

UW-GREEN BAY FACULTY SENATE DOCUMENTS - 1999-00

Number Name Approved	Date
99-1 Senate Resolution on the Report of the Task Force on the Compelling Idea: The University of Wisconsin-Green Bay Learning Experience 10/20/99	
99-2 Recommendation on Granting Fall 1999 Degrees 11/17/99	
99-3 Changes to the Code Governing Councils, UWGB Chapter 55 12/15/99	
99-4 Nominees for the 2000-01 Faculty Elective Committees 02/16/00	
99-05 Recommendation on Granting of Spring 2000 Degrees 04/19/00	
99-06 Change in Code Governing Grievances, Chapter 6.02 10(c) 04/19/00	
99-7 Employee Acknowledgement of Equal Opportunity Policy and Sexual Harassment Policy and sign-off forms 05/10/00	

REPORT OF THE TASK FORCE ON THE COMPELLING IDEA:**THE UNIVERSITY OF WISCONSIN-GREEN BAY LEARNING EXPERIENCE****Senate Resolution:**

In favor of enhancing the learning experience and securing the necessary resources to make that possible, the Faculty Senate endorses the Report of the Task Force on the Compelling Idea and approves the continued pursuit of the project.

It is understood that:

1. The endorsement of the Task Force Report on the Compelling Idea by the Faculty presumes a major initiative to secure the necessary resources to make the Idea possible. Should we fail as an institution to secure those resources, work on the Compelling Idea shall cease.
2. The all-university educational plans and curricular innovations we will develop and elaborate in pursuit of realizing the Compelling Idea will be subject to Faculty Governance review and final approval by the Faculty Senate.

UW-Green Bay Faculty Senate Senate Action Item #1

20 October 1999

Approved 10/20/99, Document #99-1

CHANGES IN THE CODE GOVERNING COUNCILS

UWGB CHAPTER 54

54.03 Functions of the Councils

A. Academic Affairs Council

1. Upon request of the appropriate Dean(s), the Academic Affairs Council shall provide the Provost/Vice Chancellor for Academic Affairs with its recommendation on the approval of all new programs or on modification to existing programs (majors and/or minors), and on all new credit courses or modifications to existing credit courses at both the undergraduate and graduate levels.
2. The Academic Affairs Council shall have the responsibility and authority for review of all credit courses and all academic programs at both the undergraduate and graduate levels. Its recommendations shall be forwarded to the Provost/Vice Chancellor for Academic Affairs for his/her action.
3. The Academic Affairs Council shall have the responsibility

for examining the interrelationships among program areas in the University and for overseeing for the faculty the total academic plan and its various programs and components. This examining and overseeing function shall include, but not be limited to, the reviewing of course titles and content for duplication, and the monitoring of records pertaining to enrollments in lower division courses, upper division courses, the graduate program, and career and adult education courses. The recommendations of the Council shall be forwarded to the Provost/Vice Chancellor for Academic Affairs for his/her action.

4. On its own initiative, or upon request of the University Committee, the Academic Affairs Council may advise the Faculty Senate about issues of educational policy and implementation that fall within the jurisdiction of the Faculty.

5. The Academic Affairs Council shall annually provide the Secretary of the Faculty and Academic Staff, for inclusion in the *Faculty Governance Handbook*, a current list of: 1) Interdisciplinary Units and 2) approved academic programs (including majors, minors, emphases, graduate programs, and certificate programs) and the Interdisciplinary Units responsible for them.

B. Personnel Council

1. The appropriate Dean(s) shall seek the advice of the Personnel Council whenever a candidate for appointment or promotion is to receive tenure.

2. The Council shall develop written criteria to be used in providing its advice.

3. On its own initiative, or upon the request of the University Committee, the Personnel Council may advise the Faculty Senate about issues of personnel policy and implementation that fall within the jurisdiction of the Faculty.

C. General Education Council

1. The General Education Council shall provide advice to the Provost/Vice Chancellor, Associate Deans, and Deans.

2. The General Education Council may establish sub-committees for each General Education program component without an otherwise established governance or administrative structure. Such sub-committees will have delegated responsibilities for curriculum development and regular course review.
3. Changes in General Education requirements may be initiated by the General Education Council, after consultation with the faculty groups and sub-committees affected, and are subject to approval by the Faculty Senate.
- 4. On its own initiative, or upon the request of the University Committee, the General Education Council may advise the Faculty Senate about issues of General Education requirements that fall within the jurisdiction of the Faculty.**

54.04 Joint Function of the Councils

- A. When appropriate, the Councils will meet jointly to consider matters of mutual interest.
- B. On their own initiative, or upon request, the joint Councils may advise on educational policy and its implementation.

54.05 Amendments

Amendments of this chapter are under the jurisdiction of the Faculty and must carry by a two-thirds majority of the Faculty Senate.

UW-Green Bay Faculty Senate Document #99-3

Approved, 15 December 1999

CHANGES IN THE CODE GOVERNING GRIEVANCES

UWGB CHAPTER 6

UWGB 6.02 Grievances

10. Any hearing held under this Chapter shall meet the following requirements:

c. The hearing body may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more members disqualify themselves or are disqualified, the ~~remaining members~~ University Committee ~~may~~ will select a number of other members of the faculty equal to the number who have been disqualified to serve on the hearing body for the purpose of that case only.

UW-Green Bay Faculty Senate Document

#99-6

Approved with change, 19 April 2000

EMPLOYEE ACKNOWLEDGEMENT OF THE UNIVERSITY OF WISCONSIN-GREEN BAY'S EQUAL OPPORTUNITY POLICY

I, _____, hereby acknowledge that the University of Wisconsin-Green Bay is an equal opportunity employer and that I have received a copy of the University's written Affirmative Action/Equal Opportunity Policy. I understand that it is the University's policy to make all employment decisions without regard to age, race, creed, color, religion, national origin, sex, disability, veteran status, marital status, or any other protected status in accordance with applicable federal state and local laws.

I also acknowledge that in furtherance of its goals of equal opportunities for all employees and applicants, the University of Wisconsin-Green Bay refuses to participate in any action which would require the University to discriminate against any individual because of that individual's membership in a protected class.

EMPLOYEE ACKNOWLEDGEMENT OF THE UNIVERSITY OF WISCONSIN-GREEN

BAY'S EQUAL OPPORTUNITY AND SEXUAL HARASSMENT POLICY

I, _____, hereby acknowledge that I have received copies of the University of Wisconsin-Green Bay's written Affirmative Action/Equal Opportunity Policy and Sexual Harassment Policy. I understand that the University affirms these policies and declares sexual harassment unacceptable, and considers violations of either of these policies to be conduct subject to disciplinary review and action.

Date Employee Signature

Date Witness Signature

PROPOSED PLAN FOR IMPLEMENTATION OF TRAINING FOR UNIVERSITY OFFICIALS ON SEXUAL HARASSMENT POLICY

The changes in the Sexual Harassment Policy dealing with personnel who have responsibility for dealing with sexual harassment complaints will require separate training for those officials in addition to the general sexual harassment training provided for all other University personnel.

Objective: To provide specific training on what constitutes sexual harassment and on handling complaints of sexual harassment for faculty and staff who have supervisory responsibility over employees/students of the University.

Definition of Supervisor: An individual qualifies as a “supervisor” if:

- a. The individual has authority to make or recommend tangible employment or academic decisions affecting the employee or student; *or*
- b. The individual has authority to direct the employee’s daily work activities.

(Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, Equal Employment Opportunity Commission Notice 915.002, 6/18/99)

Activities:

1. Receiving and Resolving Harassment Complaints – accomplished through lectures, discussion, videos to provide information, skills and learning tools that can create an environment of respect
2. Managing the Healing Process – deals with unresolved issues that need to be identified and resolved before work relationships can be healed; when to do a referral
3. Effective Intervention Techniques – deals with intervention skills which rely on effective communications, listening and coaching skills, respectful behavior toward the harasser, objective feedback and when to refer

4. Notification of Supervisors – deals with reporting lines for complaints

Materials: May include worksheets, handouts, videos

Session Length: Each initial session will be approximately 2-4 hours in length with annual updates from 1-2 hours, if needed.

Participants: All persons meeting the above definition of supervisor will be required to attend. Training sessions will be done with approximately 30-50 attendees per session.

When Held: Members of the campus community will be trained annually during August prior to the beginning of the academic year so as not to interfere with other scheduled meetings. Faculty will be trained at the beginning of the contract period.

Inability to Attend Scheduled Session: People who miss a session will be invited to attend another available session.

UNIVERSITY SEXUAL HARASSMENT GENERAL TRAINING

Objective: To provide general sexual harassment training focusing on legal issues, recognition of sexual harassment and what to do when one becomes aware of it.

Activities: Lecture, discussion, video training done by either internal or external trainer

Session Length: Approximately 1-2 hours

Participants: All University employees, with the exception of those designated as University officials who are trained at a separate session

When Held: May be held once per semester but at

Sexual Harassment Policy and Procedures

POLICY

Preamble

The mission of the University of Wisconsin-Green Bay requires the most profound respect for the free expression of ideas and opinion and the free pursuit of knowledge. This mission also requires a learning and working environment in which individuals are free from intimidation, exploitation, and coercion.

Therefore, in formulating a policy against sexual harassment the University of Wisconsin-Green Bay seeks to assure equal educational and employment opportunity for all people to study, teach, and work in this institution, now and in the future. The University does so not only to meet our legal and moral responsibilities as a university, but to proclaim as part of its educational commitment, its dedication to a society in which all people are free to study, learn, and pursue careers without fear, humiliation, and threats, and without discrimination or harassment.

Accordingly, in offering the following statement of policy, the University of Wisconsin-Green Bay affirms its commitment to equal educational and employment opportunity, and declares as unacceptable sexual harassment. In judging such unacceptable conduct, supervisors and review committees shall recognize the interest of the University to preserve and protect freedom of expression and inquiry.

Policy Statement

It is the policy of the Board of Regents of the University of Wisconsin System, consistent with its efforts to foster an environment of respect for the dignity and worth of all members of the university community, that sexual harassment of students and employees in the University of Wisconsin System is unacceptable and impermissible conduct which will not be tolerated.

It is the policy of the University of Wisconsin-Green Bay to provide an environment that is free from sexual harassment or any form of discrimination/harassment because such conduct seriously undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment.

This policy applies to all members of the University community and all members of the University community should report promptly complaints about sexual harassment. Persons found to be in violation of the sexual harassment policy may be subject to appropriate discipline, up to and including discharge.

Legal Authority

Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964, by Title IX of the Education Amendments of 1972, and by policy of the Board of Regents of the University of Wisconsin System. The University of Wisconsin-Green Bay's Equal Opportunity/Affirmative Action Policy also prohibits sex discrimination.

Definition

Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's education or employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare.

Or,

3. Such conduct has the purpose or effect of substantially interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive, or demeaning education or work environment.

A third party may also file a complaint under this policy if the sexual conduct of others in the education or work environment has the purpose or effect of substantially interfering with the third party's welfare, academic or work performance.

Examples of Prohibited Behavior

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

2. Threats or insinuations that a person's employment, wages, academic goals, promotional opportunities, classroom or work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
3. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene phone calls.
4. Sexually suggestive objects, pictures, videotapes, audio recordings or literature placed in the work or study area that may embarrass or offend reasonable persons applying contemporary community standards. Such material when used in an educational setting should be related to educational purposes.
5. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
6. Consensual sexual relationships where such relationships lead to favoritism of a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students and/or employees.

Responsibility

Individuals who are aware of or have experienced an incident of sexual harassment should promptly report the matter to one of the officials designated to receive informal or formal complaints. These officials are listed in **Procedures**.

Non-Reprisal/Retaliation

No faculty member, administrator or staff member, applicant for employment, student, or member of the public may be subject to restraint, interference, coercion or reprisal for action taken in good faith to seek advice concerning a sexual harassment complaint.

It is a violation of this policy for an employee to retaliate against another employee or student for any of the following reasons:

- 1) filing an informal complaint;
- 2) filing a complaint with the Affirmative Action Office;
- 3) assisting the Affirmative Action Office in the investigation of a complaint;
- 4) exercising the rights granted under the federal Family Medical Leave Act of 1993;
- 5) exercising the rights granted under the Wisconsin Medical Leave Act; or
- 6) filing a complaint with the U.S. Equal Employment Opportunity Commission, the Wisconsin Personnel Commission, Department of Education or the U.S. Department of Education Office of Civil Rights.

Malicious, False Accusations

A complainant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action which may include, but is not limited to, written warning, demotion, transfer, or suspension, and may include dismissal.

PROCEDURES

An initial course of action for any faculty member, staff member, or student who feels that he or she is being sexually harassed is for that person to tell or otherwise inform the harasser that the conduct is unwelcome and must stop. However, in some circumstances this course of action may not be feasible, may be unsuccessful, or the individual may be uncomfortable dealing with the matter in this manner. To encourage persons experiencing alleged sexual harassment to come forward, the University provides several channels of communication and both informal and formal complaint resolution procedures.

Information and Informal Resolution

Anyone may seek advice or information on matters related to sexual harassment without having to lodge a formal complaint. Persons who feel they are being harassed, or are uncertain as to whether what they are experiencing is sexual harassment, are encouraged to talk with any of the following specifically trained UW-Green Bay officials: deans, unit chairs, heads of administrative departments, or by the Special Assistant to the Chancellor for Affirmative Action, the Director of Human Resources, the Human Resource Manager, the Dean of Students, or any of the directors or professional staff members in the Dean of Student's area.

When an allegation of sexual harassment is made, UW-Green Bay's official will inform the complainant of (1) the University's responsibility to act once allegations of sexual harassment are in that official's knowledge, (2) the possible limitation on confidentiality that may result once the allegations have been made, and (3) the availability of a resource person (**Resource persons include the following:** the Special Assistant to the Chancellor for Affirmative Action, the Director of Human Resources, the Human Resource Manager, the Dean of Students or any of the directors or professional staff members in the Dean of Student's area.). UW-Green Bay's officials will also inform the Affirmative Action Officer of the complaint. At the option of the complainant, the resource person will be available to explain the complaint and investigation process and act as a source of information. The resource person will hold in confidence the fact that a complaint exists, and all communications with the individuals involved, except as necessary to resolve the complaint.

At this stage of the informal resolution process, alternatives for resolution will be explored with the complainant. Informal resolution may be attempted and, in the course of that attempt, the alleged offender and the administrator/ director/unit chair of the unit in which the alleged offender works or the Dean of Students may be contacted. The complainant seeking information and advice will be informed as to the options for action available under this policy. To the extent possible, information disclosed through this advising process will be held in confidence, unless and until the complainant agrees that additional people must be informed in order to facilitate a solution. The Affirmative Action Officer will have the discretion to determine when the situation warrants notification of an alleged offender. However, in the event that several complainants allege offensive conduct by one individual, the Affirmative Action Officer will talk with the alleged offender to indicate that allegations about his/her behavior have been received; to advise the alleged offender that additional allegations might result in the filing of a formal complaint by the Affirmative Action Officer; and to inform the alleged offender that such behavior, if found to be as the complainants described, could be defined as sexual harassment.

The aim of informal complaint resolution is not to determine whether there was intent to harass but to ensure that the alleged offending behavior ceases and that the matter is resolved promptly at the lowest possible level. No disciplinary action is taken in resolving informal complaints. UW-Green Bay's official will investigate and attempt to resolve the issues raised in the complaint in no more than 30 working days from the initial contact.

In no more than five (5) working days from the complaint resolution, the UW-Green Bay official handling the complaint shall provide written documentation informing the AA/EEO Office of the outcome.

A complainant must either exhaust the resolution procedure stated herein or withdraw his or her complaint from consideration under the informal complaint resolution procedure before filing a complaint with the AA/EEO Office.

Formal Complaint Resolution

The filing of a written complaint is required for the matter to be formally investigated and a determination made as to whether a violation of the University policy prohibiting sexual harassment has occurred.

Formal complaints of sexual harassment against a member of the faculty or staff are filed with the AA/EEO Office. Those wishing to bring a formal complaint of sexual harassment against a student should inform the Dean of Students. The Affirmative Action Officer or the Dean of Students after receiving the complaint will conduct a full, impartial, and timely investigation.

The Affirmative Action Officer or Dean of Students will provide the respondent with a written statement of the allegations, to which that individual will be required to respond in a timely manner. During the course of the investigation, the Affirmative Action Officer or Dean of Students will hear the complainant, the respondent, and witnesses identified by each party. To the extent possible, complaints will be handled confidentially, with the facts made available only to those who have a compelling need to know for purposes of investigation or resolution.

At the conclusion of the investigation of a complaint against a faculty or staff member, the Affirmative Action Officer will present to the Chancellor a written report which will include the allegations, the investigatory process, the evidence in the case, the persuasiveness of the evidence, the consistency of the testimony, and the credibility of the witnesses. If the Chancellor determines that there is a basis for disciplinary action against the employee or student, the following procedures will apply:

- (1) For faculty, either UW-Green Bay Chapter 4 or 6, Faculty Personnel Policy Procedures
- (2) For academic staff, UW-Green Bay chapter 6 or 8, Academic Staff Policies and Procedures
- (3) For classified employees, s.230.06(1)(6) and s. 730.34(1) Wis Stats, and applicable sections of collective bargaining agreements
- (4) For students, UW-Green Bay Chapter 17, Student Disciplinary Procedures.

Time Lines

A formal or informal complaint must be filed in the AA/EEO Office within **300 calendar days** of the last occurrence of the alleged discriminatory conduct or event. Using applicable legal principles, complaints may be filed in the AA/EEO Office beyond this period at the discretion of the Special Assistant to the Chancellor for Affirmative Action if the complainant can demonstrate a compelling reason for the delay.

Federal and state agencies have their own filing deadlines which may be shorter than the deadline provided in this policy. Filing deadlines of federal and state agencies are **not** extended by the filing of an internal complaint, *i.e.* external agency filing deadlines continue to run even though a complaint has been filed internally. Complainants should contact each agency for guidance. Upon the request of the complainant, the AA/EEO Office will provide the addresses and telephone numbers of external agencies responsible for enforcing federal and state laws and regulations prohibiting discrimination on the bases previously listed.

Transmittal of this Policy

Copies of this policy and procedures shall be included in all governance handbooks and distributed to each member of the University community. Annual training on sexual harassment is held for all members of the University community at various times during the year.