

The University of Wisconsin System
UNCLASSIFIED PERSONNEL GUIDELINE #5

SUBJECT: Authority to Approve Personnel Actions/Unclassified Recruitment and Selection

Issued: 01/05/77

Revised: 11/01/01

(Replaces September 1, 2000 Edition)

5.01 PURPOSE

Section 36.09(1)(e) Wis. Stats., authorizes the Board of Regents to appoint the requisite number of limited appointees, faculty, academic staff and other employees. Several Regent actions have served to delegate much of the appointment authority to the System President. Regent Policy 87-15, Revised June 9, 2000, (Resolution #8168) provides that:

"The System President of the University of Wisconsin System be authorized to approve, on behalf of the Regents, personnel actions involving staff in or for positions other than UW System senior executives (except as delegated under Regent Policy 94-4); and that the President be authorized to delegate such authority, with the following provisions:

That, prior to authorizing recruitment or promotion to fill any faculty, academic or limited staff position for which the planned rate of pay exceeds 75% of the salary of the UW System President, the President shall furnish the Board with a description of the position and a justification of the salary range and intended length of appointment assigned to it. Unless a Regent requests that the appointee be considered by the Board, the President may authorize recruitment and appointment."

This Regent policy was initially approved in 1973 following which the President issued a document delegating certain personnel action authority to the Chancellors up to 75% of the ESG 6 maximum. In February 1996, the President advised the Board of Regents of her intention to expand the delegated authority to 100% of the ESG 6 maximum. In March 1996, the Chancellors received delegation that provided: 1) Authorization to recruit for positions in which a tenure appointment may be involved, [Note: Appointments or changes of status involving tenure requires Board of Regents approval.] and, 2) Authorization to recruit for, appoint or change the salary of a position for which the current or proposed salary is at or below the maximum in Group 6 of the State Executive Pay Plan.

Effective June 27, 2000, the President amended the earlier delegation to the chancellors to provide new authority to approve personnel transactions in which the planned rate of pay does not exceed 75% of the salary of the UW System President except for senior executives covered by Regent Policy 94-4.

The following categorizations of review and approval authority for various types of personnel actions serve to affirm the delegation of such authority, where indicated, by the System President. These procedures apply to personnel actions, regardless of the source of funds supporting the salary, to be accomplished as a part of or separate from the annual operating budget process. Certain positions require "search and screen procedures" as outlined in Regent Policy 88-2. Creation of certain new administrative positions requires approval by the System President.

5.02 RELEASE OF NAMES OF APPLICANTS AND NOMINEES FOR UNCLASSIFIED POSITIONS

Section 19.36 (7) Wis. Stats. requires the release, upon request, of names of "final candidates" for appointment to any state unclassified position. Those nominees and applicants who request confidentiality shall have that request honored until and unless the nominee or applicant achieves "final candidate" status. Section 19.36(7)(a) and (b) Wis. Stats. defines "final candidate" as:

"... each applicant for a position who is seriously considered for appointment or whose name is certified for appointment and whose name is submitted for final consideration to an authority for appointment to any state (unclassified) position, ... 'Final candidate' includes, whenever there are at least 5 candidates for an office or position, each of the 5 candidates who are considered most qualified for the office or position by an authority, and whenever there are less than 5 candidates for an office or position, each such candidate. Whenever an appointment is to be made from a group of more than 5 candidates, 'final candidate' also includes each candidate in the group."

The Office of General Counsel recommends that in searches, "we should advise all nominees and applicants of the law and provide the opportunity to indicate, in writing, if they do not wish to have their identity revealed. We must also advise all nominees and applicants that if they agree to become a final candidate, that their identity must be revealed."

The following procedures should govern searches:

- Nominees and applicants should be: advised of the new law; provided the opportunity to indicate, in writing, if they do not wish to have their identity revealed; and, advised that if they agree to become a final candidate, that their identity must be revealed.
- Upon request, within two days of the published deadline date, or date of the request, whichever is later, the chair of the search and screen committee, or appointing official, should compile and release a combined list (in alphabetical order) of all nominees and applicants who did not object to revealing their identity. The list should carry the underlined language in the caption preceding the list.
- Ads should contain one of the following statements:

Nominees and Applicants, who have not requested in writing that their identity not be revealed, and all finalists names will be released upon request.

Under Wisconsin Statutes, we are required to provide a list of all nominees and applicants who have not requested in writing that their identity not be revealed. Persons agreeing to be final candidates will have their identity revealed as a final candidate.

- Ads which contain either of the above statements may have a "limiting effect" in attracting the widest possible pool of nominees and qualified applicants. As an alternative to using either statement in job advertisements and announcements, the search committee or person with hiring authority may send all nominees and applicants form letters attached as Exhibits A and B. Exhibit A is tailored to acknowledge the receipt of the application and to

communicate the essential statutory information. Exhibit B, when completed and returned to the search committee secretary or chair, meets the need for written confirmation of the nominee's or applicant's choice for confidentiality or disclosure of their identity, **and** acknowledgement of the fact that their identity will be made public upon request if they become a finalist. **No matter whether institutions elect to use this option or one of the job advertisement statements, search committees and hiring authorities must strictly adhere to the policy of notifying all nominees and applicants by sending them a form with the language in Exhibit B, which must be completed, returned, and retained as part of the search committee records.**

5.03 REVIEW AND APPROVAL PROCEDURES FOR ACCOMPLISHING PERSONNEL ACTIONS

The following procedures apply to regular and acting (interim) appointments unless otherwise noted.

(1) Chancellors

Regent Policy 88-2 (Attachment 1) sets forth the required procedure for selecting the UW System's highest ranking academic administrators.

- (a) Regent policy requires that: three to five Regents shall be involved in the selection process; the System President shall appoint a search and screen committee, the majority of which shall be faculty; the search and screen committee shall return a list of at least five names to the System President and a Special Regent Committee.
- (b) The appointment shall be made and the starting salary set by the Board of Regents upon the recommendation of the System President (Regent Policy 88-2 and 94-4). However, the System President is delegated the authority to make a base salary adjustment up to a specified level within 6 to 9 months of the date of hire.

(2) Senior Vice Presidents and Vice Presidents

- (a) Regent Policy 88-2 requires the System President to appoint an Advisory Committee upon indication of a vacancy in a Senior Vice President or Vice President position.
- (b) The System President shall make the selection and set the salary within the salary range established by the Board of Regents.

(3) Vice Chancellors and Campus Deans (UWC)

- (a) Vacancies at the Vice Chancellor (Deputy) will be reported to the System President and the Regents as they occur by submitting a Request for Authorization to Recruit - Format A (Attached), to permit the Regents to determine if they wish to have involvement in the latter stages of the selection process analogous to the involvement specified in Regent Policy 88-2 for other positions.
- (b) Requests to fill Vice Chancellor (Deputy) vacancies should be sent to the System Office of Academic Affairs for review and submission to the Board of Regents.

- (c) The Board of Regents shall establish the salary range for new Provosts/Vice Chancellors (Deputy) as provided in Regent Policy 94-4 through approval of the authorization to recruit. The President is delegated authority to set the salary at the time of hire within the salary range approved by the Board. Moreover, the President is delegated authority to make a base salary adjustment up to a specified level within 6 to 9 months of the date of hire.
 - (d) The President is delegated authority to authorize recruitment for Campus Dean vacancies. However, the appointment of a Campus Dean (UWC) shall be made by the Board of Regents.
- (4) Positions with the title of Dean (academic) or with a modified chancellor title
- (a) Creation of a new position with the title of Dean (academic) or with a modified "chancellor" title (e.g., Assistant Chancellor) requires advance authorization from the System President. Requests for Dean (academic) title should be sent to the System Office Academic Affairs. Requests for a modified chancellor title should be sent to the System Office of Human Resources.
- Regent Resolution #8167 (adopted June 9, 2000) delegates to the UW System President authority to assign officers with modified Chancellor and Vice President titles to salary range pursuant to the requirement of s.20.923(5) Wis. Stats. The President is directed to assign officer positions to salary ranges based on functions performed, scope of responsibility, span of institutional influence, inter-institutional equity and market factors. If an officer position is created or redesigned, the institution should advise the System Human Resource Office which will assign the position to a salary range. If a position becomes vacant and the duties remain unchanged, the position can be refilled under the range assigned with no further approval required.
- (b) Vacancies at the Dean (academic) level that exceed 75% of the UW System President's salary will be reported to the System President and the Regents as they occur (via Authorization to Recruit notice) to permit Regents to determine if they wish to have involvement in the latter stages of the selection process analogous to the involvement specified in Regent Policy 88-2 for other positions.
 - (c) Dean appointments in which the salary level will not exceed 75% of the UW System President's salary may be made by the Chancellor.
 - (d) Unless Regents elect to be involved in the selection, the Chancellor shall make the Dean (academic) appointment.
 - (e) Requests to change the Category A unclassified range assignment of filled or vacant position with a modified Chancellor title should be sent to the System Office of Human Resources for review and approval.

- (5) Positions in Which the Proposed Salary Exceeds 75% of the UW System President's salary.
- a) Prior to authorizing recruitment or promotion to fill any faculty, academic or limited staff position for which the planned rate of pay exceeds 75% of the salary of the UW System President, the President shall furnish the Board, for its approval, a description of the position, the intended length of appointment assigned to it, and a justification of the salary range (Format A). This justification must include comparable salary information from other institutions and comparable current salary information from the department or unit affected.
 - (b) In the event a Regent requests that the appointee be considered by the Board, appropriate procedures for Board involvement shall be established at that time.
 - (c) Unless Regents have requested involvement in the selection, the Chancellor shall make the appointment. The Board of Regents shall set the salary at the time of hire if the salary exceeds 75% of the UW System President's salary.
 - (d) Prior to approving annual pay plan increases for faculty, academic staff and limited staff members whose rate of pay exceeds 75% of the UW System President's salary, the President shall review the list of such increases with the Board of Regents and obtain its approval. Chancellors will submit the list of such increases through the System Budget Office in a timely manner to permit review by the System President prior to the Regent meeting.
 - (e) Excepted from the above requirements are: collateral faculty such as visiting faculty and clinical faculty; visiting instructional academic staff such as visiting lecturers; and, lecturers.
- (6) Positions in Which the Current or Proposed Salary is at or below 75% of the UW System President's Salary
- Pursuant to Regent Policy Document 87-15 (revised June 9, 2000), the President has received delegated authority from the Board of Regents to approve personnel transactions involving positions in which the salary does not exceed 75% of the salary of the UW System President except for senior executives covered by Regent Policy 94-4. Effective June 27, 2000, the President further delegated this authority to each Chancellor.
- (7) Granting of Tenure, Granting of Tenure in the Off-Budget Cycle, Authorization to Recruit for a Position in which a Tenure Appointment may be involved.
- (a) Except where this authority is delegated to the System President to approve conditional tenure appointments in the off-budget cycle, the granting of tenure by the Regents shall occur via annual budget action.

- (b) Authority to approve conditional tenure appointments in the off-budget cycle is delegated to the System President. Such requests to grant tenure should be accomplished by submitting all necessary documentation to the System Office of Academic Affairs.
- (c) As required under s.36.13 Wis. Stats. official tenure appointments shall be approved by the Board of Regents and is accomplished as part of the budget cycle (this includes final approval of conditional tenure appointments).
- (d) Conversions of academic staff to faculty under UWS 3.01 Wis. Adm. Code will be presented to the Board of Regents for approval with faculty promotions.

(8) Named Professorships

The Board of Regents has delegated to the President authority to approve named professorships, subject to final Board action (resolution 8457, effective October 5, 2001). This authority has not been delegated to the Chancellors. Requests to designate named professorships should be submitted to the Office of the President. The President will inform the Chancellor of her/his decision. Requests approved by the President will be reported to the Board to provide the Regents the opportunity to recognize individuals for whom named professorships are conferred.

(9) Other Appointments by the Board of Regents

Pursuant to s. 36.09(1)(e) Wis. Stats., the Board of Regents has authority to approve the appointment of: State Geologist; Director, State Laboratory of Hygiene; Director of the Psychiatric Institute; and, the State Cartographer (with the advice of the land information board). Under Regent Resolution 8457, adopted October 5, 2001 the Board delegated to the President the authority to authorize recruitment and appointment to these positions.

5.04 PERSONNEL ACTIONS DELEGATED TO THE CHANCELLOR

All personnel actions for which approval is not reserved to the System President and/or the Board of Regents, as described in this guideline or elsewhere in system policy, may be approved by the Chancellor of the institution in which the actions are proposed.

This delegation includes, for example: personnel actions for positions where the salary is at or below 75% of the UW System President's salary providing tenure is not involved and subject to System title and salary structure guidelines; off-cycle promotions not involving tenure; leaves of absence subject to limitations in Regent Policy 89-8; emeritus/emerita status designations other than for Chancellor; retirements regardless of salary, etc.

5.05 USE OF THE ANNUAL BUDGET PROCESS TO ACCOMPLISH PERSONNEL ACTIONS

The majority of personnel actions in the UW System are accomplished as a part of the annual budget process. Instructions issued for annual budget development will include reference to this guideline and information to facilitate appropriate Presidential and/or Regent review and approval will be collected on separate forms (e.g., new appointments, change of status, including initial tenure designations) or derived from institution submissions (e.g., actions involving salaries above 75% of the salary of the UW System President).

5.06 SELECTION OF CHANCELLORS

Selection of the chancellor by the System President and the Board of Regents shall be pursuant to a search and screen procedure involving the faculty, academic staff, students and administrators of the affected institution as defined by board policy (See Attachment 1). The procedures shall be consistent with board policy and state and federal laws with respect to non-discriminatory and affirmative action recruitment. The System equal employment opportunity officer will be responsible for overseeing the recruitment process.

5.07 SELECTION OF TEACHING ASSISTANTS

In December 1991, the Board of Regents adopted Regent Resolution #5977 as the System policy for the selection, training and evaluation of teaching assistants. Accordingly, the Board of Regents delegated the selection of teaching assistants to the institutions under the following terms:

- The institution must establish minimum standards and guidelines for selecting teaching assistants.
- Non-native English speakers will not be assigned classroom duties as teaching assistants until proficiency in spoken English is demonstrated.
- Institutions may determine whether establishing appointment criteria are best carried out at the departmental, college or institutional level.