Chapter 106
Non-Renewal

106.01 Commencement of Consideration Process
In making a decision that may involve non-renewal, the dean or division head and supervisor shall make reasonable efforts to start the process, with a written recommendation of non-renewal as described in 106.02 below, at least three months prior to the contract end to allow time for an appeal and possible reconsideration and to abide by policy deadlines for notification of non-renewal for academic staff. If the process is not started at least three months prior to the contract end, the contract shall be extended to allow a minimum of three months processing time.

106.02 Recommendation for Non-Renewal
The supervisor shall forward a written recommendation of non-renewal, including justification, to the dean or division head.

106.03 Dean or Division Head Action on Recommendation for Non-Renewal of Probationary Employees
The dean or division head shall inform the academic staff member in writing, within ten working days of the receipt of the supervisor’s recommendation, of his/her decision to accept a non-renewal recommendation or reject a renewal recommendation. The notification shall include the effective date of the academic staff member's non-renewal and of his/her rights to written reasons and appeal under UWS 10.04 and UWM 106.04. A copy of UWM Academic Staff Personnel Policies and Procedures Chapter 106, in its entirety, shall be provided to the academic staff member along with the notice.

The academic staff member may, in writing, request written reasons within five working days of receipt of notification of non-renewal. The dean or division head shall respond within five working days of receipt of the request. The academic staff member may then submit his or her response to the non-renewal and written reasons within five working days. If the academic staff member requests written reasons, those reasons and his/her response become a part of the official personnel file.

106.04 Appeal of Non-Renewal for Probationary Employees
106.04 (a) Right of Appeal
Non-renewal decisions may be appealed consistent with UWS 10.04. A pending appeal of the non-renewal decision does not in and of itself extend the appointment.

106.04 (b) Academic Staff Hearing and Appeals Committee
The Academic Staff Hearing and Appeals Committee shall constitute the hearing body authorized by UWS 10.04(1). The Committee may, on motion of either party, disqualify any of its members by a majority vote. Any member of the Hearing and Appeals Committee who has had any involvement in the non-renewal action of the academic staff member requesting the hearing shall be disqualified. If any members of this hearing body
disqualify themselves or are disqualified, the hearing body shall select by majority vote an equal number of replacements from the list of academic staff established in Article I, Section 2(F) of the Hearing and Appeals Committee bylaws.

106.04 (c) Appeal Process
Appeals on non-renewal decisions as authorized in UWS 10.04 shall be brought to the Hearing and Appeals Committee within 20 working days after the date of written notification of non-renewal to the academic staff member (25 working days if notice is by first class mail).

A hearing on the appeal shall be held not later than 15 working days after the request. This time limit may be extended by mutual written consent of the parties or by written order of the Hearing and Appeals Committee. Parties to the hearing shall be given at least five working days notice of the scheduled time and place of the hearing.

The scope and procedures of the hearing on the appeal shall be limited under UWS 10.04. The burden of proof in such appeal shall be on the academic staff member. At the hearing, the academic staff member may have counsel present, present witnesses, and will be provided with a tape recording of the proceedings. The hearing shall be closed unless the academic staff member requests an open meeting. While the parties to the hearing may have advisors or counsel of their choice present at the hearing for the purpose of providing advice, such advisors or counsel may not participate directly in the hearing.

A written report shall be forwarded, as outlined in UWS 10.04, by the hearing body to the Chancellor and dean or division head, with a copy to the academic staff member, within 15 working days of the conclusion of the hearing. Pursuant to UWS 10.04, the written report may include remedies which may include but are not limited to a reconsideration by the dean or division head, a reconsideration by the dean or division head under instructions from the Hearing and Appeals Committee, or a recommendation to the next higher administrative level. Cases in which the Committee finds that a decision was in violation of UWS 10.04 shall be remanded and the Committee shall retain jurisdiction during the reconsideration process.

Except as noted in Section 105.05 below in regard to reconsiderations, the dean or division head shall accept or reject the report, in full or in part, and shall so notify the academic staff member, the Chancellor, and the hearing body in writing of his/her decision within ten working days of the receipt of the report. The dean or division head shall send a copy of the hearing body report to the Chancellor along with his/her response to the report. The Chancellor shall accept or reject the dean or division head’s decision and notify the dean or division head, the Hearing and Appeals Committee, and the academic staff member, in writing, within ten working days of the receipt of the dean/division head's response. The Chancellor’s decision shall be final.

If the Chancellor’s decision directs that a reconsideration take place, the dean or division head shall order a reconsideration under UWM 106.05 unless the academic staff member
states in writing within ten working days of the receipt of the report that he/she does not wish a reconsideration. Where reconsideration takes place, the dean/division head’s response to the hearing body’s report shall be incorporated into his/her report of findings prepared in accordance with UWM 106.05.

106.05 Reconsideration of Non-Renewal for Probationary Employees

If the Hearing and Appeals Committee, in its report, directs a reconsideration of the non-renewal decision, a reconsideration meeting shall be held within 15 working days of the receipt of the report. The academic staff member shall be notified a minimum of five working days prior to the meeting. The time limits may be extended by mutual written consent of the parties. The reconsideration meeting will be scheduled as a closed meeting unless the academic staff member requests that it be open. Upon the request of either party an impartial observer may be present. The impartial observer will be selected by consent of the two parties from a panel of three chosen by the Hearing and Appeals Committee. The impartial observer shall be a member of the university community, but not a member of the school, college, or operating division employing the academic staff member under reconsideration. At the meeting for reconsideration the academic staff member is entitled to present witnesses, to have counsel present, and to be provided with a tape recording of the proceedings. The reconsideration is not a hearing, not an appeal, and shall be non-adversarial in nature. Its only purpose shall be to allow the academic staff member an opportunity to persuade the institutional representative responsible for holding the reconsideration meeting to change the non-renewal decision. The burden of persuasion is on the person who is being reconsidered. If the supervisor is the institutional representative responsible for holding the reconsideration meeting, he/she shall forward a recommendation and reasons in writing to the dean or division head within ten working days of the reconsideration meeting. If the dean or division head is the institutional representative responsible for holding the reconsideration meeting, he/she shall forward a decision and reasons in writing to the academic staff member within ten working days of the reconsideration meeting. In either case, the dean or division head must prepare a report within ten working days of the reconsideration decision and his/her response to the Hearing and Appeals Committee report. The report, including the initial Committee report, shall be placed in the official personnel file with a copy sent to the academic staff member, the Hearing and Appeals Committee, and the Chancellor. The Chancellor shall accept or reject the dean or division head’s decision and notify the dean or division head, the Hearing and Appeals Committee, and the academic staff member, in writing, within ten working days of the receipt of the dean/division head's response. The Chancellor’s decision shall be final.

106.06 Appeal of Non-Renewal Decisions for Fixed-Term Employees with Three or More Years of Service

An academic staff member with a fixed-term appointment for three or more years shall be given written reasons for non-renewal upon request. The request for written reasons shall be made upon receipt of the non-renewal notice. The reasons shall be provided within five working days of the request. Within five working days of receipt of reasons for non-renewal, the academic staff member may request that the supervisor reconsider the non-
renewal decision. Within five working days of receipt of the request for reconsideration, the supervisor must meet with the academic staff member to reconsider the non-renewal. A decision based on the reconsideration must be given to the academic staff member within five working days of this meeting.

If the supervisor decides to proceed with non-renewal, the academic staff member may request a review by the supervisor's superior within five working days of receipt of the decision. The supervisor's superior must meet with the academic staff member within five working days of receipt of the request to review the supervisor's decisions. The supervisor's superior must give a decision to the academic staff member within five working days of this meeting. The decision of the supervisor's superior is final.

106.07 Deadlines
Failure by the academic staff member to meet the deadlines established in the above sections shall be considered a waiver of the rights defined in those procedures, and the procedures will continue as outlined, except where the deadlines have been extended by mutual written consent.