



Office of General Counsel

1852 Van Hise Hall
1220 Linden Drive
Madison, WI 53706
(608) 262-2995
(608) 263-3487 Fax
email: counsel@uwsa.edu
website: <http://www.wisconsin.edu/general-counsel/>

Tomas L. Stafford
Anne E. Bilder
Noah Brisbin
Wade Harrison
Erin E. Kastberg
Jennifer Sloan Lattis
Matthew J. Lind

Writer's Direct Line:
(608) 262-0747
Writer's E-mail:
jlattis@uwsa.edu

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Laura Anderson
UW-Platteville Faculty Senate Chair
andersla@uwplatt.edu

Re: Dr. Sabina Burton

Dear Dr. Anderson:

You have asked me to address Dr. Burton's question regarding whether Chancellor Shields' charging statement (attached here) complies with Wis. Admin. Code UWS § 4.02(2) which provides that:

Any formal statement of specific charges for dismissal sent to a faculty member shall be accompanied by a statement of the appeal procedures available to the faculty member.

The only "appeal" from a statement of charges that is provided for in chapter UWS 4 is the right to a hearing on the charges set forth in § UWS 4.04. The charging statement provided to Dr. Burton provided her with notice of her right to hearing notice on page 5. In addition, Dr. Burton has, several times throughout this process, been provided with a copy of UWS chapter 4.

Traditionally, the term "appeal" refers to the right to seek review from a higher court of a final decision. In the administrative law context, though, "appeal" has taken on a looser meaning and often refers simply to the next step in the process. This is the only reasonable reading of the term as it is used in § UWS 4.02(2) because the Board of Regents is the only body with authority to dismiss a tenured faculty member, *see* § UWS 4.01(1), and theirs is the only "decision" from which any traditional appeal could be taken. However, the placement of the term in § 4.02(2) suggests that the requirement does not refer to notice of rights regarding appeal from the Board's decision.

Additionally, the notice requirement in § 4.02(2) cannot be read to create rights of appeal that do not otherwise exist in the administrative code.

Thank you for affording me the opportunity to address this question. I have not copied Dr. Burton because I believe her to be represented by an attorney, but I understand that you will share this with her.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Sloan Lattis". The signature is written in a cursive, flowing style.

Jennifer Sloan Lattis
Deputy General Counsel
Wisconsin State Bar No. 1000387