



November 5, 2015

### **AAUP Statement on Developments in the University of Wisconsin System**

On July 20, the AAUP and AFT-Wisconsin released a joint statement condemning the attacks on tenure and shared governance in higher education that the Wisconsin Legislature included in its annual budget and in Act 55, which Governor Scott Walker signed into law. The two organizations called on the Wisconsin Board of Regents to move swiftly to put in place policies that meet AAUP standards and encouraged campus administrations to work through the appropriate faculty and academic staff governance bodies to promulgate these policies at the campus level.

In the wake of the law's passage, University of Wisconsin System (UWS) Regents and administrators assured faculty that although protections for tenure and shared governance had been removed from statute, these would be preserved in Board of Regents policy. As initial steps, the Board of Regents temporarily enshrined prior statutory language in policy; established a system-wide tenure task force to promulgate new tenure, layoff, and post-tenure review policies; and initiated a system-wide shared governance task force to promulgate new governance policy. However, despite the Board of Regents' initial actions, Act 55 made significant legislative changes that appear to seriously undermine shared governance, tenure, and academic freedom.

Even before these measures were signed into law the UWS administration contacted the AAUP to assure us that the Regents policy would follow our standards. The AAUP's Department of Academic Freedom, Tenure, and Governance also had an initial conversation with system administrators regarding AAUP standards, at which time the AAUP indicated our willingness to review any draft policies produced by the UW System and provide feedback. AAUP Executive Director Julie Schmid reiterated this message when she was in Wisconsin this fall, attended the UW System Tenure Task Force meeting, and met with Regent John Robert Behling, who is leading the task force.

Unfortunately, concrete measures taken so far by the Regents and administration provide little reason for optimism. The shared governance task force was disbanded soon after its founding. UWS leaders have yet to take up the AAUP's offer to review any draft policies. Most importantly, draft recommendations being circulated contain numerous examples of potential violations of AAUP-recommended policies and standards.

At the task force meeting attended by Executive Director Schmid, Regent Behling indicated that the system was likely to consider a policy similar to one in place at the University of Michigan. At the request of Regent Behling and UW Madison AAUP chapter President David Vanness, AAUP's Department of Academic Freedom, Tenure, and Governance provided an analysis of the University of Michigan's policy, which was

shared with our chapters at Madison, Milwaukee, and Whitewater, as well as with UWS administration and faculty senate leaders. As that analysis made clear, there are places where the Michigan policy falls short of AAUP standards. At that time the AAUP reiterated our willingness to review any draft Regents policies and to provide feedback to both the administration and faculty.

In September the UW Madison Faculty Senate released proposed layoff policies that fell short of AAUP standards in several critical respects. On November 2, the Madison Senate unanimously approved an amended policy that addressed some of these problems. However, the status of this policy remains unclear because system leaders have agreed that no campus policy will be implemented prior to the establishment of a system policy developed by the Regents task force in conformity with the new state law. Among the many legitimate questions being raised by faculty members in the UW System about the policy recommendations under consideration by the task force are serious concerns about proposals for post-tenure review. These could take this process from being developmental and faculty-driven to one by which institutions can too easily dismiss what they claim are “underperforming” tenured faculty.

The Association's existing policy on post-tenure review was approved by Committee A and adopted by the AAUP Council in November 1983. It states:

The Association believes that periodic formal institutional evaluation of each post-probationary faculty member would bring scant benefit, would incur unacceptable costs, not only in money and time but also in dampening of creativity and of collegial relationships, and would threaten academic freedom.

The Association emphasizes that no procedure for evaluation of faculty should be used to weaken or undermine the principles of academic freedom and tenure. The Association cautions particularly against allowing any general system of evaluation to be used as grounds for dismissal or other disciplinary sanctions.

The AAUP does not object to periodic evaluation of tenured faculty. Nor do we claim that tenure must be regarded as an indefinite entitlement. Tenured faculty are already subject to dismissal for incompetence, malfeasance, or failure to perform their duties, as well as on grounds of bona fide financial exigency or program termination. Rather, as we wrote in 1999,

the most objectionable feature of many systems of post-tenure review is that they ease the prevailing standards for dismissal and diminish the efficacy of those procedures that ensure that sanctions are not imposed for reasons violative of academic freedom.

This is one of our principal concerns about recommendations we have seen from Wisconsin.

The AAUP national staff and leaders remain ready, willing, and able to assist in any way that we can to ensure that the tenure, “financial crisis,” and post-tenure review policies in the University of Wisconsin comport with AAUP standards. We, however, remain doubtful that this can be fully achieved, given the challenging language in Act 55. And we are troubled by reports that some system or campus leaders may be indicating that they have been in “close consultation with the AAUP” or that their proposals already have AAUP’s imprimatur, when such claims are at best premature.