative Code UWS 19.01. May require Regent approval for a change in the Administrative Code.)

(8) Equal Treatment for Mothers and Fathers. We recommend that policy treat fathers and mothers equally in all respects, including paid sick leave. We do not anticipate that a gender-fair policy for paid leave programs that might be created in the future would mean noticeable monetary costs or work disruption, because few fathers choose to take leaves of more than a few days, even when asked what they would do under ideal conditions (see Appendix D). (Regent and legislative approval are needed.)

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(9) Equal Treatment for Adoptive Parents. We recommend that policy for adoptive parents be in all respects equal to that for biological parents. This would require modification of the Administrative Code, which authorizes paid sick leave only in the case of pregnancy. Adoptive parents should have equal rights to paid leave, even though they cannot literally claim sick leave. Some reasonable limitations on the length of paid sick leave might be imposed. (Regent and legislative approval are needed.)

(10) Paid Infant Care Leave. We recommend that the university explore means of financing a paid or partially-paid family leave of six months, not just for disability, but in order to meet important childcare responsibilities. One possible source is our income continuation insurance plan, which is already in existence, although it would need to be modified to extend beyond disability to the care of infants or newly-adopted children. However, such changes could not be made unilaterally for our university, and most likely would have to cover all state employees. (This may well require action by the legislature.)

(11) Untenured Faculty and the Tenure Clock. Faculty members in the tenure track present a unique case in dealing with birth and adoption. The intensity of work required to attain tenure at the University of Wisconsin-Madison greatly exceeds a 40-hour work week, and the hours must extend into evenings and weekends. The committee recommends that the university recognize in a number of ways the substantial responsibility carried by assistant professors with new children in the household.

(a) Reduced Appointments. In some cases a faculty member may wish to assume childcare responsibilities or may not be physically able to return to work on a full-time basis after the birth of a child. Temporarily-reduced appointments should be available for these individuals, with an appropriate extension of the tenure clock. The *Faculty Policies and Procedures* 7.04.D. provides that each year of service at the rate of at least one-half time but not more than three-quarters time shall count as a half year in the probationary period, and that a rate greater than three-quarters time should be counted as a full year. We recommend that faculty be informed of this option and permitted to use it for parental leave.

(b) Extension of Tenure Clock When Paid Sick Leave Taken. Under the current rules the tenure clock does not stop when paid sick leave is taken. This means that an assistant professor who remains on the payroll for three months of sick leave has no extension of the tenure clock, but the assistant professor who takes a research leave paid by another agency obtains additional time on the tenure clock. Thus, women who take sick leave due to pregnancy or childbirth remain on the tenure clock for the leave period. We recommend that the University Committee, in considering requests for extension of the tenure clock, grant extension based on time lost due to sick leave and the negative impact this had on the opportunity to meet the criteria for tenure.

(c) Extension of the Tenure Clock When No Leave Is Taken. In some cases an extension of the tenure clock may be appropriate even though no leave is taken and the percentage appointment is not reduced. In the past, the University Committee has approved additional time on an individual's tenure clock because of the demands placed on an individual by illness or uncontrollable circumstances. A similar case may be presented where an assistant professor has had a new child and has substantial childcare responsibilities. We recommend that untenured faculty women or men who have had a birth or adoption during the probationary period, have the right to apply to the University Committee for an extension of the tenure clock up to one year, even when the faculty member does not take a leave or a reduced appointment. The application would be based on the faculty member's substantial childcare responsibilities. The faculty member should make the application through the department and dean to the University Committee. Such requests must be made before the tenure review process begins.¹

¹ Our rationale for this recommendation is that untenured faculty at the University of Wisconsin-Madison need to work considerably more than 40 hours per week in order to do the research, teaching and service required to earn tenure. Many faculty women and men with new babies can work 40 hours per week and choose to do so, but they cannot realistically be expected to work more than that. They are therefore disadvantaged when judged for tenure. Increased flexibility in the tenure clock creates more equitable opportunities for them.

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Education and Dissemination

We recommend that, pending modification of policies, the existing policies should be publicized. We found that some department chairs and administrators were not well informed about existing policy and actually thought the policy was less generous than it is. We recommend that the policy be printed as a pull-out section of *Wisconsin Week* that it be distributed to all department chairs, and that extra copies be printed and given to department administrators for distribution to new employees each year. Serious consideration should be given to printing a brochure describing our leave policies, which could be handed out to candidates for faculty and staff positions. In winning prospective employees, attractive fringe benefit programs may help to compensate for our relatively low pay scale.

Summary Rationale

Two primary assumptions motivate our policy recommendations: (1) Policies should be gender-fair. Men who take responsibility for childcare should receive support for their choice, and this option should receive clear recognition in policy. (2) There should be equity between those who use the provisions of the policy to the maximum extent and those who do not make use of them.

A more generous parental leave policy would be beneficial to the university as well as to individual employees. Generous parental leaves would enhance the benefits package and be attractive to prospective employees, helping to compensate for our relatively low pay scale. A progressive parental leave policy should also help in the recruiting of dual-career couples, an effort in which the university is increasingly engaged.

These recommendations should be seen in the context of a national movement regarding parental leave, and more generally, support for families, including childcare and care of seriously-ill elderly parents as well. Recent state legislation and pending federal legislation on parental leave and family leave speak to the growing consensus on the importance of these policies. The University of Wisconsin has an opportunity to be a leader in this movement and to attract national attention with more generous policies.

[UW-Madison Faculty Document 771 - 3 October 1988. The Faculty Senate passed the motion to endorse recommendations 1 through 10, and adopt recommendation 11 at the 3 October 1988 meeting.]

II-314: MISCONDUCT IN SCHOLARLY RESEARCH

POLICIES AND PROCEDURES FOR DEALING WITH MISCONDUCT IN SCHOLARLY RESEARCH

I. INTRODUCTION

1. General Policy

The University of Wisconsin-Madison (“University”) has long recognized that honesty is an essential component of scholarly activity. The success of our university and of the Wisconsin Idea itself relies on this honesty to maintain the highest standards of integrity in our research enterprise. The citizens of the State of Wisconsin, our funders and supporters inside and outside the state, our students and alumni, and our entire university community all deserve and expect that misconduct in research be dealt with responsibly and effectively. As a scholarly community, we are committed to addressing allegations or evidence of research misconduct fairly and objectively, in accordance with applicable federal, state, and UW System regulations.

The Unclassified Staff Code of Ethics provides that every member of the university community “at the time of appointment makes a personal commitment to professional honesty and integrity” as an essential component of the university’s “proper function in our society and to ensure continued confidence of the people of this state” (Section UWS 8.01, Wisconsin Administrative Code). The state Student Academic Disciplinary Procedures provide that the “Board of Regents, administrators, faculty, academic staff and students of the University of Wisconsin System believe that academic honesty and integrity are fundamental to the mission of higher education” and that the “university has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty” (Section UWS 14.01, Wisconsin Administrative Code). Failure to adhere to these standards can be cause for discipline or dismissal.

In keeping with those regulations and with the spirit and tradition of this institution, this document outlines our campus’ procedures for assessing and investigating allegations of misconduct in scholarly research. Adherence to this policy, including the possible imposition of sanctions on individuals found to have violated the University’s expectations of integrity in research, guarantees that the University discharge its regulatory obligations and, more importantly, helps to preserve the integrity of our scholarly mission.

2. Procedural Summary

1. An allegation of research misconduct is addressed through a process that aligns with federal requirements (e.g., 42 CFR § 93; 45 CFR§ 689). The Respondent (person who is subject of the allegations, see Section II.B) is provided protections and the opportunity to clarify facts throughout the process. In brief, the major steps include:
 - a. An assessment to determine if the allegation meets the definition of research misconduct, falls within the scope of this policy, and contains sufficient detail to pursue. If not, the process is terminated. The assessment should be completed quickly, preferably within one week;
 - b. An inquiry review by experts who understand standards in the field and are without conflict regarding the issue, to determine if the allegations merit further investigation. If not, the process is terminated. The inquiry should commence as quickly as practical and must be completed within 60 days thereafter; extensions may be requested;
 - c. An investigation by an expert committee that determines if specific acts of research misconduct occurred. This investigation should commence within 30 days of the inquiry decision and must be completed within 120 days thereafter; extensions may be requested;
 - d. A decision by Provost or designee to accept the findings of the investigation and determine appropriate institutional actions. This decision should be made within 20 days after receipt of the investigation report; and
 - e. The Respondent has an option to appeal a decision that research misconduct occurred. Appeal proceedings should commence within 20 days of the appeal request and then be completed within 120 days; extensions may be requested.

C. Scope

1. This policy applies to anyone who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with the University of Wisconsin – Madison. This includes faculty, staff, employees in training, students, contractors, volunteers and guests.
2. Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. The activity must represent a significant departure from accepted practices of the relevant research community.
 - a. Fabrication is making up data or results and recording or reporting them.
 - b. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
 - c. Plagiarism is the appropriation of another person's ideas, processes, results, or work without giving appropriate credit.
3. Research misconduct does not include honest error or honest differences in interpretations or judgments of data. The action must be committed intentionally, knowingly, or recklessly.
4. Research misconduct does not encompass authorship or collaboration disputes, nor does this policy supersede or establish an alternative to existing University, state or federal regulations or procedures for handling other transgressions, such as financial improprieties, non-compliance in safety practices or the treatment of human or animal subjects, criminal matters, or personnel actions.
5. This policy applies only to allegations of research misconduct that occurred within six years prior to the date the institution received the allegation, subject to the subsequent use, health or safety of the public, and grandfathered exceptions in federal policy (e.g., 42 CFR § 93.105(b)).
6. To the extent practicable or reasonable, proceedings of a nature different than research misconduct (e.g., academic misconduct, criminal investigation, financial audit or personnel investigation) may proceed simultaneously with research misconduct proceedings provided for in this policy. The Research Integrity Officer (RIO, see Section II.C) is responsible for coordinating with other principals for determining how the multiple processes will be coordinated on a case-by-case basis.

D. Responsibility to Report Conduct

1. All institutional members and affiliates have a responsibility to report observed, suspected, or apparent research misconduct. Allegations may be made directly to the RIO or other University administrators, who will forward it to the RIO. The University will make readily available (e.g. on the University's web site) the contact information and procedures for reporting research misconduct.
2. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may contact the RIO to discuss the suspected research misconduct informally, which may include discussing it hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.
3. Allegations of research misconduct may be discussed or reported anonymously (see Section II.A).

E. Cooperation with Research Misconduct Proceedings

All University members are obliged to cooperate with institutional officials in the review of allegations of research misconduct and to provide evidence relevant to those allegations.

F. Expectation of Good Faith and Protection from Retaliation

1. The University expects that all allegations will be made in good faith. Good faith means having a belief in the truth of one's allegation or testimony based on the information known to the Complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. This includes acts or omissions that are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.
2. The University will not tolerate retaliation in any way against an individual who acts in good faith in a matter involving research misconduct proceedings.
3. Institutional members should report immediately any alleged or apparent retaliation to the RIO, who shall review the matter and, as necessary, work with institutional officials to make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person(s) against whom the retaliation is directed. State of Wisconsin employees will also receive state protection from retaliation if the allegations are brought forth according to Wisconsin Statute Section 230.80-.85.
4. If a person makes an allegation or gives testimony that is not done in good faith, the RIO will inform the Deciding Official (see Section II.E.), who will refer the matter for possible disciplinary action.

G. Confidentiality

1. In order to protect the reputation of all parties and to prevent retaliation, the identity of the participants will be kept confidential to the maximum extent possible, limited to those with a need to know to carry out a fair, thorough, competent, and objective proceeding, as allowed by law. The University must disclose the identity of individuals when required by applicable federal regulations, such as when a federal agency reviews a proceeding.
2. The University may use written confidentiality agreements or other mechanisms to ensure that the recipient of information does not make any further disclosure of identifying information.

H. Evidentiary Standard

Consistent with federal requirements, all recommendations and decisions rendered under this policy will be made based on a preponderance of the evidence. Any affirmative defenses raised by Respondent must be proven by Respondent based on a preponderance of the evidence.

II. PERSONNEL

A. The Complainant is the person who makes an allegation of research misconduct.

1. The Complainant may be a member of the University community or have no affiliation with the University.
2. The Research Integrity Officer (RIO, see Section II.C) shall submit to the Designated Research Official (DRO, see Section II.D) an allegation which is brought forth anonymously.
3. The Complainant is responsible for making allegations in good faith.

B. The Respondent is the person against whom the allegation is made.

1. The Respondent is entitled to:
 - a. A good faith effort by the RIO or other institutional official to notify the Respondent that an inquiry is beginning with copies of policies and procedures that will be followed;
 - b. An opportunity to comment on the inquiry and (if necessary) investigation reports and have his/her comments attached to the report;
 - c. Timely written notification of the progress of the proceedings;

- d. Be interviewed during the investigation, have the opportunity to correct recordings or transcripts of that interview, and have the corrected versions included in the record of the investigation;
 - e. Bring forth any witness who has been reasonably identified as having information on relevant aspects of the investigation;
 - f. Supervised access to the evidence on which the investigation report is based;
 - g. Be advised and represented by counsel or other representative at his/her expense throughout the proceedings and thereafter; and
 - h. Consultation with a university official removed from the investigation (e.g., Vice Provost for Faculty and Staff, Employee Assistance Office, or Ombuds Office) regarding the implementation of this policy and the Respondent's rights.
2. In the circumstance that the Respondent admits that research misconduct occurred and that he/she committed the research misconduct, the RIO may, with the approval of the Deciding Officer and applicable federal agencies or other sponsors that funded the impacted work, advise that the University terminate the institution's review of the allegation and proceed to institutional actions (see Section VI) and complete the case (see Section VIII).
 3. As requested and as appropriate, the RIO and other relevant institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.
- C. The Research Integrity Officer (RIO) has the primary responsibility for implementing policies and procedures related to research misconduct.
1. Responsibilities of the RIO include:
 - a. Meeting confidentially with persons who are uncertain about bringing forward an allegation;
 - b. Receiving allegations of research misconduct;
 - c. Assessing an allegation of research misconduct to determine whether it falls within the definition of research misconduct and warrants an inquiry;
 - d. Arranging for the sequestration and secure retention of research data and other evidence pertinent to the allegation;
 - e. Ensuring confidentiality to those involved in the research misconduct proceeding;
 - f. Ensuring that Respondents, Complainants, and others involved in the case are notified as required of the procedures and progress of the proceedings;
 - g. Ensuring that no person involved in handling an allegation has an unresolved or actual conflict of interest;
 - h. Protecting from retaliation or restoring the positions and reputations of good-faith participants of these proceedings in cooperation with other institutional officials;
 - i. Communicating with relevant federal agencies or other sponsors;
 - j. Ensuring that administrative actions are enforced and notifying other relevant parties of those actions;
 - k. Maintaining records of the research misconduct proceeding; and
 - l. Acting upon requests for extension, in conjunction with the Deciding Official, as appropriate.
- D. The Designated Research Official (DRO) works with the RIO to make the initial assessment of an allegation and, if necessary, arranges for and directs the inquiry and investigative phases of the proceedings.
1. The RIO identifies the acting DRO, who is typically a Dean or Vice Chancellor (or their designee) with responsibilities in the school/college or center/institute where the activity giving rise to the allegation took place. In cases where the alleged activity involves more than one unit or there is perceived or actual conflict of interest, the RIO will determine the acting

DRO.

2. The DRO appoints the chair and members of the inquiry and investigation committees in consultation with the RIO, and ensures that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence.
 3. The DRO reviews the inquiry findings and report, and after consulting with the RIO and/or other institutional officials, decides whether an investigation is warranted.
- E. The Deciding Official receives the investigation report and determines the next institutional actions.
1. The Provost will serve as the Deciding Official and shall do so unless a conflict of interest is identified.
 2. The Provost shall delegate this responsibility if there is a conflict of interest at any stage of the process. The Deciding Official should have no direct prior involvement in the assessment, inquiry, or investigation of the allegation. The Deciding Official should have no responsibility for the research under investigation, and no interests that would conflict with the university's interest in securing a fair and thorough investigation.
 3. The Deciding Official has the following responsibilities:
 - a. Determines whether the evidence supports the allegations based on the investigation report;
 - b. Determines appropriate institutional sanctions, if warranted; and
 - c. Determines, in consultation with the RIO (and with permission of the applicable federal agencies or other sponsors), if the matter can be settled without completing the process described in this policy.

III. THE ASSESSMENT

A. Purpose

1. Upon receiving an allegation of research misconduct, the RIO, in consultation with the relevant DRO, will promptly assess the allegation to determine if an inquiry is warranted.
2. In conducting the assessment, the RIO or DRO need not interview the Complainant, Respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific. When the activity is supported by federal funds and questions arise regarding assessment criteria, the RIO should seek guidance from the applicable federal agencies.
3. An inquiry must be conducted if the following criteria are met:
 - a. Whether the conduct falls within the scope of this policy;
 - b. Whether the allegation, meets the definition of research misconduct; and
 - c. Whether the allegation is sufficiently specific so that potential evidence of research misconduct could be identified.

B. Timeline

The assessment period should be brief, preferably concluded within one week.

C. Conclusion of the assessment

1. If the allegation is credible, but does not meet the definition of research misconduct, the RIO and DRO will work with others as appropriate to resolve the issue by other methods.

2. If the assessment determines that the criteria for an inquiry are met, the DRO shall as quickly as practical convene a committee to conduct an inquiry into the allegation.

D. Mitigation of risk

At any point during a research misconduct proceeding, the RIO and relevant officials should take appropriate actions, including notifying relevant state or federal agencies, to mitigate health, safety, financial or other risks resulting from or related to the alleged misconduct and to protect the integrity of ongoing research (e.g. 42 CFR § 93.318).

IV. THE INQUIRY

A. Purpose

The purpose of the inquiry is to advise the DRO, who determines whether or not to conduct a full investigation of the allegation. The inquiry reviews the available evidence to separate allegations deserving of further investigation from those which are unjustified or clearly mistaken. An inquiry does not require a full review of all the evidence related to the allegation.

B. Timeline

The inquiry should commence as quickly as practical. The inquiry, including preparation of the final inquiry report and the decision of the DRO on whether an investigation is warranted, must be completed within 60 days of initiation of the inquiry. Any extension of this deadline requires documentation of unusual circumstances and must be approved by the Deciding Official.

C. Notification and Evidence Sequestration

1. At the time of or before beginning an inquiry, the RIO must notify the Respondent in writing of the allegations and these procedures for addressing the allegations. If the inquiry subsequently identifies additional Respondents, they must be notified similarly.
2. On or before the date on which the Respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.
3. Upon request, the Respondent may receive a copy of the allegations, redacted to protect the confidentiality and interests of the Complainant and others, after evidence sequestration has occurred.

D. Inquiry Committee

1. The inquiry committee shall consist of at least three individuals who have no responsibility for the research under inquiry, who can be impartial, and who have no interests that would conflict with securing a fair and thorough inquiry. The committee, as a whole, shall have the competence and expertise appropriate for the inquiry. When necessary to secure the needed expertise or to avoid conflicts of interest, the DRO may select committee members from outside the institution.
2. In general, the inquiry committee should consist of faculty, but others may serve (e.g., to provide technical expertise or the perspective of the Respondent's employment group).

Where the respondent is a faculty member the Inquiry Committee shall consist of a majority of University faculty members.

3. The inquiry committee will normally interview the Complainant, the Respondent, and key witnesses as well as examine relevant research records and materials. Then the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry and recommend whether or not an investigation is warranted based on the criteria in this policy, including but not limited to, the criteria in Sections I.C, III.A.3. and IV.D.4.
4. The scope of the inquiry does not require, and does not normally include, deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if the Respondent makes an admission of research misconduct, misconduct may be determined at the inquiry stage if all relevant issues are resolved, and with the approval of applicable federal agencies or other sponsors. Thereafter, the Deciding Official may take necessary institutional actions (see Section VI) and complete the case (see Section VIII).

E. The Inquiry Report

1. A written inquiry report must be prepared and include the following information:
 - a. The name and position of the Respondent;
 - b. A description of the allegations of research misconduct;
 - c. The funding source, including, for example, grant numbers, grant applications, contracts and publications listing the support; and
 - d. The basis for recommending or not recommending that the allegations warrant an investigation.
2. The RIO will provide the Respondent and Complainant, under a confidentiality agreement if necessary, a draft copy of the inquiry report for comment within 10 days. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. Any comments that are submitted to the RIO by the Respondent or Complainant will be attached to the final inquiry report, which is sent to the DRO.

F. Conclusion of the Inquiry

1. The DRO, in consultation with the RIO, will decide in writing whether or not to pursue an investigation, based on the available evidence and inquiry committee's report. The inquiry is completed when the DRO makes this determination.
2. The DRO will notify the RIO, Respondent, and Complainant of the completion of the inquiry and the DRO's determination. If the determination does not result in an investigation, the determination shall be reported to the Deciding Official.
3. The DRO initiates an investigation if he/she determines that one is warranted pursuant to Section V.B.1.
4. If the DRO decides that an investigation is not warranted, the determination is forwarded to the RIO. All personnel involved in the matter must be informed of this determination, and the RIO will take steps to resolve the case by other appropriate means, conclude the case, and restore or protect the Respondent's reputation (section VIII).
5. The RIO may, in consultation with the Deciding Official, request corrective action (e.g., re-training in good laboratory practices) even if an investigation is not pursued.

V. THE INVESTIGATION

A. Purpose

The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The investigation will also determine whether additional instances of possible research misconduct exist that would justify broadening the scope beyond the initial allegations.

B. Timeline

1. If the DRO determines that an investigation is warranted, the investigation must begin within 30 days of that determination.
2. The investigation should be completed within 120 days of charging the investigation committee, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to applicable federal agencies or other sponsors. However, if the investigation committee determines that the investigation will not be completed within this 120-day period, they should notify the RIO who will consult with and request additional time from the Deciding Official and applicable federal agencies or other sponsors.

C. Required Notifications

1. On or before the date on which the investigation begins, the RIO must notify the Respondent in writing of the allegations to be investigated.
2. The RIO must give the Respondent written notice of any new allegations of research misconduct not addressed during the inquiry or in the initial notice of the investigation within 30 days of discovery of the new allegations.
3. On or before the date on which the investigation begins, the RIO must notify the relevant applicable federal agencies or other sponsors and provide a copy of the inquiry report and any other required documentation.

D. Additional Sequestration

Prior to notifying the Respondent of further allegations and the investigation, the RIO will take all reasonable and practical steps to obtain custody of and sequester in a secure manner any research records and evidence needed to conduct the investigation that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

E. Appointment of the Investigation Committee

1. The DRO, in consultation with the RIO and other institutional officials as appropriate, will appoint an investigation committee and chair as soon after the beginning of the investigation as is practical. The investigation committee must consist of at least three individuals with no unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the Respondent and Complainant and conduct the investigation.

2. In general, the investigation committee should consist of faculty, but others may serve (e.g., to provide technical expertise or the perspective of the Respondent's employment group). Where the Respondent is a faculty member the Investigation Committee shall consist of a majority of University faculty members. Individuals appointed to the investigation committee may also have served on the inquiry committee. When necessary to secure the needed expertise or to avoid conflicts of interest, the DRO may select committee members from outside the institution.
3. The Respondent may state objections, and provide justification, to the DRO's selection of members of the investigation committee. A determination on the objections shall be made by the DRO in consultation with the RIO.

F. Charge to the Investigation Committee

1. The DRO will provide the investigation committee with a formal written charge that:
 - a. Identifies the Respondent;
 - b. Describes the allegations and related issues identified during the inquiry;
 - c. Informs the committee that it must conduct the investigation as prescribed in this policy and by any other applicable regulations;
 - d. Defines research misconduct;
 - e. Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent and who was responsible;
 - f. Informs the committee that in order to determine that the Respondent committed research misconduct it must find that a preponderance of the evidence establishes that:
 - i. Research misconduct, as defined in this policy in Section I.C., occurred [Note that affirmative defenses raised by Respondent (e.g., honest error or a difference of opinion) must be proven by Respondent by a preponderance of the evidence];
 - ii. The research misconduct is a significant departure from accepted practices of the relevant research community; and
 - iii. The Respondent committed the research misconduct intentionally, knowingly, or recklessly; and
 - g. Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and other applicable regulations.

G. Investigation Process

1. The investigation committee must:
 - a. Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
 - b. Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical, which includes assuring presentation of all that both supports or disputes misconduct;
 - c. Interview each Respondent, Complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the Respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
 - d. Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including evidence of additional instances of possible research misconduct, and continue the investigation to completion, requesting expert opinions, other information, records and data as needed.

H. Conclusion of the Investigation

1. The investigation committee shall prepare a written report of the investigation that:
 - a. Provides the name and position of the Respondent(s);
 - b. Describes the nature of the allegations (i.e., fabrication, falsification, or plagiarism) of research misconduct;
 - c. Describes the specific allegations of research misconduct considered in the investigation;
 - d. Describes and documents funding sources related to the work in question, including, for example, grant numbers, grant applications, pending applications, contracts, and publications listing that support;
 - e. Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed;
 - f. Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must:
 - i. identify whether the research misconduct involved falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly;
 - ii. summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the Respondent, including any effort by Respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion;
 - iii. identify the specific funding support;
 - iv. identify whether any publications need correction or retraction; and
 - v. identify the person(s) responsible for the misconduct.
2. The Respondent will be provided for comment a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the evidence on which the report is based. The DRO, in consultation with the RIO, also has the discretion to provide to the Complainant portions or the entire draft of the report for comment. The Respondent and Complainant (if applicable) will be allowed 10 calendar days from receipt to comment on the report. The comments must be included and considered in the final report.
3. The DRO and RIO may assist the investigation committee in finalizing the investigation report, including ensuring that the comments of the Respondent and Complainant (if applicable) are included and considered
4. The DRO will transmit the final investigation report to the Deciding Official and copy the RIO.

VI. INSTITUTIONAL DECISION AND ACTIONS

A. Decision

1. Upon receiving the investigation report, the Deciding Official will determine in writing:
 - a. Whether the institution accepts the investigation report and its findings; and
 - b. The appropriate institutional actions in response to the accepted findings.
2. An institutional decision finding research misconduct requires that the allegation is proven by a preponderance of the evidence.
3. The Deciding Official will convey the decision in writing to the Respondent, Complainant, RIO and other key personnel involved in the case.

B. Timeline

The decision of the Deciding Official should be made within 20 days of receipt of the investigation report.

C. Decision Options

1. If the Deciding Official's determination varies from the findings of the investigation committee, the Deciding Official will explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the Deciding Official may return the report to the investigation committee with a request for further fact-finding or analysis.
2. If the Deciding Official determines that research misconduct occurred, the Respondent has the right to appeal the decision.
 - a. If the Respondent appeals a decision, the Deciding Official initiates the appeal process (see Section VII).
 - b. If the Respondent does not appeal the decision, he/she is deemed to have waived the right to such review, and the decision of the Deciding Official is final.
3. If the Deciding Official determines that research misconduct did not occur, the Deciding Official will direct the RIO to complete the case and take steps to restore the reputation of the Respondent (see Section VIII).

D. Institutional Actions

1. If research misconduct is determined, the Deciding Official will consult with the DRO and others to decide the appropriate actions to be taken. These may include, but are not limited to:
 - a. Removal of the responsible person from the particular project, letter of reprimand, special monitoring of or restrictions placed upon future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;
 - b. Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
 - c. Restitution of funds to the grantor agency as appropriate;
 - d. Disciplinary action against a student, such as loss of course credit or degree requirement, probation, suspension, or expulsion; and
 - e. Other actions appropriate to the research misconduct.
2. If the institutional action involves a dismissal decision which the Respondent does not appeal, the Chancellor may proceed under UWS 4.07 (faculty), UWS 11.07 or 11.11 (academic staff), or such other policy or regulation governing review of the decision as applicable (other employees or students).

VII. APPEAL (optional)

A. Initiating an Appeal

1. The request for appeal shall be addressed in writing to the Deciding Official who shall forward it to the chair of the relevant appeal committee, as designated in Section VII.C, for appropriate proceedings and notify the DRO. The request for appeal must set forth the substantive or procedural reasons the Respondent believes the decision is erroneous.
2. In an appeal from the institutional decision under this Section, the University bears the burden of proof for all issues related to the allegations of misconduct. The Respondent bears the burden of proof for any claims asserted in opposition to the institutional decision.
3. When applicable, the RIO will notify applicable federal agencies or other sponsors of the decision to initiate an appeal and request an extension, if necessary, because the appeal will extend the university's process beyond timelines dictated in agency policies.
4. During an appeal no discipline or other sanction will be imposed as a consequence of the finding

of research misconduct made by a committee under Sections IV or V above, except for actions to mitigate potential risks associated with the alleged misconduct (e.g., Section III.D).

B. Timeline

1. The Respondent may submit a request for appeal within 10 days after service of the notice of the institutional decision. If an appeal is not requested by the deadline, the Respondent is deemed to have waived the right to such review. In that case, the decision of the Deciding Official is final and the Chancellor may proceed under UWS 4.07 (faculty), UWS 11.07 or 11.11 (academic staff), or such other policy or regulation governing review of the decision as may be applicable (other employees or students).
2. The appeal procedure should ordinarily be completed by the committee within 45 days of its initiation. This includes preparing the draft report of the recommendations, making that report available for comment by the Respondent, and submitting the final report to the Chancellor. If it appears that the committee will be unable to complete the report within 45 days, the RIO may grant an extension after securing permission from the appropriate applicable federal agencies or other sponsors, if applicable.

C. Committees Designated to Hear Appeals

1. If the Respondent is a faculty member, the Committee on Faculty Rights and Responsibilities (CFRR) shall hear the appeal. The chair of the CFRR, in consultation with the RIO, may substitute up to two regular members of the CFRR with not more than two special members of the CFRR who have the scholarly competence and expertise appropriate for the hearing of this matter.
2. If the Respondent is an academic staff member, the Academic Staff Appeals Committee (ASAC) shall hear the appeal. The chair of the ASAC, in consultation with the RIO, may substitute up to two regular members of the ASAC with not more than two special members of the ASAC who have scholarly competence and expertise appropriate for the hearing of the matter.
3. If the Respondent is an employee of the university who is neither a member of the faculty nor the academic staff, the Vice Chancellor for Research and Graduate Education shall appoint an ad hoc appeal committee comprised of three individuals who have scholarly competence and expertise appropriate for the hearing of the matter. The Vice Chancellor for Research and Graduate Education shall consult with leaders of shared governance and research administration, as appropriate, prior to selection of members for the ad hoc appeal.
4. If the Respondent is an undergraduate or graduate student, the appeal shall follow the process set forth in Chapter UWS 14 of the Wisconsin Administrative Code.
5. No members of the appeal committee, including any special members, shall have served on either the inquiry committee or the investigation committee, nor should they have responsibility for the research under investigation or any other interests which would conflict with the university's interest in securing a fair and thorough hearing on appeal.

D. Conduct of the Appeal

1. Issues on Appeal. The CFRR, ASAC, or the ad hoc committee appointed by the Vice Chancellor for Research may conduct a hearing on appeal from the decision of the Deciding Official on the following grounds:
 - a. That the decision is clearly erroneous;
 - b. That the decision erred in application of the law and this error influenced the outcome of the decision;

- c. That the recommended sanction is inappropriate.
2. Opportunity to Appear
 - a. If the Respondent makes a timely request for review by the CFRR, ASAC or an ad hoc committee, the body hearing the appeal will provide an opportunity for the Respondent and both the DRO and Deciding Official, to submit a written statement and to appear personally before committee.
 - b. The committee, based on the record and any statement and arguments submitted by the Respondent, DRO or Deciding Official, will render a report with its findings and conclusions and provide it to the Chancellor for review.
3. Procedures after appeal shall follow the appropriate administrative regulations based upon the Respondent's relevant employment or student status (e.g., UWS 4.07 and 4.08 or UWS 6.01 for faculty; UWS 11.07-11.10 or 11.11 for academic staff; UWS 14 for students).

E. Hearing Process

1. Any committee hearing an appeal under section VII will be provided, upon request, legal counsel pursuant to Sections UWS 4.06(f) and 11.06 (2)(b).
2. A hearing on an appeal initiated under this section shall commence no later than 20 days after the appeal request. This time limit may be extended by mutual written consent of the parties or by order of the hearing committee. The appeal/hearing shall be a fair hearing and shall include the procedures and rights provided for relevant employee or student categories, e.g., for faculty members in Sections UWS 4.05, 4.06, for academic staff members in Sections UWS 11.05 and 11.06, and for students in Sections UWS 14.08 and 14.09.
3. All evidence, materials, and reports collected during earlier phases of the assessment, inquiry and investigation shall be made available to the committee hearing the appeal. The committee may request additional materials as it deems appropriate. All new information must be shared with the Respondent.
4. If the RIO or the committee hearing the appeal learns of previously unavailable material evidence relevant to the finding of misconduct during the appeal, it shall be the responsibility of the RIO to inform the Deciding Official and the Respondent of the new evidence. If the Deciding Official concurs that the new evidence could materially affect the finding of misconduct, the Deciding Official shall remand the finding of misconduct to the Investigation Committee that made the finding for consideration of the new evidence. The Investigation Committee shall notify the Deciding Official within 14 days that it finds the new evidence immaterial to its prior finding or that it wishes to reopen the matter. The Deciding Official may extend this period for good cause by notice to the Respondent, RIO, and other involved parties.

F. Findings and Decision

1. The committee hearing the appeal will prepare a draft report and provide it to the Respondent, who will have 10 days from receipt of the draft report to submit a response to the committee. At the end of that ten-day period, the committee will prepare a final report for the Chancellor. The final report of the hearing committee should include the policies and procedures under which the hearing was conducted, the findings of the committee, and the basis for the findings, and any recommended sanction(s).
2. In the event of prior involvement in the case, relationship with the Respondent or Complainant, or other conflict of interest, the Chancellor shall appoint a designee to decide the appeal.

3. If the appeal challenges the finding of research misconduct, the Chancellor or designee shall issue a decision and rationale affirming or reversing the finding.
4. If the appeal concerns the institutional actions or sanction, the Chancellor or designee shall issue a decision and rationale to affirm, reject or modify the action.
5. The appeal decision shall be made within 30 days after the submission of the recommendation by the committee hearing the appeal. The Chancellor may extend this period for good cause by notice to the Respondent, RIO and other parties.

VIII. COMPLETION OF CASES

A. Requirement to Pursue Allegations to Completion

1. All inquiries and investigations will be carried through to completion, and all significant issues will be pursued diligently.
2. If the Respondent wishes to close the case at any time during the proceedings identified in this policy through an admission of guilt or settlement with the University, the RIO must first notify applicable federal agencies and other sponsors and obtain approval in advance.
3. If the Respondent's institutional employment is terminated, by resignation or otherwise, the RIO will ensure that the process for addressing the allegations is pursued to completion.
4. If the Respondent refuses to participate in the process after resignation, the RIO, DRO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, and report the Respondent's failure to cooperate and its effect on the evidence.

B. Notice to Applicable Federal Agencies and/or Other Parties

1. When applicable, the RIO must provide the applicable federal agencies or other sponsors with information about the finalization of the case, including:
 - a. A copy of the final investigation and appeal reports with all attachments;
 - b. A statement of whether the institution accepts the findings of the investigation report and the outcome of the appeal;
 - c. A statement of whether the institution found misconduct and, if so, who committed the misconduct; and
 - d. A description of any pending or completed administrative actions against the Respondent.
2. Following a finding of research misconduct, the RIO shall ensure that other affected parties are notified, such as research collaborators, professional licensing boards, and professional societies.

C. Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including concurrence when required by the applicable federal agencies or other sponsors, the RIO must, at the request of the Respondent, undertake all reasonable and practical efforts to restore the Respondent's reputation. Depending on the particular circumstances and the views of the Respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized, and expunging all reference to the research misconduct allegation from the Respondent's personnel file. Any institutional actions to restore the Respondent's reputation

should first be approved by the Deciding Official.

D. Maintaining Records for Review

After completion of the case, whether or not the decision was made to conduct an inquiry or investigation, and completion of all ensuing related actions (e.g., federal investigation or litigation), the RIO will ensure that all records of the proceedings will be maintained securely seven years in compliance with applicable state and federal requirements.

[UW-Madison Faculty Documents 867a - 4 February 1991 (II-314-II-319); UW-Madison Faculty Document 2006 and 2006a - 3 March 2008 (II-321-II-322)]
[2668a, 6 February 2017 (re-numbered to all II-314)]

II-323: POLICIES AND PROCEDURES GOVERNING ACCESS TO ELECTRONIC FILES
REPORT OF THE UW-MADISON AD HOC ELECTRONIC
DATA ADVISORY COMMITTEE
POLICIES AND PROCEDURES GOVERNING ACCESS TO ELECTRONIC FILES
13 September 1991
as amended and adopted by the Faculty Senate at its meeting on 7 October 1991

INTRODUCTION

The Electronic Data Advisory Committee was created by the University Committee to clarify the privacy and confidentiality status of electronic data and to draft procedures for the university to follow in providing access to information in this form.

The faculty and staff of the university should be under no delusions as to the essential confidentiality of their electronic files. Even when one takes elaborate precautions (e.g., file encryption) the nature of modern communication networks is such that true confidentiality is impossible to guarantee. In addition, the Wisconsin open records law may require public disclosure of electronic data. All users of these services should be apprised of these facts.

The Federal Electronic Communications Privacy Act of 1986 (18 U.S.C. sec. 2511) and parallel language adopted by the Wisconsin Legislature (sec. 968.31(2), Wis. Stats.) allows the university to examine electronic information when necessary to protect the rights and property of the university. The proposed procedures provide a mechanism for doing so in a way that respects the rights of individuals involved.

The report that follows deals with the question of appropriate procedures for the university to follow in cases of requests for access to electronic files initiated internally. (Requests for access that originate external to the university will normally arise under circumstances described in Section 6 of these procedures. In such cases, the university will provide notice to the controller and the opportunity to respond, whenever possible.)

In general, all computer and electronic files should be free from access by any but the authorized users of those files. Exceptions to this basic principle shall be kept to a minimum and made only where essential to

1. meet the requirements of the state open records law and other statutory or regulatory requirements;
2. protect the integrity of the university and the rights and property of the State;
3. allow system administrators to perform routine maintenance and respond to emergency situations such as combating “viruses” and the like; and
4. protect the rights of individuals working in collaborative situations where information and files are shared.

Accordingly, the Ad Hoc Electronic Data Advisory Committee recommends the following actions:

1. The university should make a special and periodic effort to notify users that:
 - a. *Faculty Policies and Procedures* include rules governing the privacy of electronic data;
 - b. State or federal regulations may supersede these policies and procedures; and
 - c. electronic communications and data files are not secure from unauthorized access;
2. Because the proposed policy does not address how departments and schools may access students’ instructional accounts, departments and schools should codify their procedures for managing and gaining access to such accounts;

3. The faculty adopt the following policy and procedures to govern access to electronic files controlled by faculty and staff

PRINCIPLES

The procedures are based on three fundamental principles:

1. Intrusion into electronic files requires carefully considered cause;
2. Controllers of files should be notified before accessing their files; and
3. The university has an obligation to protect the integrity of the university, its services, its confidential data, and the rights and property of the State.

DEFINITIONS

As used in these procedures:

1. “Electronic File” encompasses information stored and/or transmitted in electronic form, including but not limited to text, data, sound, graphics, images, and video, irrespective of its recording and transmission media or its format.

Examples of electronic files include e-mail messages, databases, and magnetic tape files and subsets thereof.

2. “Controller of a file” is defined as follows:
 - a. on a single user computer under the control of a single person (e.g., a computer in a faculty office) the files normally are controlled by that person;
 - b. on computers accessed by more than one individual, but which do not have an operating system that identifies files with a specific user, the individual responsible to the university for control of the computer (e.g., the laboratory director or department chair) is considered to be the controller of electronic files resident on that computer;
 - c. On multiuser systems, an individual is typically registered or given an account. The registered user or account holder is normally considered to be the controller of files held in that account;
 - d. In “work for hire” situations where one party enters or edits material for the originator of a file, the one responsible for originating the material in the file is the controller of the file. The person charged with entering the material is usually considered to be an authorized user. For example, when a secretary or a research assistant working under explicit directions uses a computer to enter and edit a document for a faculty member, the faculty member is the controller of the file and the secretary or research assistant is an authorized user.
3. “Authorized User” includes the controller of a file and someone who is given explicit access to the file by a controller.
4. “System Administrator” is an individual who has been charged by a university unit with maintaining a computer system and its software at an acceptable level of performance for the service that it is expected to provide.

PROCEDURES

1. Except as provided for in Sections 5 and 6, no one but an authorized user of an electronic file may intentionally access that file without receiving either
 - a. The permission of the controller of the file; or
 - b. The express written permission of the vice chancellor for academic affairs and provost, who may grant such permission only in accordance with the procedures established by Sections 2 and 3 below.

2. Except as provided for in Sections 5 and 6, the vice chancellor for academic affairs and provost may grant permission to those persons listed in section 2(b) to access a computer or electronic file only upon determining that the all of the following steps have been taken:
 - a. The vice chancellor for academic affairs and provost has received in writing a request for access that specifies the reasons for the requested access and lists the requested file(s) by name, contents, or a description that clearly limits access to the file(s) necessary to further the purposes designated in Section 2(f).
 - b. The written request has been made by a dean, director, department chair, vice-chancellor, or other person who has responsibility for protecting the integrity of the university, its services, and the rights and property of the State.
 - c. The vice chancellor for academic affairs and provost has notified in writing the controller of the file(s) that a request for access to the specified file(s) has been made and is pending. When there is doubt as to who is the controller of a file, notice should be sent to all the known individuals likely to have such an interest.

Notification must, at a minimum,

- i. specify the name of the party requesting the file(s);
 - ii. list by name, description, or contents the file(s) requested;
 - iii. indicate that unless waived in writing by the controller of the file(s) within four days of notification, an inquiry as specified in section 2(d) of these procedures will be held to examine whether justification exists for granting the requested access;
 - iv. indicate that in the event a section 2(d) committee has been appointed, the controller of the file(s) has a right to make known to the committee his or her views on whether access is justified;
 - v. indicate that the file(s) in question shall not be altered or deleted by anyone, including the controller and that alterations or deletions may be a basis for disciplinary action; and,
 - vi. if relevant, indicate that the vice chancellor for academic affairs and provost has exercised his or her power under section 3 to take the minimum steps necessary to preserve the contents of the subject file(s).
- d. The vice chancellor for academic affairs and provost has appointed a committee of three members, all of whom are otherwise uninvolved in the request and at least two of whom are members of the faculty or academic staff (as is appropriate to the case), to inquire into whether a justification under section 2(f) exists to warrant granting the requested access. Unless granted additional time, the committee will conduct its inquiry and make a written report to the vice chancellor within ten calendar days of its appointment.

At a minimum, the committee shall

- i. examine the written request for access provided to the vice chancellor and provost under Section 2(a); and
 - ii. offer all those notified under Section 2(c) an opportunity to make known to the ad hoc committee their views on whether access is justified.
- e. The vice chancellor for academic affairs and provost has received the results of the inquiry specified in Section 2(d) of these procedures or has received the controller's waiver of the section 2(d) inquiry.
 - f. The vice chancellor for academic affairs and provost finds that the requested access is necessary to protect the integrity of the university, its services, and the rights and property of the State.
 - g. The vice chancellor for academic affairs and provost has put in writing, with as much specificity as possible, the reasons for granting access to the file(s).
3. Upon the written request of one of those persons listed in section 2(b) or on his or her own initiative, the vice chancellor for academic affairs and provost may authorize the appropriate university unit to take all necessary steps to preserve and save the contents of any file(s) within the university's computer systems. An order to preserve the contents of the file is meant to assure that the data in the file(s) is not destroyed, altered, or lost. Any such order does not constitute permission to open, read, or otherwise use the contents of the file(s). Access to the contents of the file(s) shall be obtained only under procedures specified herein or under conditions stated in Sections 5 and 6.
 4. All requests for access to electronic files made under the Wisconsin open records law shall be made through the office of the university's custodian of records. It is recommended that the office of the custodian of records promulgate procedures consistent with the Wisconsin open records law and the principles expressed in these procedures. Such procedures shall provide for notice to the controller before public disclosure, whenever possible.
 5. Nothing in these procedures is meant
 - a. to supersede the usual procedures followed by departments and schools in monitoring student accounts given for specific course work; or
 - b. to preclude computer system administrators from authorizing the routine maintenance of campus computer or communication systems or the rectification of emergency situations that threaten the integrity of campus computer or communication systems, provided that use of accessed files is limited solely to maintaining or safeguarding the system (which may include safeguarding the system from illegal use) or solving specific problems.
 6. Nothing in these procedures is meant to either limit or expand access to files pursuant to Wisconsin or United States statutes or regulations, such as those governing patient records, student information files, open records, criminal investigations conducted by federal, state or local law enforcement authorities or certain personnel actions.

The Ad Hoc Electronic Data Advisory Committee:

Seymour Parter, Professor, Computer Sciences and Mathematics (Chair)
David Brown, Senior Policy and Planning Analyst, Office of Information Technology
Dennis Fryback, Professor, Industrial Engineering and Preventive Medicine
Thomas Palay, Professor, Law
Tad Pinkerton, Professor, Computer Sciences and Director, Information Technology
Charlene Rieck, Information Processing Consultant, College of Agricultural and Life Sciences

II-327: CRITERIA FOR POLICIES FOR SUSPENSION OF THE TENURE CLOCK

REPORT OF THE AD HOC TENURE CLOCK EXTENSION COMMITTEE *As amended 6 February 1995 by the Faculty Senate*

CRITERIA FOR POLICIES FOR SUSPENSION OF THE TENURE CLOCK University of Wisconsin-Madison

Effective March 1, 1994, the UW-System administrative rules were amended to stipulate four circumstances in which the tenure clock could be suspended during the seven year faculty probationary period. (See attachments UWS 3.04 and 3.06.) On February 24, 1994, the System administration directed system institutions to revise their rules or develop policies, as appropriate, to implement the revised administrative code in each university. The policies that appear below are proposed for the University of Wisconsin-Madison.

History

For many years the probationary period for faculty at the University of Wisconsin-Madison was strictly defined in various laws and regulations, with virtually no possibility for alteration. Two equally important arguments underlay establishing such a period with limited flexibility: the first was to protect the faculty member from an indefinite period of service without the protection of academic freedom provided by employment security; the second was to establish a high standard of performance for securing a permanent faculty position, with the expectation that excellence was a function both of the quality and the rate of scholarly productivity. The relatively inflexible probationary period had the further intention of assuring that competitive conditions were similar amongst faculty: one person did not receive a significantly longer period than another to produce work of comparable quality and extent.

In the last two decades, the state, the regents and the faculty have all introduced alterations to the calculation of the probationary period. Many of these changes arose from the recognition that the fairness envisioned in the earlier rules could not reasonably be achieved when members of the faculty were forced to abandon or greatly restrict their research programs by serious illness, childbearing, or adoption, and that a half-time appointee limited to the probationary period of a full time faculty member could hardly be working half time. In addition, following merger, the new UW-System found it necessary to respond to the desires of members of some other system institutions who found the probationary period used at the UW-Madison more restrictive or demanding than met their needs. One major change in the provisions governing the probationary period was incorporated into the merger statute itself. Section 36.13 (2) (d) stipulated a probationary period of seven consecutive years, but also provided—as Madison rules previously had not—that a “leave of absence, sabbatical or a teacher improvement assignment” would not be counted as part of the seven year probationary period, although they did not constitute a break in continuous service.

The Madison faculty adopted revisions to *Faculty Policies and Procedures* 7.04. to reflect the changed statutory foundation and to shape the way in which the statute would be applied in this university. The principal provisions of section 7.04. are:

- the probationary period for a full-time faculty member is seven years, unless decreased by mutual agreement of the candidate and the department and so stipulated in the initial letter of appointment.
- all previous tenure track service, up to a maximum of three years, must be subtracted from the seven year probationary period at the time of appointment. Conversely, a faculty member shall not be compelled to accept a probationary period of less than four years, even if he or she has more than three years prior faculty service.
- part-time service may extend the probationary period, but in no case to a period longer than 12 years.
- an “approved leave of absence” could extend the probationary period;
- and finally, a general purpose “escape clause” was introduced at 7.04.G.:
“The maximum probationary period may be extended for an appropriate period by the vice chancellor for academic affairs and provost on the recommendation of the departmental executive committee and the relevant dean, and with the approval of the University Committee.”

In practice, over the subsequent years, both the latter provisions were found to raise issues of consistency of treatment, competitive fairness, and on rare occasions, maintenance of consistently high standards of performance.

The “approved leave of absence” provision was the first to generate significant concern. Interpreted as some viewed it, the provision offered the prospect that those most successful at securing research time through extramural support or adequate personal resources would be precisely the ones to obtain the longest probationary periods, thereby placing less richly supported colleagues at substantial disadvantage.

The faculty responded by establishing (in section 7.20. of *Faculty Policies and Procedures*) the category “temporary assignment,” which it distinguished from “leave of absence.” A “temporary assignment” does not interrupt or extend the tenure clock. Effective 1991-92 academic year, section 7.20. of *Faculty Policies and Procedures* stipulated that an approved leave of absence would be granted only when “the faculty member is not paid from funds administered by the university” and when the activity undertaken during the leave “substantially interrupts the ability of the candidate to establish, within the normal probationary period, a record that would warrant the granting of tenure.” This section directs that whenever the occasion for the request does not involve a “substantial interruption of the ability of the candidate to establish within the normal probationary period, a record that would warrant the granting of tenure,” a “temporary assignment,” not a leave of absence, should be granted—whether or not during the period in question the faculty member is compensated by funds administered through the university.

Meanwhile, appeals to the University Committee under the “escape clause” steadily grew. In establishing a committee in spring, 1994, to review the policies on adjustment of the tenure clock, the University Committee acknowledged that such requests had “proliferated” and that “many of these requests represent, in our view, abuse of the rules;” and continued that “we are often forced to balance the need to enforce those rules uniformly with the need to treat equitably all faculty in similar circumstances.” The committee found cases in which faculty members had been promised some adjustment of the tenure clock without prior approval and requests on behalf of faculty with prior service or substantial assigned administrative/service duties to be particularly troublesome.

Consequently, when the changes in the UW-System administrative code with respect to the counting of the probationary period became effective March 1, 1994, a need already existed to clarify Madison policy in this area. The newly effective administrative code makes explicit that adjustment of the probationary period can be made in the following conditions, “when those circumstances significantly impede the faculty member’s progress toward achieving tenure”

- “responsibilities with respect to childbirth or adoption
- “significant responsibilities with respect to elder or dependent care obligations
- “disability or chronic illness, or
- “circumstances beyond the control of the faculty member.” [UWS 3.04(3)]

These rules further provide that it is assumed that responsibilities with respect to childbirth or adoption will significantly impede progress toward tenure. Requests for suspension of the clock for up to a year on each such occasion are presumed approved, and may be granted on more than one occasion. Under the other three circumstances, determination must be made, under appropriately specified policies, that the circumstance has significantly impeded progress, and the aggregate length of time granted to any single petitioner “ordinarily shall be no more than one year.”

The rules stipulate that a request for a tenure clock extension shall be made before “a tenure review commences under s. UWS 3.06(1)(c).” The referenced statute describes the requirement for written notice of the departmental tenure review. Under normal circumstances this review will occur no later than the beginning of the sixth year.

The issues suggested by this history constitute the matters which these policies are designed to address.

Definitions and Presuppositions

It is assumed that it is the responsibility of departments to appoint faculty whose specializations, prior experience, and assigned responsibilities equip and permit them to compete successfully for tenure within the specified probationary period. Consequently, requests for adjustment of the tenure clock for reasons other than childbearing or adoption should be infrequent.

Request to adjust the tenure clock is not an appropriate response to failure of departments to follow the written procedures of the University of Wisconsin-Madison appointment system. Relief under this section is ordinarily prospective, not retrospective. This section is not an alternative to faculty grievance

procedures which involve a hearing with the University Committee or appeal to Committee on Faculty Rights and Responsibilities. Individual faculty members have recourse, pursuant to the *Faculty Policies and Procedures*, to the Committee on Faculty Rights and Responsibilities when they allege that denial of tenure “was based in any significant degree upon impermissible factors, as defined in UWS 3.08, with material prejudice to the individual.” (FPP 7.10.)

The normal course of competitive search for grants and for publication results in some decisions which are “beyond the control of the staff member” in some sense. The results of competitive application for grants and contracts are not construed to fall within the meaning of “circumstances beyond the control of the faculty members” under these rules, nor is the decrease of general opportunities for scholarly publication.

Policies

Ordinarily, adjustment of the tenure clock will be justified only by events which cannot reasonably be planned for, and request for adjustment should be made within the year in which the event requiring adjustment occurs or begins to occur. Birth and adoption are time-specific events. In general, request for extension because of “responsibilities with respect to childbirth or adoption” should be made within the year following each birth or adoption. On the occasion of birth or adoption, a faculty member may request a leave of absence OR an adjustment of the tenure clock. One or the other shall be granted upon such request. (Individuals may also apply for extension of the tenure clock if significant responsibilities with respect to dependent care significantly impede progress toward tenure.)

When circumstances unique to the nature of the appointment are asserted to justify adjustment of the tenure clock, request for adjustment must be made at the time of appointment and reflected in the initial letter of appointment. Requests for adjustment must be approved in advance of sending the letter of appointment. Medical School administrative practice allows clinical departments to make an initial appointment as a CHS faculty member and then (within five years) convert the appointment to tenure track. When such a conversion is approved, three of the years as CHS faculty are not counted in calculating the maximum probationary period.

Substantial, mutually agreed upon, changes in research site or focus may be a basis for adjustment of the tenure clock. Such changes must be documented in letters of appointment or reappointment and annual evaluation, and must be consistent with the interests of both the individual and the department. Changes of this type may be an acceptable reason for extension of the tenure clock, provided that adequate documentation is provided and that adjustment is requested prospectively.

Circumstances that will not normally be approved as a basis for extension of the tenure clock include:

1. Departure from the procedures for probationary faculty stated in Chapter 7 of *Faculty Policies and Procedures*.
2. Appeals resulting from failure of the department to follow procedures for guidance and written annual evaluation stated in Section 7.05. of *Faculty Policies and Procedures*.
3. Delays in securing extramural support for research and facilities.

Departments and schools/colleges have the responsibility to ensure the availability of needed resources and facilities for the faculty member to embark on a sustained research program. Appointments and arrival dates should be timed to coordinate with such availability.

It is normal that faculty members will have a lag period before they get started on their research. This does not constitute sufficient reason for extending the tenure clock.

Attachments: UWS 3.04 and 3.06 as revised March 1, 1994

TENURE CLOCK EXTENSION COMMITTEE MEMBERS:

Robert Auerbach
Paul DeLuca
Betsy Draine, ex-officio
Cyrena Pondrom
Jane Voichick, Chair
John Young

[UW-Madison Faculty Document 1110 - 6 February 1995]

II-330 WISCONSIN ADMINISTRATIVE CODE
Rules of
BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

UWS 3.04 Probationary appointments.

- (1) Each institution's rules for faculty appointments shall provide for a maximum 7-year probationary period in a full-time position, and may provide for a longer maximum probationary period in a part-time position of at least half time. Such rules may permit appointments with shortened probationary periods or appointments to tenure without a probationary period. Provision shall be made for the appropriate counting of prior service at other institutions and at the institution. Tenure is not acquired solely because of years of service.
- (2) A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period under sub. (1).
- (3) Circumstances in addition to those identified under sub. (2) that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth or adoption shall be approved. A request shall be made before a tenure review commences under s. UWS 3.06 (1) (c). A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary faculty member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth or adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary faculty member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary faculty member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.
- (4) If any faculty member has been in probationary status for more than 7 years because of one or more of the reasons set forth in sub. (2) or (3), the faculty member shall be evaluated as if he or she had been on probationary status for 7 years.

Example: A faculty member has been on probationary status for a total of 9 years because the faculty member was granted 2 requests under sub. (3) for one-year extensions because of the birth of 2 children. The faculty member's teaching, research and professional and public service and contribution to the institution shall be evaluated as if the faculty member had only 7 years to work towards achieving tenure, rather than as if the faculty member had been working towards achieving tenure for 9 years.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; renum. to be (1) and am., cr. (2) to (4), Register, February, 1994, No. 458, eff. 3-1-94.

UWS 3.06 Renewal of appointments and granting of tenure.

(1) (a) General.

Appointments may be granted only upon the affirmative recommendation of the appropriate academic department, or its functional equivalent, and the chancellor of an institution. When specified by the board, the institutional recommendation shall be transmitted by the president of the system with a recommendation to the board for action. Tenure appointments may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. The proportion of time provided for in the appointment may not be diminished or increased without the mutual consent of the faculty member and the institution, unless the faculty member is dismissed for just cause, pursuant to s. 36.13 (5), Stats., or is terminated or laid off pursuant to s. 36.21, Stats.

(b) Criteria.

Decisions relating to renewal of appointments or recommending of tenure shall be made in accordance with institutional rules and procedures which shall require an evaluation of teaching, research, and professional and public service and contribution to the institution. The relative importance of these functions in the evaluation process shall be decided by departmental, school, college, and institutional faculties in accordance with the mission and needs of the particular institution and its component parts. Written criteria for these decisions shall be developed by the appropriate institutional faculty bodies. Written criteria shall provide that if any faculty member has been in probationary status for more than 7 years because of one or more of the reasons set forth in s. UWS 3.04 (2) or (3), the faculty member shall be evaluated as if he or she had been in probationary status for 7 years.

(c) Procedures.

The faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules governing the procedures for renewal or probationary appointments and for recommending tenure. These rules shall provide for written notice of the departmental review to the faculty member at least 20 days prior to the date of the departmental review, and an opportunity to present information on the faculty member's behalf. The probationary faculty member shall be notified in writing within 20 days after each decision at each reviewing level. In the event that a decision is made resulting in nonrenewal, the procedures specified in s. UWS 3.07 shall be followed.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1) (b), Register, February, 1994, No. 458, eff. 3-1-94; correction in (1) (a) made under s. 13.93 (2m) (b) 5, Stats., Register, February, 1994, No. 458.

II-332: DEFINING LANGUAGE DESCRIBING HOSTILE AND/ OR INTIMIDATING BEHAVIOR

PART I: Language Describing Hostile and/or Intimidating Behavior

Unwelcome behavior pervasive or severe enough that a reasonable person would find it hostile and/or intimidating and that does not further the University's academic or operational interests is unacceptable to the extent that it makes the conditions for work inhospitable and impairs another person's ability to carry out his/her responsibilities to the university. A person or a group can perpetrate this behavior. The person need not be more senior than or a supervisor to the target. Unacceptable behavior may include, but is not limited to:

- Abusive expression (including spoken, written, recorded, visual, digital, or nonverbal, etc.) directed at another person in the workplace, such as derogatory remarks or epithets that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic culture and professional setting that respects free expression;
- Unwarranted physical contact or intimidating gestures; Conspicuous exclusion or isolation having the effect of harming another person's reputation in the workplace and hindering another person's work;
- Sabotage of another person's work or impeding another person's capacity for academic expression, be it oral, written, or other;
- Abuse of authority, such as using threats or retaliation in the exercise of authority, supervision, or guidance, or impeding another person from exercising shared governance rights, etc.

Repeated acts or a pattern of hostile and/or intimidating behaviors are of particular concern. A single act typically will not be sufficient to warrant discipline or dismissal, but an especially severe or egregious act may warrant either.

These standards are to be construed within the context of the University's historical and enduring commitment to academic freedom, freedom of expression, and the conception of the University as a place that must encourage and foster the free exchange of ideas, beliefs, and opinions, however unpopular. In no case shall a sanction be imposed in response to a complaint solely about the contents of a faculty member's beliefs, views, or opinions taken in the abstract. The policy is not intended to constitute a general civility code addressing ordinary stresses of the workplace, such as occasionally insensitive language or behavior. Nor is it intended to constrain commonly accepted workplace management practices. Nor is it intended to constrain the freedom of faculty to speak out about troubling matters, criticize the administration or university policies, take part in political protest, or to promote and participate in labor unions. Rather, it is intended to address patterns of hostility or intimidation that impede persons from carrying out their duties to the University, ensuring that all, regardless of rank or status, may pursue their work and speak as they see fit.

PART II: Procedures for Implementation of Part I

A person who has been the target of hostile and/or intimidating behavior may use the informal process for redress or proceed directly to the formal process.

A. The Informal Process

A person who believes he/she has been subjected to unacceptable hostile and/or intimidating behavior may wish to discuss the matter with the faculty involved either directly or through the intervention of an intermediary at the department, school/college, division, or campus level such as Vice Provost for Faculty and Staff, Ombuds, Employee Assistance Office, or union representative.

When a person believes that these rules have been violated and seeks to deal with the problem informally, he/she should be prepared to identify precisely the pattern or acts of conduct believed to constitute the violation. Precision is often aided by expressing the complaint in writing. If the matter is not promptly resolved, and if the person complained against so requests, the complainant shall provide such a written statement.

Oral and written communications occurring during the informal process may not be used as evidence in any subsequent formal proceeding.

If a complaint about unwelcome behavior is being handled informally, and there is a dispute about whether the alleged behavior constitutes a violation of these rules, the person or body handling the matter shall seek advice on this question from the Office of Human Resources (OHR) and inform those concerned of the advice received.

B. The Formal Process

1. Filing a Written Complaint

An individual may file a written complaint with the department or head of the equivalent unit in the case of non-departmental matters. If there is a conflict with the department chair/unit head, the individual may file with the dean. If upon investigation of the complaint, evidentiary support for discipline or dismissal is established, the department chair/unit head (or Dean) may initiate the disciplinary or dismissal process by filing a written complaint with the Provost. The written complaint filed with the Provost must also be shared with the faculty member or members against whom the disciplinary or dismissal process is initiated. If the department chair/unit head (or Dean) does not initiate the disciplinary or dismissal process within 30 days, the complainant may file a complaint directly with the Provost.

Discipline can be imposed on faculty members for violation of Faculty Policies and Procedures (FPP) 9.02. or 9.03. in compliance with the requirements of the formal processes delineated in Chapter 9 of FPP.

2. Filing a Grievance

If filing a written complaint does not lead to a resolution, an employee can file a workplace grievance pursuant to applicable policies and procedures for the complainant's employee category. Faculty members can file a grievance with the University Committee pursuant to FPP 8.15.

[UW-Madison Faculty Document 2511 - 3 November 2014]

II-400: GLOSSARY: General Library System

GENERAL LIBRARY SYSTEM: A system of libraries on the Madison Campus, headed by the director of libraries and consisting of the Memorial Library and 15 branch libraries, together with central service divisions and units.

BRANCH LIBRARY: A library which is a branch within the General Library System; initially these were considered “branches” of a comprehensive main library (Memorial Library). As Memorial Library became more specialized, the other General Library System libraries became less branches of Memorial Library and more members of the General Library System.

PROFESSIONAL LIBRARIES: The Middleton-Weston (Health Sciences) Libraries, Law Library, Wendt Library (Engineering), and Steenbock Library (Agriculture-Life Sciences-Veterinary Medicine-Family Resources and Consumer Sciences). Only Steenbock is a full member of the General Library System as well, while Wendt is half in and half out of the General Library System.

SPECIAL-PURPOSE LIBRARIES: A small number (circa 20) of libraries outside the General Library System, each headed by a professional librarian and providing most or all of the traditional library services on a formal basis to certain organizational units. This definition is purposely narrower than the Special Campus Library Group organization’s membership.

REFERENCE/READING ROOMS: Many academic departments and other organizational units maintain rooms in which various reference materials are held for use of staff and students. Some are called “libraries,” others are called reference or reading rooms. They are categorized as reference/reading rooms, unless a professionally-trained librarian or archivist is in charge and most traditional “library” functions are present.

LIBRARY OF RECORD: Any library on the UW-Madison Campus whose collection/holdings are listed in the Union Card Catalog in Memorial Library. This includes all General Library System libraries, all Professional Libraries, the Library School Library, the State Historical Society Library, and the Woodman Astronomical Library.

LIBRARY COORDINATING COUNCIL: Created in 1971, this body comprised of the General Library System director and the directors of the professional libraries was charged with responsibility for improving cooperation, coordination, and compatibility of the various libraries on the campus.

UNIVERSITY LIBRARY COMMITTEE: The principal faculty-advisory body on campus libraries.

TECHNICAL SERVICES: Internally-oriented services for libraries including cataloging, acquisitions, and other support services designed to get books and other library materials “on the shelves” and to put a completely-catalogued record of them into the card catalog or on-line catalog. These services are provided by a central unit to a system of libraries, as is the case with the General Library System, or an individual non-General Library System library can provide its own.

PUBLIC SERVICES: Externally-oriented services extended to library users including circulation, reference, etc. Each library has its own public services staff.

COLLECTION DEVELOPMENT: A service provided by bibliographers or other selectors who make planning and purchasing decisions for library collections, often with advice from faculty experts in the field and often within the context of an approved collection-development policy. Collection development also involves collection evaluation, materials preservation, and collection weeding

II-500: ARCHIVES POLICY

1. **MISSION.** The primary purposes of the UW-Madison Archives are: to preserve university records and information of permanent historical value; to provide records management services; and to serve as an educational resource encouraging administrative and scholarly research in its collections. As part of General Services, the University Archives reports to the vice chancellor for academic affairs and provost. Its governing policies are approved by the campus Archives Committee (*Faculty Policies and Procedures* 6.24.). Operating policies and procedures employed to carry out the mission of the Archives are based on the “Core Mission and Minimum Standards for University Archives in the University of Wisconsin System,” endorsed by the Board of Regents in 1980.

In carrying out its mission the University Archives:

- A) is an official state depository of records. In 1985 the Archives was designated as the official depository for all records of permanent value of the UW-Madison, the System Administration, the UW-Extension, and the Center System.
 - B) develops, maintains and distributes a manual which outlines procedures for offices to meet their responsibilities for records management and preservation and to gain access to university and State records services.
 - C) in consultation with appropriate campus offices, provides efficient and economical records management services; determines administrative, financial, legal and historical records preservation needs within the university; and serves as intermediary between university offices and the State of Wisconsin Public Records and Forms Board.
 - D) appraises, accessions, arranges, describes and preserves records transferred to its custody while providing access to its holdings, in accordance with accepted professional archival principles.
 - E) cooperates with state and national archival, historical and records management professional organizations on behalf of the university to keep informed on major issues of concern to the profession and participates in networking arrangements to share resources with other research institutions.
2. **ROLE OF DIRECTOR OF THE ARCHIVES.** The director of the Division of Archives has the working title of university archivist and is responsible for arranging the retention/disposition of records transferred to the custody of the archives, approving records retention policies, and providing general advice and guidance to university offices concerning the preservation of their historical papers and materials. The director establishes working policies and procedures as necessary to carry out the functions of the archives.
 3. **DEFINITION OF UNIVERSITY RECORDS.** The University of Wisconsin-Madison is subject to the definition of public records [*Wisconsin Statutes Chapter 16.61 (2) (b)*]. This statutory definition applies to all official records created and/or maintained by university offices. All official public records must be scheduled for retention/disposition in accordance with Wisconsin Statutes 16.61, subject to approval by the Public Records and Forms Board. No department or other office may destroy any public record without the permission of the board and university archivist. Because of the wide range of responsibilities carried out by members of the faculty, their public papers contain a unique combination of professional, research and instructional documentation. While certain portions of faculty papers are covered under the statutory definition, other portions are traditionally considered private papers. The Archives collects both the public and private faculty papers and will provide assistance to faculty members regarding the disposition and preservation of their records.
 4. **ACCESS/REFERENCE POLICY.** Like all other offices of the university, the archives is subject to the provisions of the Open Records Law [*Wisconsin Statutes Chapter 19.35*]. Records in the archives are open without restriction unless they have been closed or otherwise restricted by statute or other legal agreement. The use of the University Archives is governed by “UW Archives Reference Policy and Rules,” dated January 1988.

II-501: DEPARTMENTAL PERSONNEL RECORDS POLICY

At its meeting on April 3, 1978, the Faculty Senate requested the University Committee, in conjunction with the Administration, to develop a policy statement to govern faculty personnel records at the departmental level. An ad hoc committee was appointed jointly by the University Committee and the Administration to help work toward such a policy statement, and it submitted a report on January 18, 1979. The following statement of policy is drawn from the majority view in that report. Law and legal interpretation in the area of personnel records are subject to frequent change. This statement addresses the general principles that should govern university policy within the scope of the law as we currently understand it. It is intended to provide guidance to departments and to individual faculty members on how personnel files are to be maintained and on the rights and limits of access to them.

1. Purpose and Contents of Departmental Personnel Records. Departmental personnel files for each faculty member should contain only that information which is relevant to the faculty member's status and performance as a faculty member, and to the commitments made to and by him/her—i.e., only that information which the university is required to know for the performance of valid and necessary university functions. No other information should be included without the agreement of the faculty member concerned, or except at his/her own initiative. If unsolicited material pertaining to a faculty member is included in the subject's file as relevant, the faculty member should be informed that it has been so included.
2. Access to Personnel Records.
 - A. Within the limits contained in the section on confidentiality (below), the individual faculty member should have the right to inspect his/her own personnel file, the right to copy any portion of it, and the right to append a personal statement concerning the accuracy, relevance, or applicability of any material in it.
 - B. Within the university, including the Departmental Executive Committee, access to a faculty member's personnel file by anyone other than the subject should be on a "need to know" basis—that is, access should be limited to circumstances in which the information sought is essential to a legitimate university purpose.
 - C. Absent a valid subpoena or court order, departments should not disclose contents of a personnel file that are not public by law to anyone outside the university without the faculty member's prior consent. When disclosure of information other than that which is public by law is made to anyone outside the university, a record of such disclosure (a so-called "audit trail") should be kept.
3. Confidentiality.
 - A. Faculty members should not have access to letters of recommendation from individuals outside the university which have been obtained only by making an express promise of confidentiality to the individual providing the recommendation. Departments should maintain a confidential file within the subject's file for this purpose. This is the only exception to the principle of maximum openness of a file to its subject, and it is justified by the compelling importance of acquiring honest evaluations. Departments have the obligation, however, continually to advise faculty on their progress toward tenure or promotion, and in pursuit of this obligation and in protection of the individual, departments should discuss the adverse comments contained in outside evaluations without disclosing either their verbatim texts or their authors, but disclosing details sufficient to allow the faculty member in question to make an informed reply. If, in the judgment of the department, such disclosure would reveal the identity of the author, the department should either obtain a waiver of confidentiality from the author, or exclude the letter from consideration.
 - B. Confidential letters of recommendation should not be removed from a personnel file once they

have served their original purpose, because they may be needed at some future time to document the basis for personnel decisions. In addition, State law does not permit the destruction of material that has properly been treated as part of a personnel file.

[UW-Madison Faculty Document 348, adopted 7 May 1979.]

II-600: INSTITUTIONAL ADVISORY COMMITTEE ON OUTSIDE ACTIVITIES

INSTITUTIONAL ADVISORY COMMITTEE ON OUTSIDE ACTIVITIES. (See UWS 8.035.)

A. MEMBERSHIP.

1. The committee consists of twelve members appointed by the chancellor from names submitted by the University Committee and the Academic Staff Executive Committee or its delegate as specified under the Academic Staff Rules. In selecting members of the committee, the value of having different perspectives represented on the committee shall be taken into account. A majority of those selected should be knowledgeable about, or have experience in, outside activities.
2. Four members shall be selected each year to serve three-year terms.

B. FUNCTIONS.

1. Provides to any member of the unclassified staff and to the administration consultation and advice on the application of UWS Chapter 8.
2. Committee deliberations and actions upon requests for consultation or advice shall be in meetings not open to the public. Records obtained in connection with requests for consultation or advice shall be considered confidential university information.
3. Summaries of advice provided by the committee, without disclosing the identities of persons requesting such advice, shall be made public in an annual report.
4. The committee may form panels of at least three persons each. An order of rotation shall be established for the panels and requests for advice shall be assigned to the panels in sequence. When a request for advice is received the chair shall decide whether the request should be heard by the full committee or assigned to one of the panels.

II-601 MEMORIAL LIBRARY COMMITTEE

MEMBERSHIP.

1. Six faculty members, three each from the humanities and social sciences and no more than one from any department, appointed to staggered three year terms by the chancellor. Nominations are to be obtained from all deans of colleges and schools having faculty members in the humanities or social sciences. The deans' nominations shall be made in consultation with their academic planning committees. The chancellor's selections shall reflect the patterns of library use and shall be reviewed with the University Committee.
2. One faculty member appointed for a one-year renewable term by the chancellor with appropriate regard to divisional representation.
3. Two academic staff members appointed by the chancellor for one-year renewable terms after consultation with the Academic Staff Executive Committee.
4. One faculty member from the Library Committee selected by the Library Committee to serve for a one-year renewable term as liaison.
5. Two students, one graduate and one undergraduate, appointed to one-year renewable terms.
6. Five non-voting members from the Memorial Library staff: the director, and representatives for collection development, circulation, reference, and rare books.

FUNCTIONS.

1. Reviews and advises the Memorial Library administration on policies related to collection development, collection evaluation, and bibliographic activities, especially in the humanities, social sciences, and general reference.
2. Advises the Memorial Library administration on other major policy issues concerning, inter alia, staffing levels, budget, automation, and user regulations. Significant gift collections, special fund-raising efforts, major building and space remodeling projects, and major appointments are some of the items upon which the committee should be consulted.
3. Responds to the concerns of faculty, staff and students who use Memorial Library.
4. Receives regular reports on Memorial Library operations.

II-700: STUDENT FREEDOM POLICIES

1. University Policy on Student Freedom. Free inquiry and expression are essential in a community of scholars. As members of such a community, students should be encouraged to develop a capacity for critical judgment and sustained and independent search for truth. Freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community.
2. Scope of Student Freedom. Students have the right, accorded to all persons by the Constitution, to freedom of speech, peaceable assembly, petition and association. Students and student organizations may examine and discuss all questions of interest to them, and express opinions publicly as well as privately. They may support causes by lawful means which do not disrupt the operations of the university or of organizations accorded the use of university facilities.
3. Policy of the Board of Regents on Student Freedom. The policy of the Board of Regents is reflected in the following statements:
 - A. “The action of the Board of Regents in 1894, ‘Whatever may be the limitations which trammel inquiry elsewhere, we believe that the Great State University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found,’ shall be applicable to teaching in the classroom and to the use of university halls for public addresses, under the control of the president of the university with appeal to the Regents.” (May 2, 1922)
 - B. “True to its time-honored traditions, the University of Wisconsin provides a forum for the free exchange of ideas and viewpoints upon current events and issues.” (Statement of President E. B. Fred, approved by the Regents, March 8, 1952.)
 - C. “The search for truth is the central duty of the university, but truth will not be found if the scholar is not free, it will not be understood if the student is not free, it will not be used if the citizen is not free. At a time when both truth and freedom are under attack the University of Wisconsin must seek the one and defend the other. It must employ with utmost energy the power of truth and freedom for the benefit of mankind.” (December 8, 1956)
 - D. “We must continue to guard the university’s time-honored freedom of experimentation and expression— that fearless, democratic process which is the essence of the ceaseless search for truth. We believe that the only indoctrination worthy of this institution is in the values of freedom and free inquiry. For this we need exposure to a variety of viewpoints, brought together in the university’s own example of freedom’s effective power. This is basic in our form of government and, we believe, its surest safeguard.” (March 10, 1961)
 - E. “The concept of intellectual freedom is based upon confidence in man’s capacity for growth in comprehending the universe and on faith in unshackled intelligence. The university is not partisan to any party or ideology, but it is devoted to the discovery of truth and to understanding the world in which we live. The Regents take this opportunity to rededicate themselves to maintaining in this university those conditions which are indispensable for the flowering of the human mind.” (January 10, 1964)

II-701: STUDENT HOUSING POLICIES AND REGULATIONS

(Incorporated in these policies and regulations are statements by the Board of Regents and the UW-Madison faculty.)

1. Visitors to the University Residence Halls.

- A. Guests of either sex are allowed in all areas designated as public areas only during those hours when the areas are open to the public.
- B. Guests of the opposite sex are allowed in house dens or floor lounges only during those hours during which a program of guest visitation has been approved by that house or living unit (see below).

2. Regent Policy on Residence Hall Visitation (October 24, 1975). Residence hall visitation policy is a matter for individual campus action within the guidelines below. Within this policy, each institution shall ensure that the visitation option or options selected fall consistently within the educational program.

- A. Visitation is defined as those time periods when residents may invite friends or relatives of the opposite sex to visit them in their residence hall rooms. The visitation policies developed under these guidelines shall permit only visitation; cohabitation and sexual behavior, illegal under Wisconsin statute, are prohibited.
- B. Campus visitation options are defined by this resolution as:
 - 1. Closed: A policy in which no visitation is permitted.
 - 2. Limited: A policy in which in no case shall room visitation exceed a maximum of 17 hours per day, with residence halls closed not later than 2:00 a.m. on any day.
 - 3. Open: A policy in which a maximum of 24 hours of visitation is permitted.
- C. Campuses may elect to have closed and limited visitation or closed, limited, and open visitation, but whatever options are chosen, the opportunity to reside in areas having closed and limited visitation shall be provided to both men and women on every campus.
- D. When applying for a room in a residence hall, students shall choose among the visitation options offered by the campus.
- E. All students under the age of 18 at the beginning of the academic year in which they enroll shall live in non-coeducational, non-visitational areas unless special parental or guardian permission to live in limited or open visitational areas accompanies their application for residence (University Residence Halls).
- F. Students who live in University of Wisconsin System residence halls shall participate in the development of visitation policies for the halls in which they reside through local campus housing governments.
- G. Campus visitation policies must be approved by the chancellor.
- H. This policy shall be placed in effect for a three-year period beginning no later than the first

semester 1976-77; reports on individual campus policies are to be filed annually by June 1 with the senior vice president for academic affairs.

3. Conditions and Responsibilities.

- A. The entire living unit must be informed of the schedule for room visits.
- B. Each visitor must be escorted by the visitor's host between the public lounge or front door and the host's room within the unit.
- C. It is expected that duly elected house officers of the living unit shall have the primary responsibility for administering the plan within the specified living unit.
- D. The Division of University Housing may, upon cause, withdraw visitation privileges for individual students or entire living units. Further disciplinary action may be taken if behavior does not conform to the expectations set forth.

4. Coeducational Housing.

- A. Coeducational housing in the University of Wisconsin System as implemented under the conditions of this policy, shall be construed to mean men and women occupying separate living areas by floor.
- B. Each university chancellor, as appropriate, may designate for coeducational housing a number of residence halls rooms sufficient to meet the desires of those who choose to live in coeducational housing. Adequate provision shall be made for those who do not wish to live in coeducational housing.
- C. It shall be the responsibility of each chancellor who elects to implement coeducational housing to provide such supervision and direction as is required in order to ensure that a suitable environment for study and learning prevails; and that minor students (under 18 years of age) must have parental consent in writing to live in a coeducational housing unit. The public lounges and desk, service and recreational areas will be shared in designated coeducational housing areas. (Board of Regents Action, April 7, 1972.)

5. Graduate Living Units. In university residence halls units housing only graduate students, the students in those living units can determine their own program of guest visitation following the procedures outlined above.

II-900: POLICIES ON USE OF UNIVERSITY FACILITIES

1. Use by Student Organizations.
 - A. A student organization may use university facilities for events which are primarily for students and faculty.
 - B. If admission is charged, the student organization must arrange for the handling of ticket sales and submit in advance a budget to the office of the Student Organization Advisers, or its equivalent, indicating how proceeds will be used.
 - C. Student organizations may invite candidates for political office to speak on the campus only when the meetings are for students and faculty. Publicity for such meetings must indicate that attendance is limited to students and faculty and that they are not open to the public.
2. Use by Students and Nonstudents. In the use of university facilities for the extra-curricular activities of students, student groups and nonstudents must observe the rules of the Committee on Student Organizations, or its equivalent.
3. Use by Faculty and Employee Organizations. Faculty and university employee organizations may use university facilities on the same terms as university departments.
4. Use by Non-University Groups. Facilities of the university are primarily for university purposes of instruction, research, and public service; they are not available for unrestricted use by non-university groups. If, in the judgment of a university department or organization, the meetings or activities of a non-university group will contribute to and serve the university's purposes, university facilities, when available, and subject to necessary routine procedures administered by the chancellor or his or her designee, may be used by that group, but only upon the invitation of or under the sponsorship of a university department or organization.
5. Use by Governmental and Public Educational Groups. University facilities may be used by governmental and public educational agencies when they are available, subject to necessary routine procedures administered by the chancellor or his or her designee.
6. Use by Political Parties or Candidates for Public Office. Leaders of political parties and candidates for public offices may hold public meetings on each campus, if facilities are available, and subject to necessary routine procedures administered by the chancellor or his or her designee. During any election campaign, a university auditorium may be made available for one public meeting on behalf of each recognized candidate for public office. In a general election year, each political party may use a university auditorium for one public meeting on behalf of its candidates for national office, and for one public meeting on behalf of its candidates for statewide office. State conventions of recognized political parties may also use university facilities. Members of the audience should be given a reasonable opportunity, in appropriate situations, to ask questions at the end of the presentation.
7. Use for Political Solicitations. The use of State facilities for the purpose of making or receiving political contributions is strictly prohibited by State law.
8. Use for Programs Which May Include Religious Topics. Chancellors or their designees may authorize registered student groups, official campus committees, and outside groups under terms of this policy to sponsor programs which include religious topics in university facilities, and use of such facilities may be granted for the purpose of conducting religious worship services, which must be primarily for university students, faculty, and staff; provided such services shall not be conducted on a regular or

continuous basis. This policy does not apply at University Hospitals.

9. Conditions for Use. The university regulates the use of campus facilities to prevent interference with its activities. If extra expense to the university is involved (e.g., for janitor service, policing, labor, and light), the sponsoring organization must accept responsibility for it, and deposit in advance with the university business office funds to cover estimated expense. The organization shall designate a representative to work with university officials in making arrangements.
10. Revenue-Producing Activities. Whenever an admission charge is made, or other revenue-producing activity is carried on in a university facility, the proceeds must be under the control of the university, of the governmental organization, or of the public educational agency sponsoring the activity.
11. Freedom from Obstruction. Those who attend a speech or program sponsored by student organizations, university departments, or other authorized groups, have the duty not to obstruct it, and the university has the obligation to protect the right to listen or participate.
12. Contract Between University and Non-University Group. Any contract drawn between the university and a non-university group under these policies shall:
 - A. Provide for recovery of costs for such usage to ensure that the State will not be required to spend any public funds to accommodate those renting the premises during the period authorized.
 - B. Note that authorized use of facilities does not in any way constitute University or State endorsement of the using organization, its views or objectives, or program content.
 - C. Be limited to uses that do not interfere with primary university uses for which the facilities were intended.
13. Requests for Use.
 - A. Colleges, schools and departments will handle assignments to their own students and staff of space under their own direct control for activities directly related to their own programs of teaching, research, or public service.
 - B. Use of university facilities for instructional purposes will be processed by the Instructional Space Office.
 - C. All other requests for organized use of university facilities for non-instructional purposes by university departments and faculty, student, and employee organizations must be made to the Central Reservations Office in the Memorial Union. Upon receipt of each request, the Central Reservations Office will make three determinations:
 1. Eligibility for use of university facilities.
 2. Availability of space.
 3. Conditions for use of university facilities.
 - D. In determining eligibility to use university facilities, the following procedures are applicable:
 1. Eligibility to use university facilities is determined according to rules and regulations established by the faculty and approved by the Board of Regents as set forth in Section 8.04. of *Faculty Policies and Procedures*.
 2. If there is a question of eligibility for the use of university space involving a university department, or by a faculty organization or employee organization, or by or on behalf of a

group or organization not directly affiliated with the university, it will be referred to the secretary of the faculty.

3. If there is a question of eligibility for the use of university space involving a University of Wisconsin student organization, it will be referred to the office of the dean of students. If the dean of students concludes that there is a serious question of eligibility, he will ask that the Committee on Student Organizations review the request and make a recommendation to the chancellor.
- E. Availability of university facilities will be ascertained by the Central Reservations Office in conjunction with the appropriate university departments and offices before any commitment or before any announcement of the event.
1. The Central Reservations Office will clear requests for facilities through one of the following offices, depending on the specific space request: Instructional Space Office, Wisconsin Memorial Union, Division of Intercollegiate Athletics, College of Agricultural and Life Sciences, Wisconsin Center.
 2. The Central Reservations Office will also clear reservation requests through the Division of Physical Plant to determine their ability to handle the necessary set-up and clean-up of functions.
- F. After eligibility for use and availability of space has been determined, the conditions of use shall be established as set forth by university policy.
1. Student organizations must comply with all rules and regulations of the Committee on Student Organizations. These include approval by the student financial advisor of all budgets for revenue-producing events sponsored by student organizations depositing with the student financial advisor, in advance, sufficient funds to cover all financial obligations to the university, including any and all set-up, janitorial costs, and special equipment costs such as audio visual and public address equipment.
 2. Faculty departments must have a properly authorized requisition to cover all university costs and university charges occasioned by the event or program.
 3. Faculty organizations, university employee organizations, and non-university groups (including governmental and public educational groups, political parties, and candidates for public office) must make necessary financial arrangements in advance with the Bursar's Office.
 4. A rental agreement must be signed by the Central Reservations Office, representing the university, and the sponsoring faculty or student group for all admission events using major facilities, i.e., Union Theater and Great Hall, Field House, Stock Pavilion, and similar facilities.
 5. The duly signed use agreement will be sent to the appropriate university offices, such as Physical Plant, Instructional Space Office, and the college, school, and/or departmental offices.