

Chapter 36 Provisions That Would Be Created, Modified, or Maintained Unchanged Under the Bill

Under current law, Chapter 36 of the statutes governs the operations of the UW System. The previous section described the provisions included in Chapter 36 that would be modified or deleted under the bill. This section describes the contents of that Chapter as modified by the bill and includes the provisions that would be created, modified, or maintained unchanged under the bill. The proposed or current law statutory section or subsection for each provision is shown for reference. The page and item numbers refer to the location of the provisions in this document where applicable.

Under the bill, Chapter 36 would be retitled "University of Wisconsin System Authority" and would consist of the following:

Statement of purpose and mission [s. 36.01]. (*Modified by the bill.*) This section is summarized in item #3 on page 471 and item #6 on page 473.

University of Wisconsin System Authority creation; organization [s. 36.02]. (*Created by the bill.*) Creates the UW System Authority as a public body corporate. The remainder of the section is summarized in item #4 on page 471.

Definitions [s. 36.05]. (*Modified by the bill.*) Under the bill the current law definitions of the following would be retained: campus, college campus, institution, system, university, and University of Wisconsin Colleges. The bill would create the definition of "Authority" to mean the UW System Authority and modify existing definition to reflect the creation of the Authority. The remainder of the changes to this section are summarized in item #61 on page 497 except that the definition of mainframe would also be deleted.

General responsibilities [s. 36.11(1c)]. (*Modified by the bill.*) This subsection is summarized by item #5 on page 472 and specifies general responsibilities of the Board.

Institutions and college campuses [s. 36.11(1g)]. (*Modified by the bill.*) This subsection is summarized by item #7 on p. 473.

Fiscal management [s. 36.11(1L)]. (*Modified by the bill.*) This subsection is summarized by item #12 on p. 476.

Bonds [s. 36.11(1p)]. (*Created by the bill.*) This subsection is summarized by item #37 on page 486.

Personnel [s. 36.11(1t)]. (*Modified by the bill.*) This subsection is summarized by items #21 and #22 on page 480. In addition, the following current law language would be retained: "The board may not use or allow any sectarian or partisan tests or any test based upon race, religion, national origin, or sex in the appointment of employees."

Powers and duties of the Board of Regents [s. 36.11(1x)].

Rules. (Maintain current law.) Maintains current law permitting the Board to promulgate rules as described in (a) and (b) of the first paragraph of item #9 on page 474 and requiring the Board to promulgate rules as described in the second sentence of item #9 on page 474. In addition, maintain current law specifying that the penalty for the violation of a rule promulgated under (a) be not more than \$500, 90 days imprisonment, or both. Maintain current law permitting the Board to sue for forfeitures for violations of rules promulgated under (b) and limiting those forfeitures to \$500. Maintain current law specifying that penalties and forfeitures for violations of rules promulgated under (a) and (b) by the Board of Regents be paid to the appropriate county treasurer who would then transmit the penalties and forfeitures, less 10%, to the Secretary of the Department of Administration.

Ability to hold, sell, and lease property. (Modified by the bill.) This subsection is summarized in item #36 on page 486 and the second sentence of item #41 on page 488.

Police authority [s. 36.11(2)]. *(Maintain current law.)* Maintains current law granting the Board concurrent police power over all property subject to its jurisdiction, requiring campus police to cooperate with and be responsive to local police authorities, and permitting designated agents of the Board to arrest persons on property under the Board's jurisdiction who they have reasonable grounds to believe have violated a state law or any rule promulgated by the Board. Current law permitting the Board to employ police and police chiefs would also be maintained.

Admission of applicants [s. 36.11(3)]. *(Maintain current law.)* Maintain current law requiring the Board to establish admissions policies and each institution to establish specific requirements for admission to its courses of instruction. Maintain current law specifying that no sectarian or partisan tests or any tests based upon race, religion, national origin of U.S. citizens or sex shall ever be allowed in the admission of students thereto.

Transfer of credit. (Maintain current law.) Maintain current law requiring the Board to establish policies for the transfer of credits between UW institutions and with other educational institutions outside of the UW System subject to the core general education courses transfer agreement with the Wisconsin Technical College System (described below).

Computer-based credit transfer system. (Maintain current law.) Maintain current law requiring the Board to establish and maintain a computer-based credit transfer system that shall include, but not be limited to, the following: (a) all transfers of credit between institutions within the system; (b) program-specific course requirements in the system; (c) technical college collegiate transfer program offerings; (d) the courses for which the transfer of credits is accepted under par. (b) or (c); and (e) core general education courses that are subject to the core general education courses transfer agreement (described below).

Injunctive relief [s. 36.11(4)]. *(Modified by the bill.)* Modified as described in the second sentence of the last paragraph of #9 on page 475. Under the bill, this section would read as follows: "The board may obtain injunctive relief to enforce this chapter or any rules promulgated or policies and procedures adopted under this chapter."

Insurance [s. 36.11(5)]. *(Modified by the bill.)* Modifies current law to permit the Board to procure liability insurance covering the members of the Board, any officer, employee, or agent, or such students whose activities may constitute an obligation or responsibility of the system and to procure insurance against any loss in connection with the Authority's property and other assets. In addition, the bill would modify current law to permit the Board to procure insurance to cover injuries sustained by students as a result of their participation in intercollegiate athletics. With respect to any of the risks to be covered by the insurance, the board may contract for the services of a claims administrator and may obtain coverage by any combination of self-insurance, excess or stop-loss insurance or blanket insurance.

Grant formula [s. 36.11(6)]. *(Maintain current law.)* Maintains current law requiring the Board to develop and submit a proposed formula for the Wisconsin Grant program to the Higher Educational Aids Board by April 10 of each year.

Confer degrees [s. 36.11(7)]. *(Maintain current law.)* Maintains current law permitting the Board to confer such degrees and grant such diplomas as are usual in universities or as it deems appropriate.

Parking rules [s. 36.11(8)]. *(Maintain in part, modify in part.)* Maintains current law permitting the Board to make general policies regulating the parking of motor vehicles on property under the Board's jurisdiction and requiring the Board to authorize the chancellors to adopt rules regulating parking on property under their jurisdiction. Modifies current law as described in the second paragraph and the last sentence of the first paragraph of item #10 on page 475 such that the Board would be required to establish fines for the violation of parking rules and the institutions would be authorized to collect parking fines and other parking fees and to sell parking permits.

Condemnation [s. 36.11(9)]. *(Maintain current law.)* Maintains current law permitting the Board to acquire by condemnation parcels of land it deems necessary for the use of any institution whenever the Board is unable to agree with the owner on compensation, the owner is absent or incapacitated, or some other cause prevents or unreasonably delays the acquisition.

University fund [s. 36.11(10)]. *(Maintain current law.)* Maintains current law permitting the Board to expend such portion of the income of the university fund on or at the University of Wisconsin-Madison as is appropriated by the Legislature for the erection of buildings and the purchase of equipment or books.

Commencement of fall semester [s. 36.11(16)]. *(Maintain current law.)* Maintains current law requiring the Board to ensure that no fall semester classes at any institution, except medical school classes and 4th year classes at the school of veterinary medicine, commence until after September 1.

Lease with state [s. 36.11(27m)]. *(Created by the bill.)* Summarized in item #2 on page 470.

Lease and affiliation agreements with the UW Hospital and Clinics Authority [s. 36.11(28) and (28m)]. *(Modified by the bill.)* Summarized in item #41 on page 488.

Other agreements with the University of Wisconsin Hospitals and Clinics Authority [s. 36.11(29)]. (*Maintain in part, modify in part.*) Maintains current law permitting the Board to enter into joint purchasing contracts and other contracts, rental agreements and cooperative agreements and other necessary arrangements with the University of Wisconsin Hospitals and Clinics Authority. The bill would modify this current law provision to delete a reference to a provision under the Department of Administration that would not apply to the UW System Authority.

Armed forces [s. 36.11(47)]. (*Clarifies current law.*) Clarified as summarized in item #64 on page 498. This section would read as follows: If a student who is a member of a national guard or a member of a reserve unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state active duty or into active service with the U.S. armed forces for at least 30 days, the board shall reenroll the student beginning in the semester in which he or she is discharged, demobilized, or deactivated from active duty or the next succeeding semester, whichever the student prefers, shall give the student the same priority in registering for courses that the student would have had if he or she had registered for courses at the beginning of the registration period, and, at the student's request, do one of the following for all courses from which the student had to withdraw: (a) reimburse the student all tuition and fees paid for all the courses and a prorated portion of room and board payments; or (b) grant the student an incomplete in all the courses and permit the student to complete the courses, within 6 months after leaving state service or active service, without paying additional tuition or fees.

Service members; priority registration [s. 36.11(47m)]. (*Maintain current law.*) Maintains current law requiring the Board to give priority in registering for courses to any person who has served or is serving on active duty under honorable conditions in the U.S. armed forces, in forces incorporated as part of the U.S. armed forces, in the national guard, or in a reserve component of the U.S. armed forces.

Reserve officer training corps [s. 36.11(50)]. (*Maintain current law.*) Maintains current law prohibiting the Board from allocating state general purpose revenue for the operation of a UW institution or UW Colleges campus that prohibits the reserve officer training corps from operating on its campus.

Midwestern higher education compact dues [s. 36.11(52)]. (*Maintain current law.*) Maintains current law requiring the Board to make full annual payments of membership dues to the Midwestern Higher Education Compact.

Classified research [s. 36.11(55m)]. (*Maintain in part, modify in part.*) Maintains current law except that under (e), the process would no longer be approved by the chancellor in consultation with the faculty. Under the bill the Board could accept research contracts involving government security classifications or other similar restrictions on participation in research or access to or dissemination of research results, if all of the following are satisfied: (a) the research furthers national security interests; (b) the educational interests of all participating students are adequately protected; (c) appropriate facilities, infrastructure, and administrative resources are available for the research, either on campus or at off-campus locations; (d) the sponsors of the research cover all additional costs associated with the security requirements of the research; and

(e) the conditions for accepting the contracts and conducting the research are established pursuant to a process approved by the chancellor of the institution at which the research is to be conducted.

Travel policies [s. 36.11(56)]. (*Maintain current law.*) Except to delete the effective date of July 1, 2013, maintain current law requiring the Board to establish travel policies for UW System employees and a schedule for the reimbursement of UW System employees for travel expenses.

Payments for deposit into the Medical Assistance Trust Fund [s. 36.11(59)]. (*Modified by the bill.*) Summarized by item #8 on page 461.

Student discrimination prohibited [s. 36.12]. (*Maintain current law.*) Maintains current law specifying that no student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status. Maintains current law requiring the Board to direct each institution to establish policies and procedures to protect students from discrimination and specifying that these policies and procedures do all of the following: (a) provide criteria for determining a student has been discriminated against; (b) provide remedies and sanctions for instances of discrimination; (c) require a complainant to file a complaint with the institution within 300 days of the alleged discrimination; and (d) provide periods within which the complainant and the institution must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the chancellor of the institution. Maintain current law requiring the Board to establish policies and procedures for the appeal of the chancellor's or dean's decision to the Board.

Conflict of interest [s. 36.23]. (*Modified by the bill.*) Modify current law to prohibit a member of the Board or other person appointed or employed by the Board from at any time acting as agent for any person or organization where such act would create a conflict of interest with the terms of the person's service in the UW System. Modify current law to require the Board to define conflicts of interest and adopt policies and procedures related thereto.

Wisconsin residents preference in housing [s. 36.25(2)]. (*Maintain in part, modify in part.*) Modify current law to permit the Board to adopt policies and procedures instead of promulgate rules to give preference to Wisconsin resident students who apply before March 15 in rooming, boarding, and apartment facilities operated by a UW institution. Maintain current law specifying that such preference be granted in accordance with categories of priority established by the Board and that leases or other agreements for occupancy of such living units cannot exceed a term of one calendar year.

Geological and natural history survey [s. 36.25(6)]. (*Maintain current law.*) Maintains current law related to the geological and natural history survey.

Psychiatric research institute [s. 36.25(12)]. (*Maintain in part, modify in part.*) A provision would related to the psychiatric research institute would be modified as summarized in item #58 on page 496. The remainder of the language related to the psychiatric research institute

would be retained unchanged.

State cartographer [s. 36.25(12m)]. *(Maintain current law.)* Maintains current law related to the state cartographer.

University of Wisconsin Hospitals and Clinics [s. 36.25(13g)]. *(Maintain current law.)* Maintains current law requiring the Board to maintain, control, and supervise the University of Wisconsin Hospitals and Clinics in the event that the on-campus facilities are transferred to the Board.

Child care centers [s. 36.25(26)]. *(Maintain current law.)* Maintains current law permitting a UW Colleges campus to establish a child care center.

Tuition, Board of Regents to establish [s. 36.27(1) and (2)]. *(Maintain current law.)* Maintains current law permitting the Board of Regents to establish for different classes of students differing tuition and fees incidental to enrollment in educational programs or use of facilities in the system. Maintain current law specifying that the Board may charge nonresident tuition to students who are not exempted from such tuition as provided in current law. Maintain current law permitting the Board to establish special rates of tuition and fees for the UW-Extension and summer sessions and such other studies or courses of instruction as the Board deems advisable.

In addition, maintain current law requiring the Board to permit a person who is 60 years of age or older to audit a course without paying an auditor's fee if the person is a resident of this state, space is available in the course, and the instructor approves.

Remissions [s. 36.27(3m),(3n),(3p), and (3r)]. *(Maintain current law.)* Maintains current law requiring the Board of Regents to grant remissions to the following students: (1) the children and surviving spouses of ambulance drivers, correctional officers, fire fighters, emergency medical services technicians or law enforcement officers who were killed in the line of duty in this state or who qualified for a duty disability benefit and died as a result of the qualifying disability; (2) the children and surviving spouses of deceased or disabled veterans; and (3) veterans. Eligibility for these tuition remissions is described in the Legislative Fiscal Bureau's January, 2015, Informational Paper #34 "Student Financial Aid" beginning on page 24. In addition, the Board would continue to be required to grant a remission of \$25 for each valid voucher issued to an undergraduate student for sounding "Taps" at the funeral of a veteran.

Segregated fees [s. 36.27(6)]. *(Maintain current law.)* Maintains current law requiring the Board to ensure that segregated fees are used only for the purpose for which they are charged. Maintain current law permitting the Board to provide students with the opportunity to pay an additional fee to support an inter-institutional student government organization and prohibiting the Board from requiring students to pay such a fee.

Minnesota-Wisconsin student reciprocity agreement [s. 36.27(7)]. *(Modified by the bill.)* Summarized by item #27 on page 467.

Sick leave [s. 36.30]. *(Modified by the bill.)* Modify current law to specify that sick leave

for UW employees would be regulated by policies and procedures of the Board.

Coordination with other educational agencies [s. 36.31]. *(Maintain current law.)* Maintain current law prohibiting the Board from broadening the UW System's post-high school training mission to include the preparation of persons for semiprofessional or skilled-trade occupations without the approval of the Wisconsin Technical College System (WTCS) Board. Maintain current law prohibiting the WTCS Board from broadening its collegiate transfer program offerings without the approval of the Board of Regents. Maintain current law permitting the WTCS Board, in agreement with the Board, to designate courses other than those covered above as transferable for collegiate credit between the two systems.

Core general education courses transfer agreement. (Maintain current law.) Except for deleting a reference to a provision that would be deleted under the bill, maintain current law created by 2013 Act 20 that requires the Board of Regents and the Wisconsin Technical College System Board to enter into an agreement that identifies a minimum of 30 credits of core general education courses that are transferable within the institutions and colleges of the two systems and would satisfy general education requirements at the receiving institution and college. This section is summarized in item #17 on page 743 of the Legislative Fiscal Bureau's "2013-15 Comparative Summary of Provisions of 2013 Act 20."

Power to suspend and limit access [s. 36.35]. *(Maintain in part, modify in part.)* Maintain current law permitting the Board to delegate the power to suspend or expel students for misconduct or other cause prescribed by the Board. Modify current law to require the Board to adopt policies and procedures, instead of promulgate rules, governing student conduct and the administration of violations.

Authority to restrict presence of persons on campus. (Maintain current law.) Maintain current law permitting the chancellor of each institution or the chief security officer thereof during a period of immediate danger or disruption to designate periods of time during which the campus and designated buildings and facilities connected therewith are off limits to all persons who are not faculty, academic staff, employees, students or any other personnel authorized by the above named officials. Maintain current law specifying that any person violating such order would be subject to the penalties provided by law for criminal trespass.

Requiring permission for presence on campus. (Maintain current law.) Maintain current law specifying that any person who is convicted of any crime involving danger to property or persons as a result of conduct by that person which obstructs or seriously impairs activities run or authorized by an institution and who, as a result of such conduct, is in a state of suspension or expulsion from the institution, and who enters property of that institution without permission of the chancellor of the institution or the chancellor's designee within 2 years, may for each such offense be fined not more than \$500 or imprisoned not more than 6 months, or both.

Accommodation of religious beliefs [s. 36.43]. *(Maintain in part, modify in part.)* Modify current law to permit the Board to adopt policies and procedures instead of promulgate rules to provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements. Modify current law to require that the policies and procedures, instead of rules, include all of the following: (a) written and

timely notification of all students and instructors of the policies and procedures and complaint process; (b) a means by which a student can conveniently and confidentially notify an instructor of potential conflicts; (c) a means by which a student is permitted to make up an examination or academic requirement at another time or by an alternative means without any prejudicial effect; and (d) a procedure for handling and resolving complaints within each institution.

License plate scholarship programs [s. 36.44]. (*Maintain current law.*) Maintain current law requiring the Board to establish license plate scholarship programs at each UW institution other than the UW Colleges and UW-Extension. Scholarships granted through these programs are funded with additional fees collected by the Department of Transportation related to University of Wisconsin special group license plates.

Nutritional improvement for elderly [s. 36.51]. (*Maintain current law.*) Maintain current law permitting any college campus or institution to establish a system to provide the opportunity for authorized elderly persons to participate in its meal program if approved to do so by the Board.

Telecommunications and information technology services [s. 36.585]. (*Maintain in part, modify in part.*) Maintain current law providing that the Board may use telecommunications services procured by the Board only for the purpose of carrying out its mission. Except as provided in the following paragraph, the Board is prohibited from offering, reselling, or providing telecommunications services that are available from a private telecommunications carrier to the general public or to any other public or private entity. Modify current law as described in paragraph (aa) of item #32 on page 510 to provide that, except as provided in the following paragraph, beginning on July 1, 2013, the Board may not be, and shall ensure that no institution or UW Colleges campus is and that the UW-Extension is not, a member, shareholder, or partner in or with any third-party entity or other person that offers, resells, or provides telecommunications services to the general public or to any public or private entity unless at least one of the following applies: (a) the third-party entity or other person does not offer, resell, or provide telecommunications services that it did not offer, resell, or provide on June 15, 2011, and the third-party entity or other person does not offer, resell, or provide telecommunications services to a private entity, to the general public, or to a public entity other than a university or a university-affiliated research facility that the third-party entity was not serving on June 15, 2011; or (b) the third-party entity or other person is comprised entirely of universities and university-affiliated research facilities.

Maintain current law permitting the Board, a UW institution, a UW Colleges campus, or the UW-Extension to serve as a member, shareholder, or partner in or with a third-party entity that satisfies one of the following: (a) the primary purpose of the third-party entity is to advance academic research of higher education establishments and the Board, UW institution, UW Colleges campus, or the UW-Extension served as a member, shareholder, or partner in or with the third-party entity on February 1, 2013; or (b) prior to service as a member, shareholder, or partner, the secretary of administration issues a determination to the board, institution, college campus, or extension that the primary purpose of the third-party entity is to advance academic research of higher education establishments. Current law permits the Board, a UW institution, UW Colleges campus, or the UW-Extension to use the services of a third-party entity described

under (a) and (b) and to participate in the operations of, provide telecommunications services for the purpose of interconnection to, or provide technical support services to, a third-party entity whose services the Board, UW institution, UW Colleges campuses, or UW-Extension uses. Maintain current law specifying that "third-party entity" includes the Broadband Optical Research, Education and Sciences Network, Internet2, and the Northern Tier Network Consortium, but does not include WiscNet.

WiscNet. (Maintain current law.) Maintain current law prohibiting the Board from doing any of the following beginning on January 1, 2014: (a) employing any individual who is also employed by WiscNet; (b) allowing WiscNet to occupy any facilities owned or leased by the board; and (c) jointly owning any assets or property with WiscNet.

Information technology reports [s. 36.59]. *(Modified by the bill.)* This section, which is titled "Information technology" under current law, is modified as described in item #48 on page 491. All that remains of the section is a requirement that the Board submit reports to the Joint Committee on Information Policy and Technology (JCIPT) annually by March 1 and September 1 documenting for each information technology project within the system that is funded with general purpose revenue and that has an actual or projected cost greater than \$1,000,000 all of the following: (a) original and updated project cost projections; (b) original and updated completion dates for the project and any stage of the project; (c) an explanation for any variation between the original and updated costs and completion dates under subs. (a) and (b); (d) a copy of any contract entered into by the Board for the project and not provided in a previous report; (e) all sources of funding for the project; (f) information about the status of the project, including any portion of the project that has been completed; and (g) any other information about the project, or related information technology projects, requested by JCIPT.

Annual reports [s. 36.65]. *(Maintain in part, modify in part.)* The bill would maintain the accountability reports created by 2011 Act 32 except that references to the incentive grant program, which were added by 2013 Act 20, would be deleted because that program would not be funded in the 2015-17 biennium. The contents of the accountability reports, which are submitted separately by the Board of Regents and the UW-Madison Chancellor, are described in item #14 on page 782 of the Legislative Fiscal Bureau's "2011-13 Comparative Summary of Budget Provisions of 2011 Act 32."

Core general education credit transfers. (Maintain current law.) Maintain the current law provision requiring the Board to include a description of the core general education courses transfer agreement (described above) and a summary of the board's implementation of the agreement in its annual accountability report.

Fees. (Maintain current law.) Maintain the current law report on fees described in item #26 on page 748 of the Legislative Fiscal Bureau's "2013-15 Comparative Summary of Provisions of 2013 Act 20."