

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

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In the matter of

Assistant Professor Philip Siegel

REVIEW OF RECOMMENDATION FOR  
DISMISSAL

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FINAL DECISION

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Statement of the Case

This matter is before the Board of Regents of the University of Wisconsin System ("Board") on the recommendation of UW-Eau Claire (UWEC) Chancellor Brian Levin-Stankevich that Dr. Philip Siegel ("Dr. Siegel"), an assistant professor in the UW-Eau Claire Accounting and Finance Department, be dismissed for cause from the faculty.

Any person having a probationary faculty appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and opportunity for hearing. UWS 4.01, Wis. Admin. Code; s. 36.13(5), Wis. Stats. The decision of the Board with respect to such matters is final, subject only to judicial review under Wis. Stat. ch. 227.

Whenever the chancellor of an institution within the University of Wisconsin System receives a complaint against a faculty member which the chancellor deems substantial and which, if true, might lead to dismissal of the faculty member, the chancellor shall within a reasonable time initiate an investigation. UWS 4.02(1). On September 9, 2008, Dean Thomas Dock filed a complaint with Chancellor Levin-Stankevich alleging that Dr. Siegel failed to report to work at the beginning of the fall 2008 semester, as required by his contract. Chancellor Levin-Stankevich deemed the complaint substantial and sufficient to support termination for

cause if true, and accordingly initiated an investigation. Chancellor Levin-Stankevich offered Dr. Siegel the opportunity to meet with him informally to discuss the matter as provided for in UWS 4.02(1). Dr. Siegel did so by telephone on September 11, 2008.

UWS 4.02(1) provides that a faculty member may be dismissed only after receipt of a written statement of specific charges from the chancellor as the chief administrative officer of the institution. On September 16, 2008, Chancellor Levin-Stankevich served formal written charges against Dr. Siegel seeking his dismissal. The formal statement of charges was properly served on Dr. Siegel via certified mail as provided for in UWS 4.02(3). In the written notice and statement of charges sent to Dr. Siegel, Chancellor Levin-Stankevich, in compliance with UWS 4.02(2), advised Dr. Siegel of the appeal procedures available to him, including his right to a hearing before the UWEC Faculty Termination Review Committee. However, Dr. Siegel did not request a hearing or otherwise respond to Chancellor Levin-Stankevich's letter.

If a faculty member does not request a hearing on the charges for dismissal, UWS 4.02(1) provides that "action shall proceed along normal administrative lines, but the provisions of ss. UWS 4.02, 4.09, and 4.10 shall apply." UWS 4.08(3) further states, "If a faculty member whose dismissal is sought does not request a hearing pursuant to s. UWS 4.04 the board shall take appropriate action upon receipt of the statement of charges and the recommendation of the chancellor."

Chancellor Levin-Stankevich submitted the statement of charges and his recommendation for dismissal through the UW System President to the Board of Regents for formal action as provided in UWS 4.08(3). Regent President Mark Bradley referred the matter to the Personnel Matters Review Committee ("PMRC") for its recommendation to the full Board. On January 27,

2008, the PMRC reviewed the matter and unanimously recommended that the Board accept Chancellor Levin-Stankevich's dismissal recommendation.

#### Findings of Fact<sup>1</sup>

1. Dr. Siegel is an assistant professor in the Department of Accounting and Finance in the UW-Eau Claire College of Business.
2. Dr. Siegel was hired as a full-time probationary faculty member on November 14, 2007 for the 2008-09 and 2009-10 academic years.
3. Dr. Siegel's employment began on August 18, 2008, the first day of all faculty contractual periods at UWEC in 2008.
4. Dr. Siegel did not report to work on August 18, 2008, and as a result, missed mandatory faculty meetings of the College of Business.
5. Dr. Siegel did not notify the Department or the College of his inability to report to work.
6. On August 21, 2008, College of Business Dean Thomas Dock notified Dr. Siegel that he considered his failure to report to work as required to be unacceptable, and that he considered Dr. Siegel's contract terminated.
7. In an email message of August 22, 2008 to Dean Dock, Dr. Siegel claimed that he had notified the Department of Accounting and Finance office and the Department Chair D'Arcy Becker that he would not attend the College of Business meetings.
8. During his telephone conversation with Chancellor Levin-Stankevich on September 11, 2008, Dr. Siegel again claimed that he had emailed notification to the Department of Accounting

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<sup>1</sup> Conforming to the Bylaws of the Board of Regents, Chapter III, Section 6, stating that Board review "shall be conducted upon the record of the matter created at the institutional or administrative level," all facts have been taken from the institutional record provided by Chancellor Levin-Stankevich.

and Finance that he would not be reporting for work on August 18, 2008. The Chancellor requested copies of the emails, but Dr. Siegel refused to provide them.

9. Dr. Siegel did not report to work at any time subsequent to August 18, 2008. Dr. Siegel has not received any compensation from UWEC.

#### Issue

Chancellor Levin-Stankevich has recommended that Dr. Siegel be dismissed for cause from his faculty position. Accordingly, the issue before the Board is whether Chancellor Levin-Stankevich has presented sufficient evidence to meet his burden of proving that Dr. Siegel engaged in conduct that supports dismissal for cause.

#### Discussion

Dr. Siegel failed to report for work as required by his employment contract. This represents a fundamental failure to meet contractual obligations. Moreover, despite ample opportunity, Dr. Siegel was unable or unwilling to substantiate his claim that he notified his supervisors of his absence in advance. Dr. Siegel's conduct impaired his job performance and the efficiency of the Department of Accounting and Finance, and is therefore just cause for dismissal. *Safransky v. Personnel Board*, 62 Wis. 2d 464, 215 N.W.2d 379 (1974).

#### Conclusions of Law

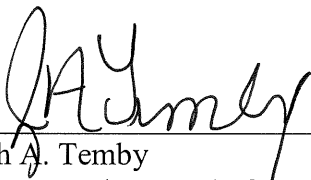
1. Dr. Siegel has been afforded the due process and procedural guarantees required by the Wisconsin Administrative Code, Chapter UWS 4.

2. Just cause for the dismissal of Dr. Siegel from his position as assistant professor in the UW-Eau Claire Department of Accounting and Finance has been established based on the record before the Board. *Safransky v. Personnel Board*, 62 Wis. 2d 464, 215 N.W.2d 379 (1974) (“just cause” exists when the individual’s conduct reasonably can be said to have a tendency to impair the individual’s job performance or the efficiency of the group with which he works).

Order

For the foregoing reasons, the Board accepts Chancellor Levin-Stankevich's recommendation and dismisses Dr. Siegel from his position as an assistant professor at UW-Eau Claire effective February 6, 2009, the date of this decision. This decision may be judicially reviewed by filing a petition for review in the appropriate circuit court, as specified in s. 227.53(1)(a)(3), Wis. Stats., within 30 days of the mailing of this order, and must name as party respondent the Board of Regents of the University of Wisconsin System.

This the 6 day of February, 2009.

  
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Judith A. Temby  
Secretary to the Board of Regents