

**APPROVED MINUTES**  
**2000/2001 University of Wisconsin-Whitewater Faculty Senate**  
**Tuesday, December 12, 2000, 2:15 p.m.**  
**James R. Connor University Center 219**

1. Call to Order: Chair Erdmann called the meeting to order at 2:20 p.m.
  
2. Roll Call
  - a. Senators present: Albrechtsen, Anderson, Bren, Cartwright, Chang, Clayton, Clements, de Onis, Dollarhide, Epps, Erdmann, Ghosh, Hendricks, Heyning, Hogan, Huang, Johnson, Karges, Klug, Kozlowicz, Molloy, Parks, Porter, Rottet, Schauer, Snow, Stinson, Topp, Tremblay, Urven, Weston
  - b. Senators absent: \*Ellenwood, Kumpaty, \*Monfils, \*\*Tesar, Tetley, Travis, \*\*\*Wentz (\*excused, \*\*retired, \*\*\*sabbatical)
  
3. Approval of Minutes of Faculty Senate Meeting, Nov. 14, 2000: Epps/Hogan moved approval: Passed.
  
4. Reports of Committees
  - a. University Curriculum Committee: Transmittal of actions of Friday, Nov. 17, 2000: Cartwright/Epps moved approval of all actionable items: Passed. **FS0001-11**
  - b. Faculty Elections Committee (Johnson/Garvin): Johnson reported that the faculty election was held on December 5 and 6. Results will be posted on the WWW and sent through campus mail. Johnson thanked Boris Teske (past chair of the committee), Ed Erdmann, Barbara Bren, and Lisa Rowland for their assistance to the committee. Chair Erdmann asked that the committee communicate committee membership information to the Senate office for posting on the Senate WWW page.
  - c. Faculty Salary Committee: Epps/Dollarhide moved approval of the Faculty Salary Plan 2001-2003, as contained in the committee's report: Passed. **FS0001-12**
  - d. Faculty Personnel Rules Committee (Epps):
    - i. Epps sought senators' suggestions on a proposal that
      1. probationary faculty receive two-year contracts
      2. reviews of probationary faculty be biennial
      3. all reviews except those of the department and chancellor be considered recommendations rather than decisions and become part of the portfolio
      4. probationary faculty could place rebuttals to negative recommendations in their portfolios
      5. appeals of department reappointment decisions be heard by constituency panels of three tenured faculty randomly selected by the chairs of constituency standards committees.
      6. appeals of department tenure decisions be heard by panels from the Faculty Appeals and Grievance Committee.
    - ii. Epps distributed grids showing actions that would take place in each year of the probationary period
    - iii. Epps explained that the proposal is intended to
      1. provide sufficient time for appeals to be processed
      2. keep the workload for faculty conducting reviews to a manageable level
      3. emphasize mentoring, assessment, and growth.
    - iv. Senators provided suggestions for the committee to consider, including:
      1. that limiting credit for prior service to two years might limit opportunities for attracting applicants
      2. that recommendations on probationary faculty reappointment, tenure and promotion be appealable, given the status such recommendations might be given by decision-makers
      3. that some constituency standards committees prefer limiting their role to establishing constituency standards and procedures and reviewing and negotiating department standards and procedures, such role not to include making recommendations on probationary faculty
      4. that random appointments of constituency-level appeals panel members might result in appointments of unprepared and/or unwilling faculty to such panels

5. that a transition to new rules must take into account the effect on faculty already in probationary status for one or more years
6. that the proposal requiring that faculty hired with credit for one year's prior service be reviewed in their initial year may be burdensome and cause unnecessary stress
7. that probationary faculty now need clearer understanding of the formats by which to prepare their materials for evaluation, and the standards and processes by which they are to be evaluated

v. Additional feedback may be sent to [eppsv@mail.uww.edu](mailto:eppsv@mail.uww.edu)

e. *Ad Hoc* Task Force on Fair Labor Practices: no report

## 5. New Business

a. Retirement Resolution(s): Parks/Ghosh moved a special order of business to honor Richard Schauer, who will retire on Dec. 21, 2000 after many years of distinguished service to the UW-Whitewater and UW System faculty. Schauer was presented with a plaque and received a standing ovation. Provost Prior presented Schauer with a massive, studded leather dog collar in recognition of "Spike" Schauer's dedication in teaching mathematics and "dogged" advocacy for faculty and on university issues. Schauer will continue to be active in TAUWP.

b. Resolution on December 2000 Graduates (Executive Committee): Weston/Hogan moved approval: Passed.

*The Faculty Senate of the University of Wisconsin-Whitewater recommends to the University of Wisconsin System Board of Regents that the University of Wisconsin-Whitewater students who have applied for graduation in December 2000 and who have been certified by the University Registrar to have met all academic requirements and completed all of their courses of study be granted their degrees at the December 2000 commencement exercises. FS0001-13*

c. Resolution on 2001-2003 biennial salary proposal (Schauer/TAUWP): Schauer/Klug moved approval: Passed.

*Whereas, UW-Madison has reached the median salary levels of its peers, and*

*Whereas, salary levels for the rest of the Universities are very low compared to their peer groups, and*

*Whereas the 1984 peer group for the Comprehensive Universities is no longer reflective of*

*what is truly a national and international market, and*

*Whereas, AAUP and CUPA data show the need for large salary increases for UW-Milwaukee,*

*the Comprehensive Universities, and the UW Colleges, and*

*Whereas, competition has intensified throughout the United States to hire and retain faculty,*

*BE IT RESOLVED, that the Faculty Senate at UW-Whitewater urges the Regents to support a*

*national peer group such as AAUP or CUPA, that the Board recommend salary increases not*

*less than 6% and 8% for the 2001-2003 biennium, that the Board develop a plan to reach the median of*

*the national peer group not later than 2004 and to increase the number of faculty in the classroom.*

*BE IT FURTHER RESOLVED, that copies of this resolution to be sent to all Regents,*

*Chancellors, Provosts, the President and Vice Presidents of the UW System Administration and*

*to the TAUWP Office. FS0001-14*

d. Resolution on the "Marder Case" (Richard Schauer/TAUWP Academic Freedom and Tenure Committee):

*Schauer/Albrechtsen moved approval of the "Resolution:*

*2000 and attached to the Senate materials, in lieu of the resolution printed on the agenda: Passed.*

*In May 1999, Chancellor Julius Erlenbach of UW-Superior filed dismissal charges against Professor John Marder, Department of Communicating Arts, under the provisions of Chapter UWS-4 of the Wisconsin Administrative Code. Under Section 4.02 of that chapter, when a chancellor receives complaints that might lead to the filing of dismissal charges, the chancellor is obliged to initiate an investigation into the substance of the complaints. UW-Superior failed to do that. Under Section 4.03 of the Code, the UW-Superior Faculty Committee on Terminations is the designated hearing agent for the Board of Regents. The hearing on the dismissal charges was held on 27/28 January 2000. On 13 April 2000, the Terminations Committee in its report ruled that the university had failed to prove any of the charges brought against Professor Marder and*

stated that neither discipline nor dismissal was recommended. Although he made no attempt to impeach the work of the Terminations Committee, Chancellor Erlenbach found the conclusions of the Committee to be unacceptable and, in a letter to President Lyall, requested that the Board of Regents set aside the Terminations Committee report and dismiss Professor Marder. The chancellor's request that the Terminations Committee conclusions and recommendations be overturned is unprecedented in UW-System history.

Resolved that the Faculty Senate of the University of Wisconsin-Whitewater strongly supports the principle of due process in the investigation and prosecution of complaints leveled against faculty members anywhere in the UW-System. The Faculty Senate calls upon President Lyall and the Board of Regents to rigorously enforce the personnel rules and policies that govern all UW-System employees, especially those rules and policies that directly affect the status of employment. The severe judgment that UW-Superior failed to prove any of the charges against Professor Marder suggests that the requirements of due process were not followed in the prosecution of the indictment and are not being followed now. What is at stake is the integrity of the process used to assess the facts in this case. The Faculty Senate asserts that strict compliance with the rights and principles set forth in UWS 4.02, 4.05, and 4.08 is essential, if the case against Professor Marder or against any faculty member is to be resolved fairly and equitably.

Resolved that the Faculty Senate urges UW-System Administration and the Board of Regents to carefully consider the claims of Professor Marder that his due process rights have been violated, and then to follow that consideration with the determination of whether or not Chancellor Erlenbach has adequate and appropriate standing to request the reversal of the conclusions of the UW-Superior Faculty Committee on Terminations. **FS0001-15**

e. Other new business (no action): none

6. Announcements and Information (no action)

- a. Report of the Chancellor: Asst. Chancellor for Administrative Services Jim Freer presented brief information on the "UWW Bid for Exclusive Soft Drink Pouring and Vending Rights."
  - i. The university's Request for Proposal Development Team (Steve Summers, Mark Kraner, Mike Hirschfield, Shawn Eichorst and Jim Freer) has developed the RFP for a five-year contract for the exclusive right to designate the brand of soft drink, isotonic beverages, and canned juices served, sold, vended, dispensed, etc. on campus.
  - ii. For this exclusive right the bidder will provide a cash rights fee (cash payment) and fund \$50,000 worth of institutional sponsorship opportunities provided by the Athletic Program and other venues.
  - iii. The cash rights fee would be deposited in a university reserve to support institutional programs.
  - iv. A copy of the RFP is available at the Senate office.
- b. Report of the Senate Chair: On December 7<sup>th</sup> (Pearl Harbor Day) the Business and Finance Committee of the Board of Regents acted on the 2001-2003 pay plan as follows
  1. requested a 4.2% salary increase each year of the 2001-03 biennium for faculty, academic staff, and university senior executives
  2. transmitted to the Department of Employment Relations Secretary, "currently available information on unclassified salaries for UW System peer institutions" which data are based on "average salaries paid to ranked faculty at peer institutions established by the 1984 Governor's Faculty Compensation Study Committee"
  3. specified that 2001-03 "compensation adjustments for faculty, academic staff, and university senior executives...
    - a. not less than one-third...on the basis of merit/market
    - b. and not less than one-third...on the basis of solid performance...
    - c. remaining one-third may be used to address these and other compensation needs with appropriate attention to pay compression.
    - d. The President, following consultation with the chancellors, is authorized to earmark up to 10% of the total pay plan each year for the chancellors' discretionary use to meet special compensation needs such as market shortfall by faculty rank, innovated, collaborative program delivery and exceptional performance in support of institution goals."
- c. Next Senate Exec. Comm. Meeting: Tuesday, Jan. 23, 2001, 2:15, UC65 (Governance Center)

- d. Next Faculty Senate Meeting: Feb. 6, 2001, 2:15 p.m., UC219*
- e. Other announcements*

*7. Adjournment: Ghosh/Clayton moved to adjourn at 4:34 p.m.*