



Memorandum

GARY L. MILLER
Chancellor

To: Campus Community
From: Gary L. Miller
Date: August 17, 2015
Subject: Tenure and Shared Governance at UWGB

Many of you have expressed concern or asked questions about changes in Wisconsin state law regarding shared governance and tenure. Much time in the coming year will be spent in the system and on campuses developing and refining tenure and shared governance policy for the future. As we begin the new academic year I want to make a few comments on these issues.

Shared Governance

The recently adopted Wisconsin state budget included changes in the language related to shared governance in the University of Wisconsin system. These changes removed language investing faculty and staff with “immediate” governance of the institution and redefining their role as “advisory to the chancellor.” In a recent memo, Regent President Millner and UW System President Cross emphasized that shared governance is retained in state statute even though the language has been modified. They directed chancellors to work with their faculty and staff to ensure that campus policies align with state law. The UWGB shared governance leadership (Cliff Gaynard, Joshua Goldman, Jan Snyder), along with Secretary of the Faculty and Staff Steve Meyer is currently conducting this review (as noted in our joint memo of August 3).

I wish to make the following statement regarding shared governance:

Shared governance is highly valued at UWGB and will continue. The new advisory role of faculty and staff does not change the need for an effective shared governance system. Indeed, the collaboration of students, staff and faculty governance bodies will be even more important in the coming years as we celebrate our first fifty years and look forward to the future. The existing shared governance organization and procedures will continue at UWGB as allowed by law.

Tenure

As you know, the recently approved budget of the State of Wisconsin removed the provisions for tenure from the state statutes (Wisconsin was the only state to establish tenure in state statute) and authorized the Board of Regents to promulgate rules related to tenure. The effect of the new

legislation is to place Wisconsin in the same circumstances as other states with higher education systems with respect to tenure. Prior to the enactment of the new budget, the Board of Regents unanimously supported tenure as a key principle to be preserved in Wisconsin. A system-wide task force (of which Secretary of the Faculty and Staff Steve Meyer and I are members) has been charged with developing Board rules related to tenure and has begun its work.

The new law holds that dismissal or layoff of tenured faculty members may occur for just cause or “when such an action is deemed necessary due to a budget or program decision requiring program discontinuance, curtailment, modification, or redirection.” The second provision is new to Wisconsin and the Board has not yet developed policy to govern these provisions (the work of the Task Force this year). Understandably, it is this new dimension of tenure that is of most concern.

I want to make a number of declarations regarding these issues.

Regarding tenure:

I have been, and continue to be, fully and strongly supportive of tenure as essential to ensuring full freedom of inquiry, discovery and teaching in the academy. I will continue to enthusiastically recommend tenure for qualified faculty upon the recommendation of the tenured faculty and with the approval of appropriate administrative officers.

Regarding program review and program “discontinuance, curtailment, modification or redirection”:

I was recently presented with a petition calling on me to state that UWGB would adhere only to previous law with respect to the layoff of faculty (previous law provided for the layoff of tenured faculty for cause and for institutional financial exigency). In effect, the petition called upon me to declare I would not support policies yet to be developed by the Board, a declaration that would also imply (though not the intention of the petitioners) I would not support program review. I am unable to support this petition. As the CEO of a system campus, I am obligated to work with the Board to develop policy under existing law. Program review with the potential for program discontinuation currently is, and will continue to be, part of the operational paradigm of American higher education and will be part of our processes at UWGB. The AAUP supports program review within a vigorous shared governance system and the layoff of tenured faculty after appropriate due process including consideration of the continuation of service in another capacity. Nearly all the due process considerations of the Wisconsin system are retained in state law.

Thus, I make the following declarations:

With respect to program review:

I strongly support a thoughtful, vigorous, routine and faculty-driven process of academic program review that allows for the possibility of the discontinuation of a program no longer deemed an essential component of the curriculum.

With respect to the layoff of faculty related to program discontinuance:

The layoff of tenured faculty resulting from program discontinuation must be governed by rigorous standards of due process operating within an effective shared governance system.

Both shared governance and tenure are vitally important to us at UWGB. Both will continue. The effect of the new state law is to require us to work more closely together to ensure that both operate as effectively as possible in support of the student experience and institutional sustainability we are all obligated to provide.

c: President Ray Cross
Regent President Regina Milner
Regent Liaison Charles Pruitt
Regent Liaison Michael Grebe
UWGB Council of Trustees
UWGB Cabinet