

HOW TO CONDUCT MEETINGS AND PERSONNEL REVIEWS

MEETINGS

1. WHO MUST GIVE NOTICE OF A MEETING?

Chairs or conveners of academic programs and campus elective and appointive committees are required by the Wisconsin Open Meeting Law to post notice of all meetings of their programs and committees at least 24 hours prior to the start of the meeting. Officially constituted subcommittees (those created by action of the body) and Search Committees must also post notice of meetings.

Search and Screen committee chairs and chairs of subcommittees formed by formal unit action do not need to inform the Secretary of the Faculty and Academic Staff (SOFAS) of meetings, but are obliged to post notice of meetings on the campus calendar. Search and Screen Committees should also post a local notice of meetings in the appropriate office area. All other subcommittees that are appointed by chairs or administrators are exempt from the Open Meeting Law.

2. HOW SHOULD NOTICE OF A MEETING BE GIVEN?

Academic governance units and campus-wide committees are required to send copy of agendas (preferably) or notice of meetings to the Secretary of the Faculty and Academic Staff for posting and inclusion in the program or committee file. Paper copy may be sent to the SOFAS in the Faculty and Academic Staff Governance Office (Cofrin Library 835). Electronic copy is acceptable (e-mail or Word for Windows attachment) and may be addressed to sofas@uwgb.edu.

This means 1) informing the Governance Office of the meeting agenda, date, time and place, and 2) posting the meeting on the University "Calendar of Events" that can be found on the UW-Green Bay home page or at <http://calendar.uwgb.edu>. Someone in every office area has been designated to post meetings on this calendar. Chairs should arrange postings with that person. The Governance Office also posts meetings for campus governance units and committees on the Bulletin Board outside CL 835 and places copies of agendas into unit and committee files. Sending an agenda more than 48 hours in advance is sufficient to assure posting. If you cannot give the Governance office 48 hours notice, you should call (x2211) to make sure the meeting is posted in timely fashion. In urgent cases a two-hour posting may meet the requirements of the law.

3. WHEN MAY A MEETING BE CLOSED?

Open meetings are the norm for all governmental bodies, including the University, in the State of Wisconsin. However State Statutes include exceptions that permit closed meetings under certain circumstances. In order to use these exceptions, however, the meeting must be properly noticed. That is, there must be a statement in the meeting's notice that explains the reason for going into closed session and cites the statute. In the example of a search committee, the following statement would be sufficient: "The committee may go into closed session pursuant to Wis. Stat. sec. 19.85(1)(c), (f) to discuss candidates' qualifications."

The most common exceptions allowing closed sessions within the university are:

- Section 19.85 (1) (b) for consideration of tenure, dismissal, demotion or discipline;
- Section 19.85 (1) (c) for consideration of employment, promotion, compensation or performance evaluation.
- Section 19.85 (1) (f) for consideration of financial, medical, social or other personal or work history.

Section 19.85 also allows closed meetings in other cases of a personal and confidential nature. If a proposed meeting does not appear to be included in these exceptions or if you wish to discuss the requirements to ensure understanding and compliance, feel free to contact the Secretary of the Faculty and Academic Staff or University Legal Counsel.

Please note that all meetings must begin in open session and require a majority vote of those present to move into closed session. Once in closed session the meeting may not reconvene in open session unless this possibility has been included in the notice. For example: "The committee will reconvene in open session to discuss planning and scheduling for future meetings." If the committee fails to provide notice that it plans to reconvene in open session following a closed session, it may not so do at that session.

It is also important to note when using 19.85 (1) (b) as the reason for a closed meeting that the statute specifies: "The notice shall contain the statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session." An evidentiary hearing is the portion of the meeting that takes place before final action is taken on the matter. Our own campus policy amended by the Faculty Senate on 2/18/04 (UWGB 3.08 pending Board of Regents' approval) also stipulates that "The faculty member under consideration has the right to attend reviews, whether open or closed."

4. RENEWAL, PROMOTION AND MERIT REVIEWS

The Secretary of the Faculty and Academic Staff will notify chairs of required dates for renewal and promotion reviews. Merit Review dates are set within the guidelines issued by the Provost/Vice Chancellor's Office and are announced in the annual Administrative Calendar. Everyone involved in personnel reviews should carefully read all the notice requirements for such reviews in the Faculty Handbook (UWGB 3.10).

5. HOW SHOULD UNITS AND COMMITTEES CONDUCT A MEETING?

a. Ensure that a quorum is present. For academic units and programs, a quorum is a simple majority of all members after subtracting anyone who is on leave or who has a halftime or more administrative assignment (University Committee interpretation of Code April 7, 2004). For committees, a quorum is a simple majority unless otherwise defined in code. In the absence of a quorum no business can be transacted. The only exception is that the chair may provide information without debate or discussion as long as the same information is made available without undue delay to the full membership.

b. Designate a secretary for the meeting. It is best to appoint a secretary for the entire year to maintain consistency of record keeping. Use an informal version of Robert's Rules of Order for motions and the orderly conduct of business. If the meeting includes members from outside the unit or if it is an executive committee meeting with untenured members attending, clarify who may participate and who may vote. If an item not on the agenda comes up for action or discussion, delay the item until the next meeting since Wisconsin Open Meeting Laws require prior notice for all business.

c. It is always wise for the Chair to have the Code present at meetings and to read aloud the relevant sections at the beginning of meetings involving merit, renewal and promotion reviews (UWGB Chapter 3 in the Faculty Handbook).

d. Although e-mail can provide valuable assistance to help units and committees prepare for its business meetings, care must be taken not to use electronic distribution as a substitute for in-person discussion and action. Electronic meetings are contrary to State statutes. Chairs need to exercise discretion in deciding what material distributed electronically is meant to help the unit discuss and take action when it meets. When the electronically distributed material becomes an extension of a meeting a line has probably been crossed.

6. WHAT TYPE OF MINUTES SHOULD BE KEPT AND WHAT SHOULD YOU DO WITH THEM?

Those present and absent should be recorded. The time of calling to order and adjournment should be recorded. Have the secretary for the meeting summarize the discussions and record, precisely, the motions and amendments noting who made the motions. The minutes are a place to record the business of the body, not to argue the merits of issues.

Sec. 19.88 (3) of the Open Meetings Law requires only that you keep a record of the motions and votes at each meeting (open or closed). Most units would find such lack of detail too restrictive for most business because minutes are a way of distributing information, but this is dictated by campus or unit policy not State statute. During personnel reviews (renewal, promotion and merit), we do recommend that you be very careful about the minutes. We believe that merit ratings and performance evaluations of individual faculty should not be included in the minutes of the executive committee. These ratings and performance evaluations would be included in the composite memo sent to the appropriate Dean(s). Individual performance reviews are placed in the individual's file not in the unit file. The unit file, however, should include minutes recording the body's actions.

If a meeting is properly closed under the Open Meetings Law, the minutes can be limited. For example, the minutes would state "the committee unanimously voted to go into closed session to consider a personnel matter, as permitted by Sec. 19.85 (1) (c) of the Wisconsin State Statutes." (See 4. below) If votes are taken during a closed session, the results of the voting must be announced at the meeting and recorded in the minutes. Once in closed session, the body may not reconvene in open session unless that possibility was included in the meeting notice.

Minutes as approved by the body should be distributed to all members of the unit, the Dean, others needing to know, and the Secretary of the Faculty and Academic Staff for inclusion in the unit or committee's official file. Executive committee minutes should be distributed to the entire unit membership, not just to the executive committee.

Drafts of minutes may be distributed to the body in electronic format. The best way to make them official is for the body to approve them at its next meeting. If there is a need for more rapid distribution of the minutes than waiting for the next meeting allows, it is permissible for the body to decide to consider the distributed draft approved by automatic consent if no changes are suggested to the secretary within a pre-determined, reasonable time.

7. HOW ARE VOTES TAKEN IN A MEETING?

- a. General votes: Votes are best taken by a show of hands and recorded by the secretary. Secret ballots are not permitted with the exception of votes for program chairs. It is best to avoid calls for a consensus even when the matter before the meeting seems non-controversial. This permits everyone a say by a show of hands.
- b. Election of the Academic Program Chair: The vote shall be by written ballot with the results counted and announced immediately at the meeting. The results of the vote, and the ballots, shall be transmitted to the appropriate Dean(s) for approval. The ballots should not be signed. Program chairs are elected by a simple majority of the total membership of the unit or program (UWGB 53.04 and 53.09). Official membership rosters for academic units and programs are maintained in the Governance Office.
- c. Renewal, Promotion and Merit Review votes: Votes may be taken by a show of hands and recorded by the secretary. Secret ballots are not permitted. ; If any member requests that the vote of each particular member be recorded the unit may use signed, written ballots to ascertain how each member voted. However, no secret ballot may be used to determine a decision of a governmental body, except for the election of officers of the body.

8. WHAT IS THE JURISDICTION OF UNIT FACULTY AND UNIT EXECUTIVE COMMITTEE?

The executive committee has the authority to make recommendations concerning appointments, dismissals, promotions and the salaries of its members. The code [UWGB 53.03 (B) and UWGB 53.13 (B)] states that the executive committee has the authority to

determine the internal affairs of the unit. This has been variously interpreted by units. Some executive committees assume authority over all recommendations; others open curricular and program matters to the jurisdiction of the faculty meeting as a whole. Since all meetings are announced and all meetings must be open (with the exceptions noted above), only budget and personnel matters need be the sole jurisdiction of the executive committee. The Secretary of the Faculty and Academic Staff recommends that all matters appropriate for open meetings be discussed by all faculty members, and that budget matters be voted upon by the executive committee meeting jointly with the full faculty. This may not be the tradition in your unit, and the code gives the executive committee the right to say what its authority will be beyond recommendations concerning personnel and budget. It would be quite wise for the executive committee to establish a written policy concerning its jurisdiction. Please remember that if you hold a full faculty meeting, all those with faculty status (minus those on leave or with greater than half-time administrative assignments) are included in the count when you determine whether a quorum exists.

In any case, all executive committee meetings must be announced to all members of the unit so anyone may attend these open meetings. Minutes of both the executive committee meetings and the full faculty meetings should be distributed to all members of the unit, the appropriate Dean(s) and the Secretary of the Faculty and Academic Staff.