

**Recommendation of the University Committee to Revise
*UWM Policies and Procedures Chapter 5.18 and 5.20***

REVISED version

5.18 Appeals: Non-Renewal Decisions

- (1) Written appeal may be made within twenty (20) working days of notice (25 days if notice is by first class mail) of a decision that results in non-retention. Such appeals are filed with the University Committee, care of the Secretary of the University's office, for referral to the Faculty Appeals and Grievances Committee. The Faculty Appeals and Grievances Committee reviews the case not later than twenty (20) working days after it receives the request, except that the time limit can be enlarged by mutual consent of the parties or by order of the Faculty Appeals and Grievances Committee.

(Document 3048R1, 5/9/19; UWM Administration approval, 6/18/19)

[...]

5.20 Procedures for Promotion to the Rank of Professor

For purposes of Section 5.20, the following definitions apply.

Appropriate Body: The initial faculty committee tasked by a unit to review cases of promotion to Full Professor – either the full executive committee or a subcommittee of all Full Professors in the executive committee. (UWM Policies and Procedures 4.05(4))

Preliminary Consideration: The initial examination of the faculty documents conducted by the Appropriate Body to determine whether to proceed with moving the faculty forward for promotion.

Full Consideration: The process by which the Appropriate Body seeks external review letters for the faculty member being considered for promotion, fully examines materials submitted by the faculty member and such external reviewers, and votes to render a recommendation for or against promotion to Full Professor.

- (1) Associate Professors shall initiate seeking promotion to Full Professor by making the request for consideration to the executive committee. An Associate Professor's request for consideration for promotion to Full Professor can be made at any time; however, only one such request may be made in a calendar year. Length of service at the rank of Associate Professor shall not be considered a valid reason for failure to proceed to Full Consideration.
- (2) Upon receiving a request for consideration for promotion to Full Professor, the executive committee shall forward the request to the Appropriate Body, which shall conduct a Preliminary Consideration. The Preliminary Consideration shall be completed within 30 days of receiving the request, unless the request is received outside of the faculty contractual period. If a request is received outside the contractual period, the Preliminary Consideration shall be completed no later than 30 days after the start of the contractual period. These deadlines may be extended by mutual agreement of the Appropriate Body and the candidate.

- (3) If the Preliminary Consideration results in a decision to proceed to Full Consideration, such proceeding will commence. The Full Consideration shall be completed within six (6) months of the end of the Preliminary Consideration, unless an extension is agreed to by the faculty member. For the Full Consideration, external review letters will be sought in accordance with divisional committee requirements, additional materials deemed necessary by the Appropriate Body will be gathered, and a full examination of the portfolio of the faculty member will be conducted. A vote on recommendation for promotion to Full Professor will be conducted, and the results of the vote will lead to the procedures described below.
- (a) If, following the Full Consideration, the Appropriate Body makes a positive decision on the promotion to rank of professor, the case is forwarded to the DDean of the college. Upon receiving the decision and the accompanying documentation, the Dean transmits the material to the subcommittee of members of the appropriate Divisional Executive Committee who hold the rank of professor for advice.
- (1) If the advice of the Divisional Executive Committee is positive, it is transmitted through the Divisional Executive Committee chairperson to the Dean (UWM Policies and Procedures 3.14(2)).
- i. If the Dean accepts the Divisional Executive Committee's positive advice, the Dean notifies the chairperson of the Appropriate Body and the faculty member concerned. The Dean transmits all decisions and actions to the Chancellor.
- ii. If the Dean does not accept the Divisional Executive Committee's positive advice, the Dean notifies the Divisional Executive Committee chairperson, chairperson of the Appropriate Body and the faculty member concerned. The faculty member may request written reasons from the Dean and/or request reconsideration by the Dean. If there is a reconsideration, UWM Policies and Procedures 5.174 apply. Upon conclusion of any reconsideration, or if there is no reconsideration, the complete case file is transmitted to the Chancellor.
- (2) If the Divisional Executive Committee's advice is negative, the Divisional Executive Committee Chairperson notifies the chairperson of the Appropriate Body and the faculty member concerned; provisions regarding reconsideration and written reasons outlined in UWM Policies and Procedures 5.177 apply. Upon the conclusion of any reconsideration, or if there is no reconsideration, the Divisional Executive Committee's advice, as well as all other materials collected in conjunction with the faculty member's case, are transmitted to the Dean through the Divisional Executive Committee chairperson.
- i. If the Dean does not accept the Divisional Executive Committee's negative advice, the Dean notifies the Divisional Executive Committee chairperson, chairperson of the Appropriate Body and the faculty member concerned. The Dean transmits all actions to the Chancellor.
- ii. If the Dean accepts the Divisional Executive Committee's negative advice, the Dean notifies the Divisional Executive Committee chairperson, chairperson of the Appropriate Body and the faculty member concerned. The faculty

member may request written reasons from the Dean and/or request reconsideration by the Dean. If there is a reconsideration, provisions regarding reconsideration outlined in UWM Policies and Procedures 5.174 apply. Upon conclusion of any reconsideration, or if there is no reconsideration, the complete case file is transmitted to the Chancellor.

- (b) If, following the Full Consideration, the Appropriate Body makes a negative decision on the promotion to rank of professor, the Appropriate Body must formulate written reasons for the negative recommendation before adjourning. These reasons will be considered binding on the Appropriate Body. The reasons will not appear in the minutes of the meeting but shall be entrusted to the chairperson of the Appropriate Body who must inform the faculty member orally of the reasons within one working day. The faculty member may request the written reasons and/or a reconsideration by the Appropriate Body according to procedures outlined below. To do so, the faculty member must, within three (3) working days after notification by the chairperson, make a written request for the written reasons. The chairperson will immediately provide a copy of the Appropriate Body's statement of reasons. Failure by the faculty member to meet the deadlines for requesting written reasons and/or a reconsideration is considered a waiver of those procedures.
 - a. The faculty member may request reconsideration by the Appropriate Body. If there is a reconsideration, the provisions of UWM Policies and Procedures 5.174 apply; however, the decision of the Appropriate Body is not forwarded to the Dean.
 - b. The faculty member may appeal the negative decision to the Faculty Appeals and Grievances Committee. In such an appeal, the provisions of UWM Policies and Procedures 5.18 apply.
- (4) If the Preliminary Consideration by the Appropriate Body results in a decision to not pursue a Full Consideration, the Appropriate Body must formulate written reasons for the negative recommendation before adjourning. These reasons will be considered binding on the Appropriate Body. The reasons will not appear in the minutes of the meeting but shall be entrusted to the chairperson of the Appropriate Body who must inform the faculty member orally of the reasons within one working day. The faculty member may request the written reasons and/or a reconsideration by the Appropriate Body according to procedures outlined below. The faculty member shall have the opportunity, within three (3) working days after notification by the chairperson, to make a written request for the written reasons. After receiving a timely request, the chairperson will immediately provide a copy of the Appropriate Body's statement of reasons. Failure by the faculty member to meet the deadlines for requesting written reasons and/or a reconsideration is considered a waiver of those procedures.
 - (a) If the faculty member wishes a reconsideration of a negative Preliminary Consideration decision by the Appropriate Body, the request must be made within five (5) working days of the receipt of the oral reasons or within two (2) working days of the receipt of the written reasons. The meeting for reconsideration shall be held within fifteen (15) working days of receipt of the request except that if the last day of this period does not coincide with a regular day of instruction of any academic semester or regular summer session, it shall convene no later than ten (10) working days after the next regular day of instruction of any academic semester or regular summer session. Written notice of the

meeting must be given to the faculty member at least seven (7) working days prior to such meeting. The reconsideration meeting shall be either audio or video recorded. The reconsideration meeting is not a hearing, nor an appeal, and shall be non-adversarial in nature. Its only purpose is to allow the faculty member an opportunity to persuade the Appropriate Body to change its negative decision by challenging the stated reasons and/or by offering new evidence not available at the initial consideration. The burden of proof is on the person requesting the reconsideration. The faculty member may request the reconsideration hearing be open or closed, but the Appropriate Body makes the determination whether to move into closed session. At the reconsideration meeting, whether open or closed, the faculty member is entitled to make a personal presentation, to present witnesses, to have counsel present, and to be provided with an audio recording of both the evidentiary and the deliberation phases of the reconsideration meeting. The Appropriate Body shall vote on the request again during the reconsideration hearing. If the vote results in a decision to proceed to a Full Consideration, then the procedures for Full Consideration will commence. If the vote results in a decision to not proceed to Full Consideration, the faculty member under consideration shall be informed of the decision within one (1) working day.

- (b) If the Appropriate Body decides not to proceed to Full Consideration, either (i) after the faculty member declined to request reconsideration of the Preliminary Consideration or (ii) if the faculty member has been at the rank of Associate Professor for less than five years and received a negative recommendation after a request for reconsideration of the Preliminary Consideration, then the promotion process shall be concluded.
- (c) Faculty who have been at the rank of Associate Professor for at least five years and who have received a negative decision after timely requesting reconsideration of an initial negative Preliminary Consideration may appeal a decision to not proceed to Full Consideration. An Associate Professor with less than five years of rank for whom a reason given for not being considered is that they were at rank for an insufficient period of time may appeal a decision (length of time at rank is not a reason for denying promotion). Written appeal of a decision to not proceed to Full Consideration may be made within twenty (20) working days of receipt of the negative reconsideration decision (25 days if notice is by first class mail). Such appeals are filed with the University Committee, care of the Secretary of the University's office, for referral to the Faculty Appeals and Grievances Committee. The Faculty Appeals and Grievances Committee reviews the case not later than twenty (20) working days (which shall only include days during the faculty contractual period) after it receives the request, except that the time limit can be extended by mutual consent of the parties or by order of the Faculty Appeals and Grievances Committee. The Faculty Appeals and Grievances Committee shall apply its own internal procedures to any review.

The faculty member shall be given at least ten (10) working days' notice of the Faculty Appeals and Grievances Committee review. The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the Appropriate Body's decision not to proceed to Full Consideration was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

- a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, or

- b) Improper consideration of qualifications. For purposes of this section, “improper consideration” shall be deemed to have been given to the qualifications of a faculty member in question if material prejudice resulted because of any of the following:
- (1) The procedures required by rules of the faculty or board were not followed, or
 - (2) Available data bearing materially on the quality of performance were not considered, or
 - (3) Unfounded, arbitrary or irrelevant assumptions of fact were made about work or conduct.

Appeals to the Faculty Appeals and Grievances Committee based on “Improper consideration of qualifications” may be made only once in a three-year period.

The Faculty Appeals and Grievances Committee reports its findings to the individual filing the appeal, the University Committee, the Appropriate Body, the Dean, and the Chancellor.

Such a report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration of the decision, reconsideration under instructions from the Committee, or a recommendation to the next higher-level authority. Cases shall be remanded unless the Faculty Appeals and Grievances Committee specifically finds that such a remand would serve no useful purpose. If the Committee concludes that the decision by the Appropriate Body was based on impermissible factors and that remand to that body will not serve or has not served a useful purpose, then the Committee's report shall indicate that the appellant may request a de novo review by an ad hoc committee in accordance with the provisions of 5.181 - 5.186, UWM Policies and Procedures. The Faculty Appeals and Grievances Committee shall retain jurisdiction during the pendency of any reconsideration; the University Committee shall retain jurisdiction during a de novo review by an ad hoc committee. If the de novo review of a Preliminary Consideration finds that a Full Consideration is warranted, then the ad hoc committee will proceed with a Full Consideration of the case. The decision of the Chancellor will be final on such matters.

(Document 1061, 12/20/77; UWM Administration approval, 1/4/78; Regent approval, 7/14/78)

(Document 1629, 2/16/89; UWM Administration approval, 3/6/89; Regent approval, 5/5/89)

(Document 1976, 5/11/95; UWM Administration approval, 6/7/95)

(Document 3329, 4/15/21; UWM Administration approval, 5/6/21)

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ORIGINAL version

5.18 Appeals: Non-Renewal Decisions

- (1) Written appeal may be made within twenty (20) working days of notice (25 days if notice is by first class mail and publication) of a decision that results in non-retention. Such appeals are filed with the University Committee, care of the Secretary of the University's office, for referral to the Faculty Appeals and Grievances Committee. The Faculty Appeals and Grievances Committee reviews the case not later than twenty (20) working days after it receives the request, except that the time limit can be enlarged by mutual consent of the parties or by order of the Faculty Appeals and Grievances Committee.

(Document 3048R1, 5/9/19; UWM Administration approval, 6/18/19)

[...]

5.20 Procedures for Promotion to the Rank of Professor

If the departmental executive committee makes a negative decision on the promotion to the rank of professor, provisions for written reasons (UWM Policies and Procedures 5.173); reconsideration (UWM Policies and Procedures 5.174) and appeals (UWM Policies and Procedures 5.18) apply.

If the departmental executive committee makes a positive decision, the case is forwarded to the dean of the college. Upon receiving the decision and the accompanying documentation, the dean transmits the materials to the subcommittee of members of the appropriate Divisional Executive Committee who hold the rank of professor for advice.

If the advice of the subcommittee is positive, it is transmitted through the Divisional Executive Committee chairperson to the dean [3.14(2)].

If the dean accepts the subcommittee's positive advice, the dean notifies the chairperson of the department executive committee and the faculty member concerned. The dean transmits all actions to the chancellor.

If the dean does not accept the subcommittee's positive advice, the dean notifies the Divisional Executive Committee chairperson, chairperson of the departmental executive committee, and the faculty member concerned. The faculty member may request written reasons from the dean and/or request reconsideration by the dean. If there is a reconsideration, provisions 5.174 apply. Upon conclusion of any reconsideration, the complete case file is transmitted to the chancellor.

If the subcommittee's advice is negative, the subcommittee chairperson notifies the Divisional Executive Committee Chairperson, the department chairperson and the faculty member concerned; provisions regarding reconsideration and written reasons as outlined in 5.177 will apply. Upon the conclusion of any reconsideration, the case is transmitted to the dean through the Divisional Executive Committee chairperson.

If the dean does not accept the subcommittee's negative advice, the dean notifies the Divisional Executive Committee chairperson of the departmental executive committee, and the faculty member concerned. The dean transmits all actions to the chancellor.

If the dean accepts the subcommittee's negative advice, the dean notifies the chairperson of the departmental executive committee, and the faculty member concerned. The faculty member may request written reasons from the dean and/or request reconsideration by the dean. If there is a reconsideration, provisions 5.174 apply. Upon conclusion of any reconsideration, the complete case file is transmitted to the chancellor.

The dean transmits all actions to the chancellor with the dean's recommendation.

(Document 1061, 12/20/77; UWM Administration approval, 1/4/78; Regent approval, 7/14/78)

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Revisions to Chapter 5 of UWM Policies and Procedures Regarding the Process Used for Promotion to Full Professor – Rationale

Currently, approximately 50% of faculty at UWM are at the rank of Associate Professor, as has been the case for many years. Concerns over the lack of promotion of faculty to Full Professor led to a study of the problem that identified several issues contributing to the lack of promotions. One of these involved the current Policies and Procedures for the promotion to full professor in Chapter 5. The proposed revisions are meant to address these concerns within P&P.

The proposed revisions clarify the process to be used, as current P&P is in many places unclear on what steps are to be taken. By explicitly presenting the process to be used, greater clarity in the process is achieved.

A significant change to the process is the creation of the possibility for appealing a decision to not consider a promotion case. Currently, the hearing body (either the full executive committee or the subcommittee of full professors) first decides whether they will consider the case, and if they chose to consider, the case will then proceed with soliciting of external review letters. Once the case is formally taken up, the candidate for promotion can pursue an appeal if deemed necessary. However, if the hearing body chooses to not take up the case, there is currently no mechanism for an appeal of such a decision. The hearing body currently does not need to provide any reasons for not considering a case. The revised P&P will require the hearing body to create and provide reasons for choosing to not consider a case, and the candidate can ask for a reconsideration by the hearing body and may appeal the decision to the FAGC. These changes are designed to eliminate the situation where a hearing body continually refuses to consider a case while providing no rationale to the candidate.

In addition to the changes to Section 5.20 of P&P, a small revision to Section 5.18 is being made to eliminate “and publication” of a notice of non-renewal decisions. It was unclear to us and to the Office of Legal Affairs as to what “publication” entailed, and so it was judged best to remove it from P&P.

2022-23 UWM University Committee

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