

2011

LRB-1187



Making of "/>

Feb. 6th - 12th,  
2011

Pt. 07

2/11/11



1 (3) A member of the board may not be compensated for his or her services but  
2 shall be reimbursed for actual and necessary expenses, including travel expenses,  
3 incurred in the performance of his or her duties.

4 (4) No cause of action of any nature may arise against and no civil liability may  
5 be imposed upon a member of the board for any act or omission in the performance  
6 of his or her powers and duties under this chapter, unless the person asserting  
7 liability proves that the act or omission constitutes willful misconduct.

8 (5) The members of the board shall annually elect a chairperson and may elect  
9 other officers as they consider appropriate. <sup>Eleven</sup> ~~Thirteen~~ voting members of the board  
10 constitute a quorum for the purpose of conducting the business and exercising the  
11 powers of the authority, notwithstanding the existence of any vacancy. The board  
12 may take action upon a vote of a majority of the members present, unless the bylaws  
13 of the authority require a larger number.

14 (6) The board shall appoint a chancellor to serve as chief executive officer of the  
15 university. The chancellor serves at the pleasure of the board. The chancellor shall  
16 receive such compensation as the board fixes.

17 (6m) The board shall appoint a secretary of the board, who shall keep a record  
18 of all its transactions.

19 (7) The state treasurer shall be the treasurer of the board for those moneys  
20 appropriated to the board under s. 20.280.

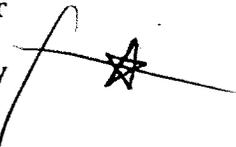
21 (8) (a) The board shall provide in its operating policies for access to the board  
22 by the public, faculty, students and <sup>employees</sup> ~~chancellors~~.



23 (b) The board meetings shall be open and all records of such meetings and of  
24 all proceedings of the board shall be open to inspection in accordance with subchs.  
25 II and V of ch. 19.



1           **37.03 Responsibilities. (1) BOARD.** (a) The primary responsibility for  
2 ~~governance of~~ the authority is vested in the board, which shall operate a university  
3 at or near the seat of government, and adopt policies for governing the university.



      \*\*\*NOTE: We did not add your suggested language about assisting the university  
in carrying out its mission, etc. The board governs the university; how can it "assist" the  
university?

4           (b) The board shall determine the educational programs to be offered by the  
5 university and may discontinue educational programs as it deems necessary.

6           (c) The board shall appoint a chancellor; faculty; other employees; the state  
7 geologist; the director of the laboratory of hygiene; the director of the psychiatric  
8 institute; the state cartographer; and fix the salaries, the duties, and the term of  
9 office for each. No sectarian or partisan tests or any tests based upon (race, religion,  
10 national origin, or sex) shall ever be allowed or exercised in the appointment of the  
11 employees of the university.

Make consistent  
with categories  
of 37.12.

12           (d) The board shall delegate to the chancellor the ~~necessary authority~~<sup>responsibility</sup> for the  
13 administration and operation of the university within the policies and guidelines  
14 established by the board.



15           (e) In order to provide for the evaluation of the quality and effectiveness of the  
16 university, the board shall prepare an accountability report measuring its  
17 performance in such areas as the access and affordability of the university, student  
18 achievement, the research efforts of the university, the economic impact of the  
19 university on the state, the services provided by the university to the residents of the  
20 state, and the financial accountability of the university's operations. By July 1, 2017,<sup>3</sup>  
21 and biennially thereafter, the board shall submit the accountability report to the  
22 governor and shall post the report prominently on its website.

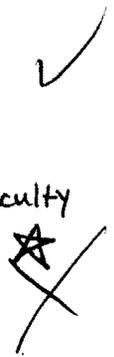


*shall be the executive head of the faculty and the university and*

1           (2) CHANCELLOR. The chancellor shall be vested with the responsibility of  
 2     administering board policies and be accountable and report to the board on the  
 3     operation and administration of the university. Subject to board policy, the  
 4     chancellor, in consultation with the faculty, shall be responsible for designing  
 5     curricula and setting degree requirements; determining academic standards and  
 6     establishing grading systems; defining and administering institutional standards  
 7     for faculty peer evaluation and screening candidates for appointment, promotion  
 8     and tenure; recommending individual merit increases; administering associated  
 9     auxiliary services; and administering all funds, from whatever source, allocated,  
 10    generated or intended for use of the university. The chancellor may designate a  
 11    person as provost, to act as chief executive officer of the institution in the chancellor's  
 12    absence. ~~██████████~~

13           (3) FACULTY. The faculty, subject to the responsibilities and powers of the board  
 14    and the chancellor, shall be vested with responsibility for the immediate governance  
 15    of the university and shall actively participate in university policy development. As  
 16    such, the faculty shall have the primary responsibility for academic and educational  
 17    activities and faculty personnel matters. The faculty shall have the right to  
 18    determine their own faculty organizational structure and to select representatives  
 19    to participate in university governance.

20           (4) ~~ACADEMIC STAFF.~~ *Academic* ~~Those university employees who immediately prior to the~~  
 21    ~~effective date of this subsection .... [LRB inserts date], were designated as academic~~  
 22    ~~staff at the University of Wisconsin-Madison, and those university employees hired~~  
 23    ~~or designated as academic staff at the university,~~ subject to the responsibilities and  
 24    powers of the board, the chancellor, and the faculty, shall be active participants in  
 25    the immediate governance of and policy development for the university. ~~Those~~ *The*





academic staff members

academic staff members

1 ~~employees~~ have the primary responsibility for the formulation and review, and shall  
2 be represented in the development, of all policies and procedures concerning ~~them~~,  
3 including <sup>academic staff</sup> personnel matters. <sup>The academic staff members</sup> They shall have the right to organize themselves in a  
4 manner they determine and to select their representatives to participate in  
5 university governance.

6 (5) STUDENTS. The students, subject to the responsibilities and powers of the  
7 board, the chancellor, and the faculty shall be active participants in the immediate  
8 governance of and policy development for the university. As such, students shall  
9 have primary responsibility for the formulation and review of policies concerning  
10 student life, services and interests. In consultation with the chancellor and subject  
11 to the final confirmation of the board, students shall have the responsibility for the  
12 disposition of those student fees that constitute substantial support for campus  
13 student activities. The students shall have the right to organize themselves in a  
14 manner they determine and to select their representatives to participate in  
15 university governance.

16 **37.11 Powers and duties of the board. (1) GENERALLY.** The board shall have  
17 all the powers necessary or convenient to carry out the purposes and provisions of  
18 this chapter. In addition to all other powers granted the board under this chapter,  
19 the board may specifically:

20 (a) Adopt, amend, and repeal any bylaws, policies, and procedures for the  
21 regulation of its affairs and the conduct of its business.

22 (b) Have a seal and alter the seal at pleasure.

23 (c) Maintain an office.

24 (d) Accept gifts, grants, loans, or other contributions from private or public  
25 sources.



1 as provided by law, or any part thereof when in its judgment it is for the best interests  
2 of the university and the state.

3 (c) The board may promulgate rules for the management of all property under  
4 its jurisdiction, for the care and preservation thereof and for the promotion and  
5 preservation of the orderly operation of the university in any or all of its authorized  
6 activities with forfeitures for their violation, which may be sued for and collected in  
7 the name of the board before any court having jurisdiction of such action. Forfeitures  
8 shall not exceed \$500.

9 (cm) The board shall promulgate rules prescribing the times, places and  
10 manner in which political literature may be distributed and political campaigning  
11 may be conducted in state-owned residence halls. No such rule may authorize any  
12 activity prohibited under s. 11.36 (3) or (4).

13 (d) All fines imposed and collected under this subsection shall be transmitted  
14 to the county treasurer for disposition in accordance with s. 59.25 (3) (f) and (j). All  
15 forfeitures, including forfeitures of posted bail if any, imposed and collected under  
16 this subsection shall be transmitted to the county treasurer for disposition in  
17 accordance with ss. 778.13 and 778.17.

18 (e) The board, with the approval of the building commission, may sell or lease  
19 state-owned residence halls to a state agency or nonstate nonprofit agency for  
20 purposes of alternate use.

21 (2) POLICE AUTHORITY. (a) The board shall have concurrent police power, with  
22 other authorized peace officers, over all property subject to its jurisdiction. Such  
23 concurrent police authority shall not be construed to reduce or lessen the authority  
24 of the police power of the community or communities in which the university is  
25 located. All ~~campus~~ <sup>university</sup> police officers shall cooperate with and be responsive to the local



1 police authorities as they meet and exercise their statutory responsibilities. The  
2 designated agents of the board may arrest, with or without warrant, any person on  
3 such property who they have reasonable grounds to believe has violated a state law  
4 or any rule promulgated under this chapter and deliver such person to any court  
5 having jurisdiction over the violation and execute a complaint charging such person  
6 with the violation. This subsection does not impair the duty of any other peace  
7 officers within their jurisdictions to arrest and take before the proper court persons  
8 found violating any state law on such property.

9 (b) The board may employ police for the university and chiefs to head such  
10 police, or contract for police, all of whom shall be deemed peace officers under s.  
11 939.22 (22) under the supervision and control of the chancellor or the chancellor's  
12 designee. Such police officers shall meet the minimum standards established for  
13 other police officers by the law enforcement standards board or a comparable agency.  
14 Such police shall preserve the peace on all property described under par. (a), enforce  
15 all rules promulgated under this chapter and all other laws, and for that purpose the  
16 chancellor or the chancellor's designee may call for aid from such other persons as  
17 is deemed necessary.

18 (3) ADMISSION OF APPLICANTS. (a) The board shall establish the policies for  
19 admission to the University and within these policies shall establish specific  
20 requirements for admission to its courses of instruction. No sectarian or partisan  
21 tests or any tests based upon (race, religion, national origin of U.S. citizens or sex) <sup>2</sup>  
22 shall ever be allowed in the admission of students thereto. *Make consistent with 37.12(i) in terms of [redacted] categories.*

23 (b) The board may establish policies for the appropriate transfer of credits with  
24 other educational institutions.



1 (b) The board shall establish policies and procedures for the appeal of the  
2 chancellor's decision to the board.

3 **37.13 Faculty tenure and probationary appointments. (1) DEFINITIONS.**  
4 In this section:

5 (a) "Probationary appointment" means an appointment by the board held by  
6 a faculty member during the period which may precede a decision on a tenure  
7 appointment.

8 (b) "Tenure appointment" means an appointment for an unlimited period  
9 granted to a ~~ranked~~ faculty member by the board.



10 **(2) APPOINTMENTS.** (a) Except as provided under par. (b), the board may grant  
11 a tenure appointment only upon the affirmative recommendation of the chancellor  
12 and the appropriate academic department or its functional equivalent. Neither the  
13 chancellor nor the academic department or its functional equivalent may base a  
14 tenure recommendation upon impermissible factors, as defined by the board by rule.

15 (b) The board may grant a tenure appointment without the affirmative  
16 recommendation of the appropriate academic department or its functional  
17 equivalent if all of the following apply:

18 1. The board has the affirmative recommendation of the chancellor.

19 2. A faculty committee authorized by the board by rule to review the negative  
20 recommendation of the academic department or its functional equivalent finds that  
21 the decision of the academic department or its functional equivalent was based upon  
22 impermissible factors, as defined by the board by rule.

23 3. The board has the affirmative recommendation of a committee appointed  
24 according to the policies and procedures of the university to review the individual's  
25 record with reference to criteria for tenure published by the university under



1 procedures established by the board by rule. No person may be appointed to the  
2 committee under this subdivision unless the person is knowledgeable or experienced  
3 in the individual's academic field or in a substantially similar academic field. No  
4 member of the committee appointed under this subdivision may be a member of the  
5 academic department, or its functional equivalent, that made the negative  
6 recommendation. The committee appointed under this subdivision may not base its  
7 tenure recommendation upon impermissible factors, as defined by the board by rule.

8 (c) A tenure appointment may be granted to any ~~ranked~~ faculty member who   
9 holds or will hold a half-time appointment or more. The proportion of time provided  
10 for in the appointment may not be diminished nor increased without the mutual  
11 consent of the faculty member and the ~~institution~~ <sup>University</sup> subject only to sub. (5) and s. 37.21. 

12 (d) A probationary appointment shall not exceed 7 consecutive academic years  
13 in a full-time position. A leave of absence, sabbatical or a teacher improvement  
14 assignment does not constitute a break in continuous service and shall not be  
15 included in the 7-year period. The board may promulgate rules specifying additional  
16 circumstances that do not constitute a break in continuous service and that shall not  
17 be included in the 7-year period.

18 (3) RULES. The board and ~~its several faculties~~ <sup>the faculty</sup> shall adopt rules for tenure and   
19 probationary appointments, for the review of faculty performance and for the  
20 nonretention and dismissal of faculty members.

21 (4) CONTINUATION OF APPOINTMENT. (a) Any person who holds a tenure  
22 appointment under ch. 36, 1971 stats. and ch. 37, 1971 stats., and related rules on  
23 July 9, 1974 shall continue to hold tenure as defined under those chapters and  
24 related rules. Any person who holds a tenure appointment under sub. (2) (a) or (b)



1 and related rules on the effective date of this paragraph .... [LRB inserts date], shall  
2 continue to hold tenure under that subsection and related rules.

3 ~~(b) Any person who holds the equivalent of a probationary appointment under~~  
4 ~~ch. 36, 1971 stats., and ch. 37, 1971 stats., and related rules on July 0, 1974 shall~~  
5 ~~continue to enjoy the contractual rights and guarantees as defined under those~~  
6 ~~chapters and related rules, and may elect to be considered for tenure according to the~~  
7 ~~procedures existing under that appointment or under sub. (2). Any person who holds~~  
8 ~~the equivalent of a probationary appointment under sub. (2) (d) and related rules~~  
9 ~~shall continue to enjoy the contractual rights and guarantees as defined under that~~  
10 ~~paragraph and related rules, and may elect to be considered for tenure according to~~  
11 ~~the procedures existing under that appointment.~~

<sup>1</sup> on the effective date of this paragraph [LRB inserts date]

12 ~~(c) Any person who is not a ranked faculty member on August 15, 1991, and who~~  
13 ~~is also described under subd. 1. or 2. shall be treated as a faculty member with the~~  
14 ~~rank of associate professor for all purposes:~~

15 ~~1. Any person who hold an unranked faculty tenure appointment or unranked~~  
16 ~~faculty concurrent tenure appointment under ch. 37, 1971 stats., prior to July 10,~~  
17 ~~1974.~~

18 ~~2. Any person who held an unranked probationary appointment under ch. 37,~~  
19 ~~1971 stats., prior to July 10, 1974, and who subsequently received an unranked~~  
20 ~~faculty tenure appointment or unranked faculty concurrent tenure appointment.~~

21 (5) PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only  
22 for just cause and only after due notice and hearing. Any person having a  
23 probationary appointment may be dismissed prior to the end of the person's contract  
24 term only for just cause and only after due notice and hearing. The action and  
25 decision of the board in such matters shall be final. The board and ~~its several~~ <sup>the</sup>





*faculty*

1 ~~faculties~~ shall develop procedures for the notice and hearing which shall be  
2 promulgated by rule.



3 **37.14 Wisconsin distinguished professorships.** (1) The board may  
4 establish distinguished professorships under this section.

5 (2) The board may pay under this section the salary and fringe benefit costs  
6 of the professor holding the distinguished professorship and of any graduate  
7 assistant assigned to the professor, and the equipment, supplies and travel costs of  
8 the professor and the graduate assistants assigned to the professor.

9 **37.21 Lapse of appointments.** Notwithstanding ss. 37.13 (4) and 37.15 ~~(4)~~  
10 ~~and (3)~~; the board may, with appropriate notice, terminate any appointment when  
11 a financial emergency exists. No person may be employed at the university within  
12 2 years to perform reasonably comparable duties to those of the person whose  
13 appointment was terminated without first offering such person a reappointment.  
14 The board, after consultation with the faculty and chancellor, shall adopt procedures  
15 to be followed in the event of termination under this section.

*★*  
Don't think it has a sub provision anymore

16 **37.23 Conflict of interest.** No member of the board of trustees, or other  
17 person appointed or employed in any position in the university, may at any time act  
18 as an agent for any person or organization if the act would create a conflict of interest  
19 with the terms of the person's service in the university. The board shall define  
20 conflicts of interest and adopt policies related thereto.

21 **37.25 Special programs.** (2) WISCONSIN RESIDENTS PREFERENCE IN HOUSING.  
22 Preference as to rooming, boarding and apartment facilities in the use of living units  
23 operated by ~~any~~ <sup>the</sup> university shall, for the following school year, be given to students  
24 who are residents of this state and who apply before March 15, unless a later date  
25 is set by the board. Such preference shall be granted in accordance with categories

*37.15 see attached*  
*37.19 see attached.*

**Grant, Peter**

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**From:** Griffiths, Ben [BGRIFFITHS@vc.wisc.edu]

**Sent:** Friday, February 11, 2011 8:57 AM

**To:** Grant, Peter

**Cc:** Lynch, Nancy

**Subject:** Purchasing stuff

Good morning Peter. Please let me follow up on a couple of items regarding procurement (16.70 et seq.). I am trying to get a meeting today with DOA to discuss procurement, so it would be good to know what the status is of the changes we have already requested.

- 16.71 - language we requested that exempts UW from subchapter IV of Ch. 16 for purchases that are unique to higher ed and not commonly purchased by other agencies. ("The University of Wisconsin shall be exempt from the requirements of this subchapter with respect to the purchase of any goods and services that are unique to the needs of higher education and which are not commonly purchased by state agencies other than the University of Wisconsin System"). Are you going to be able to include this requested change?
- 16.71(1m) - I note that University of Wisconsin (UW-Madison) is included in the first sentence (where delegation of authority is authorized to no executive branch agencies other than the UW System and now the University of Wisconsin), but later in the same paragraph University of Wisconsin is not included in the language that authorizes these purchases without DOA review and approval. University of Wisconsin needs to have the same authority as System here, because otherwise we will lose delegated authority that we have had up until now. I also wonder if this needs to be reworked a bit because University of Wisconsin is not included in the definition of Executive branch agency in 16.70(4).

Sorry to bother you, I know you are very busy. Thanks,

Ben

**Grant, Peter**

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**From:** Lynch, Nancy [NLYNCH@vc.wisc.edu]  
**Sent:** Friday, February 11, 2011 10:38 AM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa  
**Subject:** RE: Revisions to 2/8/11 Draft  
**Signed By:** nlynch@vc.wisc.edu

Peter,

The addition of 40.02 (54) (hm) solves that issue. Thanks for the update on 37.30 references.

P. 214, line 11 change is fine for now. The rest of the employment piece will be coming to you before noon today.

Thanks.

Nancy

Nancy K. Lynch  
Associate Director  
Senior University Legal Counsel  
Administrative Legal Services  
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**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Wednesday, February 09, 2011 4:10 PM  
**To:** Lynch, Nancy  
**Cc:** Champagne, Rick; Hanaman, Cathlene  
**Subject:** RE: Revisions to 2/8/11 Draft

Nancy,

On p. 214, line 11, the reference should be to 37.11 (1g). I'll correct it.

On p. 160, we believe your note is incorrect. The university is included as a state agency in 40.02 (54) (hm). That makes 40.02 (28) and the rest of ch. 40 apply to it.

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Regarding other benefits, I am inserting references to 37.30 in appropriate places in ch. 40 (namely, the spots where 36.30 now appears). I've been told that will do it. If you have questions, please call Rick Champagne at 6-9930. (But be nice. He has been extremely busy.)

Peter

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**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Wednesday, February 09, 2011 10:58 AM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa  
**Subject:** Revisions to 2/8/11 Draft

Peter,

Thank you for sending Draft 2 yesterday. We have attached a pdf containing only the pages on which we have changes, answers/comments to your questions, or questions of our own. One important highlight - we are retaining the language "academic staff", so you will see changes in that regard.

We feel it would be wise to speak with you this afternoon about the following provisions:

1. Chapter 40: We need to ensure University of Wisconsin is considered an employer (see p. 160) We'd like to discuss your note on p. 163 about other changes that may be needed to 40.
2. Chapter 19: see p. 58 regarding proposed language that was not included. We still wish to add it. Let us know if you have questions.
3. Chapter 16: see p. 34 regarding proposed language that was not included. We still wish to add it. Let us know if you have questions.
4. Chapter 111: We need to discuss this today. p. 186

Lastly, two questions for you:

1. Are there sections you know were not included in yesterday's draft?
2. Do you anticipate sharing another draft with us today?

Thanks, Peter. Look forward to hearing from you.

Nancy

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<http://legal.wisc.edu>

**Grant, Peter**

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**From:** Lynch, Nancy [NLYNCH@vc.wisc.edu]  
**Sent:** Friday, February 11, 2011 11:31 AM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa  
**Subject:** RE: Additional updates  
**Signed By:** nlynch@vc.wisc.edu

Peter,

- \* we agree
- \* That's fine.
- \* We understand your point, but still need to insert the language. It was present in 36 and it has specific meaning here.

Thanks for your help.

Nancy

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**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Friday, February 11, 2011 8:46 AM  
**To:** Lynch, Nancy  
**Subject:** RE: Additional updates

Nancy, all your changes look fine except the following:

- I don't see any reason, in 107.15 (6) (c) 1., to cross reference 37.25 (6). There is no assessment mentioned in 37.25 (6).
- On page 100, line 2, I think "governance" should stay. The board of trustees governs the authority, just as the board of regents governs the system; see 36.09 (1) (a).
- On page 101, line 1: we already say this in 37.02 (6). "Chief executive officer of the university" means that he or she is the supervisor of all the employees. No need to say it again.

Thanks,

Peter

-----Original Message-----

From: Lynch, Nancy [<mailto:NLYNCH@vc.wisc.edu>]

Sent: Thursday, February 10, 2011 8:38 PM

To: Grant, Peter; [lrutherford@vc.wisc.edu](mailto:lrutherford@vc.wisc.edu)

Subject: Re: Additional updates

Peter,

Thank you. I am sorry that I forgot to mention that the new changes are noted by a star in the margin to save you time when looking at the pages.

We will be in touch tomorrow.

Nancy

Sent from my HTC on the Now Network from Sprint!

----- Reply message -----

From: "Grant, Peter" <[Peter.Grant@legis.wisconsin.gov](mailto:Peter.Grant@legis.wisconsin.gov)>

Date: Thu, Feb 10, 2011 7:38 pm

Subject: Additional updates

To: "Lynch, Nancy" <[NLYNCH@vc.wisc.edu](mailto:NLYNCH@vc.wisc.edu)>

Nancy, I'm running the draft through again, with all of the revisions that we were aware of as of about 5 pm today. So you'll get that tomorrow, probably before noon, but it won't include any of the changes you've mentioned in this email.

Well, that's not entirely true. I just looked at the attached document, and some of the indicated changes were on your previous marked-up document. So those will be included in the version you see tomorrow.

Peter

-----Original Message-----

From: Lynch, Nancy [<mailto:NLYNCH@vc.wisc.edu>]

Sent: Thu 2/10/2011 6:56 PM

To: Grant, Peter

Cc: Rutherford, Lisa

Subject: Additional updates

Peter,

We have a few additional updates for you. Please see attached PDF. Also, we have a change to 36.25(6) and

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37.25(6) that we discovered today needs to be made.

36.25(6) has been renumbered 37.25(6). However, although the state geologist works at UW-Madison, the Wisconsin Geological and Natural History Survey is part of UW-Extension. The following changes are intended to keep the Survey in Extension, while retaining the state geologist at UW.

Amend 36.25(6)(a) to say ".under the supervision of the state geologist appointed by the board of trustees of the University of Wisconsin under s.

37.03(1)(c)." Do not affect (b),(c) or (d), unless you think continuous references to the 37.03(1)(c) appointment are necessary whenever "state geologist" is mentioned.

Renumber 36.25(6)(e) to 37.25(6), and amend to say, "The state geologist will carry out the responsibilities specified for him or her under s. 107.15 and 36.25(6)."

Amend 107.15(6)(c)1 to include both 36.25(6) and 37.25(6).

Lastly, we will have updates for you tomorrow ASAP regarding the employment provisions.

Thank you. Please continue to let us know if you have any questions.

Nancy

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<http://legal.wisc.edu>

**Grant, Peter**

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**From:** Lynch, Nancy [NLYNCH@vc.wisc.edu]  
**Sent:** Friday, February 11, 2011 12:07 PM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa  
**Subject:** Employment changes  
**Signed By:** nlynch@vc.wisc.edu  
**Attachments:** 2-11-11 HR changes.pdf

Peter,

Attached are the changes for the employment section. Please let us know if you have any questions. Thank you again for all your work.

Nancy

Nancy K. Lynch  
Associate Director  
Senior University Legal Counsel  
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Tele: 608.263.7400  
Fax: 608.263.4725  
<http://legal.wisc.edu>

NEW SECTION 37.01(11)

(11) ~~"Staff" means all employees of the University of Wisconsin other than faculty, academic staff, those identified in s. 37.19, persons whose employment is a necessary part of their training, student assistants and student hourly help.~~

p. 105

NEW SECTION 37.17 Executive Appointments

An appointment to an executive position, as determined by the board, shall be at the pleasure of the board. A person holding a tenured or academic staff appointment under ss. 37.01(10) and 37.13 shall not lose that appointment by accepting an executive appointment.

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NEW SECTION 37.19 Other Appointments

The board may make or authorize appointments for former classified civil service employees, student assistants and employees in training, such as residents, interns, post-doctoral fellows or trainees or associates. Appointments made under this section shall not be subject to s. 37.15.

NEW SUBSECTION 111.81(7) (h)

Any employee as defined in s. 37.01 (11) except limited term employees, sessional employees, project employees, supervisors, management employees and individuals who are privy to confidential matters affecting the employer-employee relationship.

111.815(1)

(1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services to use collective bargaining as the method of setting rates for reimbursement of home care providers, shall negotiate and administer collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements, the office, or the department of health services with regard to collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g), shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1m), (2) (f), and (2g), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible for the employer functions under this subchapter. With respect to the collective bargaining units described in 111.825(1n), the University of Wisconsin is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter school established by contract under s. 118.40 (2r) (cm) is responsible for the employer functions under this subchapter. With

respect to the collective bargaining unit specified in s. 111.825 (2g), the department of health services is responsible for the employer functions of the executive branch under this subchapter.

NEW SUBSECTION 111.825 (1n)

Collective bargaining units at the University of Wisconsin will be structured with one or more collective bargaining unit for each of the following groups:

- (a) Program assistants, project assistants and teaching assistants of the University of Wisconsin;
- (b) Research assistants of the University of Wisconsin; and
- (c) Any employee as defined in s. 37.01 (11) except limited term employees, sessional employees, project employees, supervisors, management employees and individuals who are privy to confidential matters affecting the employer-employee relationship.

NEW SUBSECTION 111.825 (2)(am)

(am) The program, project and teaching assistants of the University of Wisconsin.

NEW SUBSECTION 111.825 (2)(gm)

(gm) Research assistants of the University of Wisconsin.

111.915

The director of the office shall notify and consult with the joint committee on employment relations, in such form and detail as the committee requests, regarding substantial changes in wages, employee benefits, personnel management, and program policy contract provisions to be included in any contract proposal to be offered to any labor organization by the state or to be agreed to by the state before such proposal is actually offered or accepted. This section shall not apply to the University of Wisconsin.

NEW SUBSECTION 111.92(1)(bm)

(bm) Any tentative agreement reached between the University of Wisconsin and any labor organization representing a collective bargaining unit specified in s. 111.825 (1n) shall, after official ratification by the labor organization, be executed by the parties.

111.93(2)

All civil service and other applicable statutes concerning wages, fringe benefits, hours and conditions of employment apply to employees specified in s. 111.81 (7) (a) who are not included in collective bargaining units for which a representative is recognized or certified and to employees specified in s. 111.81 (7) (b) to (f) and (h) who are not included in a collective bargaining unit for which a representative is certified.

111.93(3)

Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement exists between the employer and a labor organization representing employees in a collective bargaining unit, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the University of Wisconsin System, or rules and policies of the Board of Trustees of the University of Wisconsin related to wages, fringe benefits, hours, and conditions of employment

whether or not the matters contained in those statutes, rules, and policies are set forth in the collective bargaining agreement.

111.935(2)

Notwithstanding s. 111.83 (2), the commission shall establish a procedure whereby research assistants may determine whether to form themselves into collective bargaining units under s. 111.825 (2) (g), (gm), (h), or (i) by authorization cards in lieu of secret ballot. The procedure shall provide that once a majority of research assistants have indicated their preference on the authorization cards to form themselves into a collective bargaining unit, the collective bargaining unit is established.

111.95 (1)

The people of the state of Wisconsin have a fundamental interest in developing harmonious and cooperative labor relations within the University of Wisconsin System and the University of Wisconsin.

111.96 (1)

"Academic staff" has the meaning given under ss. 37.01(10) and ss. 36.05 (1), but does not include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is appointed to a visiting faculty position.

111.96 (2) "Board" means the Board of Regents of the University of Wisconsin System or the Board of Trustees of the University of Wisconsin.

111.96 (7)(a)

(a) All faculty, including specifically faculty who are supervisors or management employees, but not including faculty holding a limited appointment under s. 36.17, or an executive appointment under s. 37.17, or deans.

111.998 (2)(a)

(a) The mission and goals of the board as set forth in the statutes; the diminution of the right of tenure provided the faculty under s. 36.13 or s. 37.13, the rights granted faculty under s. 36.09 (4) or s. 37.03(3) and academic staff under s. 36.09 (4m) or s. 37.03(4), or the rights of appointment provided academic staff under s. 36.15 or s. 37.03(3); or academic freedom.

111.998 (3)

(3) Upon request, the chancellor at each institution, or his or her designee, shall meet and confer with the collective bargaining representative, if any, with regard to any issue that is a permissive subject of bargaining, except when the issue is under active consideration by a governance organization under s. 36.09 (4) or (4m) or s. 37.03(3) or (4).

1 (e) Establish the university's annual budget and monitor the fiscal  
2 management of the university.

3 (f) Execute contracts and other instruments required for the operation of the  
4 university.

5 (1g) PERSONNEL SYSTEM. The board shall develop and implement a personnel  
6 system, effective July 1, 2012, that is separate and distinct from the system created  
7 under ch. 230. The board shall develop and implement the system with the active  
8 participation of the faculty and <sup>academic</sup> academic staff as provided in s. 37.03 (3) and (4). In  
9 developing the personnel system, the board shall provide for the transfer of <sup>classified</sup> civil  
10 service employees to the university personnel system as necessary upon the effective  
11 date of its implementation.

12 (1m) PROTECTION OF PEOPLE; CUSTODY AND MANAGEMENT OF PROPERTY. (a) The  
13 board may promulgate rules to protect the lives, health and safety of persons on  
14 property under its jurisdiction and to protect such property and to prevent  
15 obstruction of the functions of the university. Any person who violates any rule  
16 promulgated under this paragraph may be fined not more than \$500 or imprisoned  
17 not more than 90 days or both.

18 (b) Except as provided in this paragraph, the board may purchase, have custody  
19 of, hold, control, possess, lease, grant easements and enjoy any lands, buildings,  
20 books, records and all other property of any nature which may be necessary and  
21 required for the purposes, objects and uses of the university authorized by law. Any  
22 lease is subject to the powers of the University of Wisconsin Hospitals and Clinics  
23 Authority under s. 233.03 (13) and the rights of the authority under any lease  
24 agreement, as defined in s. 233.01 (6). The board may sell or dispose of such property



1 (d) *Employees.* All incumbent employees holding positions in the system  
2 ~~performing duties primarily related to the operation of~~ <sup>assigned to</sup> the University of  
3 Wisconsin-Madison, ~~as determined by the secretary of administration,~~ are  
4 transferred on the effective date of this paragraph to the authority. The authority  
5 shall adhere to the terms of any collective bargaining agreement covering the  
6 employees that is in force on the effective date of this paragraph, including terms  
7 relating to employer payment of any employee required contributions under the  
8 Wisconsin Retirement System and employer payment of any health insurance  
9 premiums on behalf of employees, <sup>until June 30, 2012. After June 30, 2012,</sup>  
10 ~~agreement, the authority shall establish the compensation and benefits of the~~  
11 ~~employees under section 233.10 (2) of the statutes or, if the agreement expires after~~  
12 ~~June 30, 2012,~~ under the terms of the personnel system established by the board of  
13 trustees under section 37.11 (1g) of the statutes, as created by this act.

14 (e) *Contracts and agreements.* 1. All contracts entered into by the board of  
15 regents in effect on the effective date of this paragraph that are primarily related to  
16 the operation of the University of Wisconsin-Madison, as determined by the  
17 secretary of administration, remain in effect and are transferred to the board of  
18 trustees.

*Add sub. (1)(h) - see attached*

19 2. All agreements entered into between the board of regents and the Board of  
20 Directors of the University of Wisconsin Hospitals and Clinics Authority under  
21 section 233.04 (7) and (7m) of the statutes in effect on the effective date of this  
22 paragraph remain in effect and are transferred to the board of trustees.

23 3. The board of trustees shall carry out any obligations under such contracts  
24 and agreements until the contract or agreement is modified or rescinded by the board  
25 of trustees to the extent allowed under the contract or agreement.

**Grant, Peter**

---

**From:** Vaughan, Brian [bvaughan@vc.wisc.edu]  
**Sent:** Friday, February 11, 2011 1:54 PM  
**To:** Grant, Peter  
**Subject:** RE:

Peter,

I see the issue. Strike the proposed 37.01 (11) and I will send you a new section 37.18 and revised 111.81 (7)(h).

Brian

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Fri 2/11/2011 1:38 PM  
**To:** Vaughan, Brian  
**Subject:** RE:

Brian, I did a quick search and found a few examples of what I mean. In 37.001 (2), "staff" is used to mean *all* staff, not just the employees specified in the definition. The same thing occurs in 37.35 (2). The terms "professional staff" and "instructional staff" are used as well. See, for example, 37.35 (2) and 37.57 (5). Does the definition of "staff" apply to these people?

---

**From:** Vaughan, Brian [mailto:bvaughan@vc.wisc.edu]  
**Sent:** Friday, February 11, 2011 1:20 PM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa; Lynch, Nancy  
**Subject:**

Peter,

I am one of the employment attorneys who has been working on the personnel language. Thanks for your question re: the definition of "staff." Since the classified service employees will become employees of the board of trustees, we will need a definition for them. We have worked carefully on this definition to ensure that it excludes the appropriate groups of employees.

Brian D. Vaughan  
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University of Wisconsin-Madison  
500 Lincoln Drive, 361 Bascom Hall  
Madison, Wisconsin 53706  
Tel. 608-263-7400  
Fax. 608-263-4725  
[bvaughan@vc.wisc.edu](mailto:bvaughan@vc.wisc.edu)

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Friday, February 11, 2011 1:04 PM  
**To:** Lynch, Nancy  
**Subject:** RE: Employment changes

Nancy,

2/11/2011

I'm wondering why you want to define "staff" in ch. 37. Where is it used? Have you checked the new ch. 37 (including all parts of ch. 36 that are being renumbered into ch. 37, including the parts not shown in the bill because they're being renumbered but not amended) for all provisions in which the term is used in order to ensure that the meaning given for the term is what you want?

Peter

**Grant, Peter**

---

**From:** Wilson, Lisa A [lwilson@vc.wisc.edu]

**Sent:** Friday, February 11, 2011 2:10 PM

**To:** Grant, Peter

**Cc:** Vaughan, Brian

**Attachments:** 37\_18.pdf

Dear Peter,

From Brian, attached is new s. 37.18 and revised 111.81(7)(h).

Lisa A. Wilson  
University Legal Counsel  
University of Wisconsin-Madison  
500 Lincoln Drive, Bascom Hall Rm 361  
Madison, WI 53706  
Office: 608-262-2668  
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lwilson@vc.wisc.edu

NEW SECTION 37.18

The board may make or authorize appointments for staff other than faculty, academic staff, limited term employees, sessional employees, project employees, supervisors, management employees, individuals who are privy to confidential matters affecting the employer-employee relationship, those identified in s. 37.19, persons whose employment is a necessary part of their training, student assistants and student hourly help.

REVISED SUBSECTION 111.81 (7)(h)

Any employee as defined in s. 37.18.

combine 37.18 & 19:  
(1)  
(2)  
(3) 37.15 doesn't work

→ x-ref 37.18(1) in 111.81(7)(h)

**Grant, Peter**

---

**From:** Wilson, Lisa A [lwilson@vc.wisc.edu]  
**Sent:** Friday, February 11, 2011 4:39 PM  
**To:** Grant, Peter  
**Subject:** Review of 02-11-11 draft  
**Attachments:** 2-11-11 OALS Review sent to LRB.pdf

Hi Peter,

We have reviewed the draft you sent today and have attached only those pages with edits.

Please note that we are still reviewing a few sections and may have additional edits soon.

Thanks,

Lisa A. Wilson  
University Legal Counsel  
University of Wisconsin-Madison  
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1 department of family medicine and practice in the ~~University of Wisconsin~~ School of  
2 Medicine and Public Health to support the Wisconsin Academy for Rural Medicine,  
3 the Academy for Center-city Medical Education, and the Wisconsin Scholars  
4 Academy programs. The board may not expend any moneys allocated under this  
5 subsection in a fiscal year unless the board receives \$400,000 in gifts and grants from  
6 private sources in that fiscal year for supporting such programs.

7 SECTION 256. 36.25 (14) of the statutes is repealed.

*Why repealed? we  
asked for transfer only.*

8 SECTION 257. 36.25 (18) of the statutes is renumbered 37.25 (18) and amended  
9 to read:

10 37.25 (18) SCHOOL OF VETERINARY MEDICINE. The board shall establish and  
11 maintain a school of veterinary medicine at the University of ~~Wisconsin-Madison~~  
12 Wisconsin. Existing facilities shall be used to the maximum possible extent for  
13 auxiliary instructional and research support of the veterinary program.

14 SECTION 258. 36.25 (19) of the statutes is renumbered 37.25 (19) and 37.25 (19)  
15 (a), as renumbered, is amended to read:

16 37.25 (19) (a) The board may establish at the University of ~~Wisconsin-Madison~~  
17 Wisconsin a model school for children with disabilities, as defined in s. 115.76 (5).  
18 The school shall utilize practical demonstration techniques to train teachers and  
19 other support personnel under s. 115.28 (7) (c).

20 SECTION 259. 36.25 (21) of the statutes is renumbered 37.25 (21) and 37.25 (21)  
21 (intro.), (a) and (b), as renumbered, are amended to read:

22 37.25 (21) SCHOOL OF LAW; PART-TIME ENROLLMENT AND NIGHT COURSES. The board  
23 shall direct the School of Law to do all the following:

24 (a) Allow resident students who are admitted to law school to enroll in  
25 part-time programs;

1 (4) (b) 1. The number of such physician residency positions funded in whole or  
2 in part under this section or s. 36.63, 2009 stats. in the previous fiscal year.

3 SECTION 348. Chapter 37 of the statutes is created to read:

4 CHAPTER 37

5 UNIVERSITY OF WISCONSIN

6 37.001 Statement of Purpose and Mission. (1) The University of Wisconsin  
7 continues to be this state's comprehensive teaching and research university, with a  
8 statewide, national, and international mission, offering programs at the  
9 undergraduate, graduate, and professional levels in a wide range of fields while  
10 engaging in extensive scholarly research, continuing adult education, and public  
11 service.

~~\* please  
see  
attached  
Statement  
of Purpose  
and  
Mission  
attached.~~

12 (2) The primary purpose of the university is to provide a learning environment  
13 in which faculty, staff, and students may discover, examine critically, preserve, and  
14 transmit the knowledge, wisdom, and value that will help ensure the survival of this  
15 and future generations and improve the quality of life for all. The university seeks  
16 to help students develop an understanding and appreciation of the complex cultural  
17 and physical worlds in which they live and to realize their highest potential of  
18 intellectual, physical, and human development. It also seeks to attract and serve  
19 students from diverse social, economic, and ethnic backgrounds and to be sensitive  
20 and responsive to those groups that have been underserved by higher education.

21 37.01 Definitions. In this chapter:

22 (1) "Academic staff" means those university employees who, immediately prior  
23 to the effective date of this subsection .... [LRB inserts date], were designated as  
24 academic staff of the University of Wisconsin-Madison and those university  
25 employees hired as or designated as academic staff by the board.

37. ?? Statement of Purpose and Mission:

The University of Wisconsin is the original University of Wisconsin, created at the same time Wisconsin achieved statehood in 1848. It received Wisconsin's land grant and became the state's land grant university after Congress adopted the Morrill Act in 1862. It continues to be Wisconsin's comprehensive teaching and research university with a statewide, national and international mission, offering programs at the undergraduate, graduate and professional levels in a wide range of fields, while engaging in extensive scholarly research, continuing adult education and public service.

The primary purpose of the university is to provide a learning environment in which faculty, staff and students can discover, examine critically, preserve and transmit the knowledge, wisdom and value that will help ensure the survival of this and future generations and improve the quality of life for all. The university seeks to help students to develop an understanding and appreciation for the complex cultural and physical worlds in which they live and to realize their highest potential of intellectual, physical and human development. It also seeks to attract and serve students from diverse social, economic and ethnic backgrounds and to be sensitive and responsive to those groups which have been underserved by higher education.

- 1 a. One member of the board of regents.
- 2 b. One member who represents agricultural interests in this state.
- 3 c. Nine additional members.
- 4 2. The following members appointed for 3-year terms:
- 5 a. Two faculty members selected by the faculty.
- 6 b. One university employee who is not a faculty member, selected by university
- 7 employees who are not faculty.

8 c. ~~Six university alumni selected jointly by the Wisconsin Alumni Research~~  
 9 ~~Foundation board, the Wisconsin Alumni Association board, and the University of~~  
 10 ~~Wisconsin Foundation board.~~

\* See attached.

11 3. One student enrolled in the university, selected by students enrolled in the  
 12 university, for a 2-year term.

13 4. The chancellor, who shall serve as a nonvoting member.

14 (b) Members appointed under par. (a) 1. c. and 2. c. shall have a demonstrated  
 15 commitment to the welfare of the university and shall have management experience  
 16 or possess expertise in aspects of the university's mission, such as undergraduate,  
 17 graduate, and professional education, research, intellectual property, support of  
 18 existing industries, new business startups, and public service.

\*\*\*\*NOTE: You suggested language stated "The board ... will be comprised primarily of alumni and donors ...." If you want to include this, please specify how many members appointed by each person or body given appointment authority must be donors, and please define "donor."

19 (c) Members appointed under par. (a) 1. and 2. may serve no more than 2  
 20 consecutive terms. The member appointed under par. (a) 3. may serve no more than  
 21 one term.

\*\*\*\*NOTE: "No more than 2 consecutive terms" does not limit the number of terms, only the number served consecutively.



c. Six university alumni selected as follows:

- i. Two members by the Wisconsin Alumni Research Foundation board;
- ii. Two members by the Wisconsin Alumni Association board; and
- iii. Two members by the Wisconsin Foundation board.



1 (f). The faculty member taking a sabbatical leave shall agree to return to the  
2 university for at least one year after the termination of the sabbatical or return any  
3 compensation received from the university during the sabbatical.

4 (21) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE.

5 Any student who engages in an activity, on ~~university property~~ or at an event  
6 sponsored by the university, that constitutes a violation of ch. 961 is subject to  
7 nonacademic misconduct disciplinary sanctions, as provided by the board by rule.  
8 In determining the appropriate sanction, the board or its designee shall consider  
9 those penalties, including suspension and expulsion, that will contribute most  
10 effectively to maintaining a university environment that is free from controlled  
11 substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined  
12 in s. 961.01 (4m).

13 (22) ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL  
14 HARASSMENT. (a) The board shall do all of the following:

15 1. Incorporate in the orientation program for newly entering students oral and  
16 written or electronic information on sexual assault and sexual harassment, as  
17 defined in s. 111.32 (13), including information on sexual assault by acquaintances  
18 of the victims and on all of the following:

19 a. The legal definitions of, and penalties for, sexual assault under ss. 940.225,  
20 948.02 and 948.025, sexual exploitation by a therapist under s. 940.22 and  
21 harassment under s. 947.013.

22 b. Generally available national and state statistics, and university statistics  
23 as compiled under par. (c) and as reported under par. (d), on sexual assaults and on  
24 sexual assaults by acquaintances of the victims.

\*\*\*\*NOTE: Check to see if "campus" is used consistently.



1 c. The rights of victims under ch. 950 and the services available at the  
2 university and in the community to assist a student who is the victim of sexual  
3 assault or sexual harassment.

4 d. Protective behaviors, including methods of recognizing and avoiding sexual  
5 assault and sexual harassment and locations in the community where courses on  
6 protective behaviors are provided.

7 2. Annually supply to all students enrolled in the university printed or  
8 electronic material that includes all of the information under par. (a).

9 (b) Annually, the board shall submit a report to the chief clerk of each house  
10 of the legislature for distribution to the appropriate standing committees under s.  
11 13.172 (3). The report shall indicate the methods the university has used to comply  
12 with par. (a).

13 (c) Any person employed at the university who witnesses a sexual assault on  
14 ~~university property~~ or receives a report from a student enrolled in the university that  
 campus  
15 the student has been sexually assaulted shall report to the dean of students. The  
16 dean of students shall compile reports for the purpose of disseminating statistical  
17 information under par. (a) 1. b.

18 (d) Annually, the university shall report to the office of justice assistance in the  
19 department of administration statistics on sexual assaults and on sexual assaults by  
20 acquaintances of the victims that occurred on ~~university property~~ in the previous  
 campus  
21 year. The office of justice assistance shall include the statistics in appropriate crime  
22 reports published by the office.

23 (26) BUILDING PROGRAM PLANNING AND APPROVAL. The board shall establish a  
24 process for submission of building projects to the building commission for approval.  
25 No building project for the university may be submitted by the board to the building

1 academic department, or its functional equivalent, that made the negative  
2 recommendation. The committee appointed under this subdivision may not base its  
3 tenure recommendation upon impermissible factors, as defined by the board by rule.

4 (c) A tenure appointment may be granted to any faculty member who holds or  
5 will hold a half-time appointment or more. The proportion of time provided for in the  
6 appointment may not be diminished nor increased without the mutual consent of the  
7 faculty member and the university subject only to sub. (5) and s. 37.21.

8 (d) A probationary appointment shall not exceed 7 consecutive academic years  
9 in a full-time position. A leave of absence, sabbatical or a teacher improvement  
10 assignment does not constitute a break in continuous service and shall not be  
11 included in the 7-year period. The board may promulgate rules specifying additional  
12 circumstances that do not constitute a break in continuous service and that shall not  
13 be included in the 7-year period.

14 (3) RULES. The board and the ~~faculty~~ <sup>faculty</sup> shall adopt rules for tenure and  
15 probationary appointments, for the review of faculty performance and for the  
16 nonretention and dismissal of faculty members.

17 (4) CONTINUATION OF APPOINTMENT. (a) Any person who holds a tenure  
18 appointment under ch. 36, 1971 stats. and ch. 37, 1971 stats., and related rules on  
19 July 9, 1974 shall continue to hold tenure as defined under those chapters and  
20 related rules. Any person who holds a tenure appointment under sub. (2) (a) or (b)  
21 and related rules on the effective date of this paragraph .... [LRB inserts date], shall  
22 continue to hold tenure under that subsection and related rules.

23 (b) Any person who holds a probationary appointment under sub. (2) (d) and  
24 related rules on the effective date of this paragraph .... [LRB inserts date], shall

1 provide any means of instruction, illustration, or knowledge in connection therewith,  
2 or for the benefit of any students or any class or group of students whether by way  
3 of scholarship, fellowship, or otherwise, or whether for the benefit of students or any  
4 class or group of students in any course, subcourse, special course, postgraduate  
5 course, summer school or teachers course, oratorical or debating course, laboratory,  
6 shop, lectureship, drill, gymnasium or any other like division or department of study,  
7 experiment, research, observation, travel, or mental or physical improvement in any  
8 manner connected with the university, or to provide for the voluntary retirement of  
9 any of the faculty.

10 (3) It shall not be necessary for a gift, grant, devise or bequest to exactly or  
11 particularly describe the members of a class or group of students intended to be the  
12 beneficiaries, but it shall be sufficient to describe the class or group. In such case,  
13 the board shall divide, graduate or otherwise categorize the students into such  
14 classes or groups as are necessary to select and determine those students belonging  
15 to the class or group intended.

16 (4) Any grant, contract, gift, endowment, trust or segregated funds bequeathed  
17 or assigned to the university or its component parts for any purpose whatsoever shall  
18 not be commingled or reassigned.

19 (5) Notwithstanding sub. (4), the board may transfer any ~~gift, grant, or~~ *contract, gift, endowment,*  
20 or segregated funds bequeathed or assigned to the university to the University of  
21 Wisconsin Foundation, Inc. if the transfer is consistent with the terms of the gift or  
22 grant.

\*\*\*\*NOTE: You did not repeat "contract" or "endowment" from sub. (4). Intentional?

*add as indicated*

1           **SECTION 383.** 40.22 (2) (h) of the statutes is amended to read:

2           40.22 (2) (h) The employee is teaching while on leave from an educational  
3 institution not a part of the University of Wisconsin or University of Wisconsin  
4 System, if the person is a visiting professor, visiting associate professor, visiting  
5 assistant professor or visiting lecturer at the university and if the employment at the  
6 university is all within 12 consecutive calendar months. If the employment at the  
7 university is continued beyond the 12-month period the person shall, at the start of  
8 the 13th consecutive calendar month of employment, come under the system for  
9 future service.

10           **SECTION 384.** 40.52 (3) of the statutes is amended to read:

11           40.52 (3) The group insurance board, after consulting with the board of trustee  
12 of the University of Wisconsin and the board of regents of the University of Wisconsin  
13 System, shall establish the terms of a health insurance plan for graduate assistants,  
14 and for employees-in-training designated by the board of regents, who are employed  
15 on at least a one-third full-time basis and for teachers who are employed on at least  
16 a one-third full-time basis by the University of Wisconsin or University of Wisconsin  
17 System with an expected duration of employment of at least 6 months but less than  
18 one year.

19           **SECTION 385.** 40.62 (2) of the statutes is amended to read:

20           40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
21 of the department, any collective bargaining agreement under subch. I, V, or VI of  
22 ch. 111, and ss. 13.121 (4), 36.30, 37.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2),  
23 233.10, 757.02 (5) and 978.12 (3).

24           **SECTION 386.** 40.95 (1) (a) 1. of the statutes is amended to read:



1           160.50 (1m) FUNDING FOR GROUNDWATER RESEARCH. The groundwater  
2 coordinating council shall advise the secretary of administration on the allocation of  
3 funds appropriated to the ~~board of regents~~ Board of Regents of the University of  
4 Wisconsin System under s. 20.285 (1) (a) and the Board of Trustees of the University  
5 of Wisconsin under s. 20.280 (1) (a) for groundwater research.

6           **SECTION 466.** 165.25 (8r) of the statutes is created to read:

7           165.25 (8r) BOARD OF TRUSTEES OF THE UNIVERSITY OF WISCONSIN. In subs. (1),  
8 (1m), (6) and (6m), treat the Board of Trustees of the University of Wisconsin as  
9 department of state government and any official, employee, or agent of the Board of  
10 Trustees as a state official, employee or agent.

      \*\*\*NOTE: We created the above instead of amending s. 165.25 (1) and (6m) as you  
requested. The above is similar to s. 165.25 (8) and (8m). Please let us know whether the  
above accomplishes your intent. Note that the above refers to s. 165.25 (1m) and (6), in  
addition to s. 165.25 (1) and (6m). *Yes, it does.*

11          **SECTION 467.** 174.13 (2) of the statutes is amended to read:

12          174.13 (2) Any officer or pound which has custody of an unclaimed dog may  
13 release the dog to the University of Wisconsin System, the University of Wisconsin,  
14 the Medical College of Wisconsin, Inc., or to any other educational institution of  
15 higher learning chartered under the laws of the state and accredited to the  
16 University of Wisconsin System or University of Wisconsin, upon requisition by the  
17 institution. The requisition shall be in writing, shall bear the signature of an  
18 authorized agent, and shall state that the dog is requisitioned for scientific or  
19 educational purposes. If a requisition is made for a greater number of dogs than is  
20 available at a given time, the officer or pound may supply those immediately  
21 available and may withhold from other disposition all unclaimed dogs coming into  
22 the officer's or pound's custody until the requisition is fully discharged, excluding  
23 impounded dogs as to which ownership is established within a reasonable period. A

1           255.054 (1) The Medical College of Wisconsin, Inc., and the University of  
2 Wisconsin Comprehensive Cancer Center shall use the moneys appropriated under  
3 ss. 20.250 (2) (h) and ~~20.285~~ 20.280 (1) ~~(gn)~~ (k) for prostate cancer research projects.  
4 These moneys may not be used to supplant funds available for prostate cancer  
5 research from other sources.

\*\*\*\*NOTE: Is the appropriation change okay? *Yes*

6           **SECTION 510.** 255.054 (2) of the statutes is amended to read:

7           255.054 (2) Annually by January 1, the Medical College of Wisconsin, Inc., and  
8 the Board of Regents Trustees of the University of Wisconsin ~~System~~ shall each  
9 report to the appropriate standing committees of the legislature under s. 13.172 (3)  
10 and to the governor on the prostate cancer research projects each has conducted  
11 under sub. (1) in the previous fiscal year.

12           **SECTION 511.** 255.055 (1) of the statutes is amended to read:

13           255.055 (1) The Medical College of Wisconsin, Inc., and the University of  
14 Wisconsin Comprehensive Cancer Center shall use the moneys appropriated under  
15 ss. 20.250 (2) (g) and ~~20.285~~ 20.280 (1) ~~(gm)~~ (k) for breast cancer research projects.  
16 These moneys may not be used to supplant funds available for breast cancer research  
17 from other sources.

\*\*\*\*NOTE: Is the appropriation change okay?

18           **SECTION 512.** 255.055 (2) of the statutes is amended to read:

19           255.055 (2) Annually by January 1, the Medical College of Wisconsin, Inc., and  
20 the Board of Regents Trustees of the University of Wisconsin ~~System~~ shall each  
21 report to the appropriate standing committees of the legislature under s. 13.172 (3)  
22 and to the governor on the breast cancer research projects each has conducted under  
23 sub. (1) in the previous fiscal year.

*delete*  
✓



1 funds, that relate to the operation of the University of Wisconsin-Madison, as  
2 determined by the secretary, shall become the assets and liabilities of the authority.

3 (c) *Tangible personal property; records.* On the effective date of this paragraph,  
4 all tangible personal property, including records, of the system that relates to the  
5 operation of the University of Wisconsin-Madison, as determined by the secretary,  
6 is transferred to the authority.

7 (d) *Employees.* All incumbent employees holding positions in the system and  
8 assigned to the University of Wisconsin-Madison are transferred on the effective  
9 date of this paragraph to the authority. The authority shall adhere to the terms of  
10 any collective bargaining agreement covering the employees that is in force on the  
11 effective date of this paragraph, including terms relating to employer payment of any  
12 employee required contributions under the Wisconsin Retirement System and  
13 employer payment of any health insurance premiums on behalf of employees. Upon  
14 termination of the collective bargaining agreement, the authority shall establish the  
15 compensation and benefits of the employees under section 37.11 (1g) of the statutes  
16 or, if the agreement expires after June 30, 2012, under the terms of the personnel  
17 system established by the board of trustees under section 37.11 (1g) of the statutes,  
18 as created by this act.

See proposed  
language from 2/11 email

19 (e) *Contracts and agreements.* 1. All contracts entered into by the board of  
20 regents in effect on the effective date of this paragraph that are primarily related to  
21 the operation of the University of Wisconsin-Madison, as determined by the  
22 secretary of administration, remain in effect and are transferred to the board of  
23 trustees.

24 2. All agreements entered into between the board of regents and the Board of  
25 Directors of the University of Wisconsin Hospitals and Clinics Authority under



1 statutes, as created by this act, the initial members of the board of trustees of the  
2 University of Wisconsin shall be initially appointed for the following terms:

3 (a) The member appointed under section 37.02 (1) (a) 1. a. of the statutes, as  
4 created by this act, the member appointed under section 37.02 (1) (a) 1. b. of the  
5 statutes, as created by this act, two members appointed under section 37.02 (1) (a)  
6 1. c. of the statutes, as created by this act, one member appointed under section 37.02  
7 (1) (a) 2. a. of the statutes, as created by this act, the member appointed under section  
8 37.02 (1) (a) 2. b. of the statutes, as created by this act, and two members appointed  
9 under section 37.02 (1) (a) 2. c. of the statutes, as created by this act, for terms  
10 expiring on May 1, 2014.

11 (b) Four members appointed under section 37.02 (1) (a) 1. c. of the statutes, as  
12 created by this act, two members appointed under section 37.02 (1) (a) 2. c. of the  
13 statutes, as created by this act, and the member appointed under section 37.02 (1)  
14 (a) 3. of the statutes, as created by this act, for terms expiring on May 1, 2013.

15 (c) Three members appointed under section 37.02 (1) (a) 1. c. of the statutes,  
16 as created by this act, one member appointed under section 37.02 (1) (a) 2. a. of the  
17 statutes, as created by this act, and two members appointed under section 37.02 (1)  
18 (a) 2. c. of the statutes, as created by this act, for terms expiring on May 1, 2012.

19 **SECTION 9301. Initial applicability; Administration.**

20 (1) BID THRESHOLDS IN PROCUREMENT FOR THE UNIVERSITY OF WISCONSIN. The  
21 treatment of section 16.75 (1) (c) and (2m) (c) of the statutes, the renumbering and  
22 amendment of section 16.75 (1) (b) and (2m) (b) of the statutes, and the creation of  
23 section 16.75 (1) (b) 2. and (2m) (b) 2. first apply to bids or proposals solicited on the  
24 effective date of this subsection.

25 **SECTION 9455. Effective dates; Other.**

**Grant, Peter**

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**From:** Boggs, Breann C - DOA [Breann.Boggs@wisconsin.gov]  
**Sent:** Friday, February 11, 2011 4:46 PM  
**To:** Kunkel, Mark  
**Cc:** Grant, Peter  
**Subject:** Revision to 1379/1

Hello Mark,

The nonresident tuition rate for undocumented persons – should also apply to University of Wisconsin. It's not clear to me if you make the change in this draft – or if you roll it into the big University of Wisconsin draft.

Please call if you need clarification.

Best,

**Breann C. Boggs**

Executive Policy and Budget Analyst  
Wisconsin Department of Administration  
Division of Executive Budget and Finance  
608.266.2843  
[breann.boggs@wisconsin.gov](mailto:breann.boggs@wisconsin.gov)

**Grant, Peter**

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**From:** Lynch, Nancy [NLYNCH@vc.wisc.edu]  
**Sent:** Friday, February 11, 2011 4:48 PM  
**To:** Grant, Peter; lrutherford@vc.wisc.edu; lwilson@vc.wisc.edu  
**Subject:** Name change

Peter,

We have just been asked to retain the name of University of Wisconsin-Madison. We fully realize the magnitude of the changes involved at this late date. We are prepared to assist in any way we can. Please confirm that you received this email and please advise as to what we can do to assist.

Nancy

Sent from my HTC on the Now Network from Sprint!

**Grant, Peter**

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**From:** Boggs, Breann C - DOA [Breann.Boggs@wisconsin.gov]

**Sent:** Friday, February 11, 2011 5:09 PM

**To:** Grant, Peter

**Cc:** Norris, Tim

**Subject:** chapter 20 (iz)

Hi Peter,

On page 62 of the latest draft, appropriation (iz) appears to have been included.

According to my notes, (iz) would stay in the 20.285 – and would not be amended or duplicated in 20.280.

If there is a reason that (iz) should be included, Tim Norris would like us to have a follow-up discussion about it. If it is just a clerical error, please copy Tim on the response.

Thanks!

**Breann C. Boggs**

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Wisconsin Department of Administration

Division of Executive Budget and Finance

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**Grant, Peter**

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**From:** Lynch, Nancy [NLYNCH@vc.wisc.edu]  
**Sent:** Friday, February 11, 2011 6:46 PM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa  
**Subject:** Additional changes  
**Signed By:** nlynch@vc.wisc.edu  
**Attachments:** 2-11-11 #2 OALS Review sent to LRB.pdf

Peter,

Attached are just a few additional changes that we found this evening.

Look forward to Sunday's draft if you are able to send it. As usual, please let us know if you have questions.

Thanks again.

Nancy

Nancy K. Lynch  
Associate Director  
Senior University Legal Counsel  
Administrative Legal Services  
University of Wisconsin-Madison  
361 Bascom Hall  
500 Lincoln Drive  
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Email: [nlynch@vc.wisc.edu](mailto:nlynch@vc.wisc.edu)  
Tele: 608.263.7400  
Fax: 608.263.4725  
<http://legal.wisc.edu>

1 (2) A vacancy on the board shall be filled in the same manner as the original  
2 appointment to the board for the remainder of the unexpired term, if any.

3 (3) A member of the board may not be compensated for his or her services but  
4 ~~shall~~ <sup>may</sup> be reimbursed for actual and necessary expenses, including travel expenses,  
5 incurred in the performance of his or her duties.

6 (4) No cause of action of any nature may arise against and no civil liability may  
7 be imposed upon a member of the board for any act or omission in the performance  
8 of his or her powers and duties under this chapter, unless the person asserting  
9 liability proves that the act or omission constitutes willful misconduct.

10 (5) The members of the board shall annually elect a chairperson and may elect  
11 other officers as they consider appropriate. <sup>The board shall adopt by-laws</sup>  
12 ~~constitute a quorum for the purpose of conducting the business and exercising the~~ <sup>Eleven voting members of the board</sup>  
13 ~~powers of the authority, notwithstanding the existence of any vacancy. The board~~  
14 ~~may take action upon a vote of a majority of the members present, unless the bylaws~~  
15 ~~of the authority require a larger number.~~ <sup>for the purpose of conducting its business</sup> NO

16 (6) The board shall appoint a chancellor to serve as chief executive officer of the  
17 university. The chancellor serves at the pleasure of the board. The chancellor shall  
18 receive such compensation as the board fixes.

19 (6m) The board shall appoint a secretary of the board, who shall keep a record  
20 of all its transactions.

21 (7) The state treasurer shall be the treasurer of the board for those moneys  
22 appropriated to the board under s. 20.280.

23 (8) (a) The board shall provide in its operating policies for access to the board  
24 by the public, faculty, students and employees.



1 (b) The board meetings shall be open and all records of such meetings and of  
2 all proceedings of the board shall be open to inspection in accordance with subchs.  
3 II and V of ch. 19.

4 **37.03 Responsibilities. (1) BOARD.** (a) The primary responsibility for  
5 governance of the authority is vested in the board, which shall operate a university  
6 at or near the seat of government, and adopt policies for governing the university.

7 (b) The board shall determine the educational programs to be offered by the  
8 university and may discontinue educational programs as it deems necessary.

9 (c) The board shall appoint a chancellor; faculty; other employees; the state  
10 geologist; the director of the laboratory of hygiene; the director of the psychiatric  
11 institute; the state cartographer; and fix the salaries, the duties, and the term of  
12 office for each. No sectarian or partisan tests or any tests based upon race, color,  
13 creed, religion, national origin, sex, disability, ancestry, age, sexual orientation,  
14 pregnancy, marital status, or parental status shall ever be allowed or exercised in the  
15 appointment of the employees of the university.

16 (d) The board shall delegate to the chancellor the responsibility for the  
17 administration and operation of the university within the policies and guidelines  
18 established by the board.

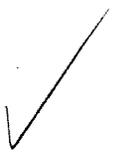
19 (e) In order to provide for the evaluation of the quality and effectiveness of the  
20 university, the board shall prepare an accountability report measuring its  
21 performance in such areas as the access and ~~affectability~~<sup>affordability</sup> of the university, student  
22 achievement, the research efforts of the university, the economic impact of the  
23 university on the state, the services provided by the university to the residents of the  
24 state, and the financial accountability of the university's operations. By July 1, 2013,

1 and biennially thereafter, the board shall submit the accountability report to the  
2 governor and shall post the report prominently ~~on its website.~~

3 (2) CHANCELLOR. The chancellor shall be the executive head of the faculty and  
4 the university, shall be vested with the responsibility of administering board policies,  
5 and shall be accountable and report to the board on the operation and administration  
6 of the university. Subject to board policy, the chancellor, in consultation with the  
7 faculty, shall be responsible for designing curricula and setting degree requirements;  
8 determining academic standards and establishing grading systems; defining and  
9 administering institutional standards for faculty peer evaluation and screening  
10 candidates for appointment, promotion and tenure; recommending individual merit  
11 increases; administering associated auxiliary services; and administering all funds,  
12 from whatever source, allocated, generated or intended for use of the university. The  
13 chancellor may designate a person as provost, to act as chief executive officer of the  
14 institution in the chancellor's absence.

15 (3) FACULTY. The faculty, subject to the responsibilities and powers of the board  
16 and the chancellor, shall be vested with responsibility for the immediate governance  
17 of the university and shall actively participate in university policy development. As  
18 such, the faculty shall have the primary responsibility for academic and educational  
19 activities and faculty personnel matters. The faculty shall have the right to  
20 determine their own faculty organizational structure and to select representatives  
21 to participate in university governance.

22 (4) ACADEMIC STAFF. The academic staff, subject to the responsibilities and  
23 powers of the board, the chancellor, and the faculty, shall be active participants in  
24 the immediate governance of and policy development for the university. The  
25 academic staff have the primary responsibility for the formulation and review, and



1 shall be represented in the development, of all policies and procedures concerning  
2 the academic staff, including academic staff personnel matters. The academic staff  
3 have the right to organize themselves in a manner they determine and to select their  
4 representatives to participate in university governance.

5 (5) STUDENTS. The students, subject to the responsibilities and powers of the  
6 board, the chancellor, and the faculty shall be active participants in the immediate  
7 governance of and policy development for the university. As such, students shall  
8 have primary responsibility for the formulation and review of policies concerning  
9 student life, services and interests. In consultation with the chancellor and subject  
10 to the final confirmation of the board, students shall have the responsibility for the  
11 disposition of those student fees that constitute substantial support for campus  
12 student activities. The students shall have the right to organize themselves in a  
13 manner they determine and to select their representatives to participate in  
14 university governance.

15 **37.11 Powers and duties of the board. (1) GENERALLY.** The board shall have  
16 all the powers necessary or convenient to carry out the purposes and provisions of  
17 this chapter. In addition to all other powers granted the board under this chapter,  
18 the board may specifically:

19 (a) Adopt, amend, and repeal any bylaws, policies, and procedures for the  
20 regulation of its affairs and the conduct of its business.

21 (b) Have a seal and alter the seal at pleasure.

22 (c) Maintain an office.

23 (d) Accept gifts, grants, loans, or other contributions from private or public  
24 sources.

1 commission unless the project is developed and approved by the board in conformity  
2 with this subsection. This subsection does not apply to building projects of the  
3 University of Wisconsin Hospitals and Clinics Authority.

4 (27) CONDITION ON FINANCIAL ASSISTANCE. The board may not provide any state  
5 financial assistance under this chapter to any person during the period that the  
6 person is required to register with the selective service system under 50 USC,  
7 Appendix, sections 451 to 473 if the person has not so registered.

8 (28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND  
9 CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), the board  
10 shall negotiate and enter into a lease agreement with the University of Wisconsin  
11 Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7) and  
12 shall comply with s. 233.04 (7g).

13 (28m) AFFILIATION AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS  
14 AND CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), the  
15 board shall negotiate and enter into an affiliation agreement with the University of  
16 Wisconsin Hospitals and Clinics Authority that meets the requirements under s.  
17 233.04 (7m) and shall comply with s. 233.04 (7p).

18 (29) OTHER AGREEMENTS WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND  
19 CLINICS AUTHORITY. The board may enter into joint purchasing contracts and other  
20 contracts, rental agreements and cooperative agreements and other necessary  
21 arrangements with the University of Wisconsin Hospitals and Clinics Authority  
22 which may be necessary and convenient for the missions, objects and uses of the  
23 University of Wisconsin Hospitals and Clinics Authority authorized by law.

24 (39) GAYLORD NELSON CHAIR OF INTEGRATED ENVIRONMENTAL STUDIES. The board  
25 ~~shall~~ <sup>may</sup> establish the Gaylord Nelson chair of integrated environmental studies.



1 continue to enjoy the contractual rights and guarantees as defined under that  
2 paragraph and related rules.

3 (5) PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only  
4 for just cause and only after due notice and hearing. Any person having a  
5 probationary appointment may be dismissed prior to the end of the person's contract  
6 term only for just cause and only after due notice and hearing. The action and  
7 decision of the board in such matters shall be final. The board and the faculty shall  
8 develop procedures for the notice and hearing which shall be promulgated by rule.

9 **37.14 Wisconsin distinguished professorships.** (1) The board may  
10 establish distinguished professorships under this section.

11 (2) The board may pay under this section the salary and fringe benefit costs  
12 of the professor holding the distinguished professorship and of any graduate  
13 assistant assigned to the professor, and the equipment, supplies and travel costs of  
14 the professor and the graduate assistants assigned to the professor.

15 **37.15 Academic staff appointments.** A person having an academic staff  
16 appointment for a term may be dismissed prior to the end of the appointment term  
17 only for just cause and only after due notice and hearing. A person having an  
18 academic staff appointment for an indefinite term who has attained permanent  
19 status may be dismissed only for just cause and only after due notice and hearing.

20 **37.19 Other appointments.** The board may make or authorize fixed term  
21 appointments for student assistants and employees in training, such as residents,  
22 interns, post-<sup>doctoral</sup>~~doctoral~~ fellows, or trainees or associates. Appointments made under  
23 this section are not subject to s. 37.15.

24 **37.21 Lapse of appointments.** Notwithstanding ss. 37.13 (4) and 37.15, the  
25 board may, with appropriate notice, terminate any appointment when a financial

1 university as an undergraduate for each valid voucher issued to the student under  
2 s. 45.60 (3).

\*\*\*NOTE: Please see the treatment of ss. 45.60 (3) (b) and 895.515 (1) (b) associated  
with this section.

3 (4) Subsections (1) (b) and (2) to (3r) do not apply beginning on the date the  
4 board adopts a resolution to that effect or on July 1, 2013, whichever occurs sooner.

5 **37.29 Gifts.** (1) All gifts, grants, and bequests for the benefit or advantage  
6 of the university or any of its departments or facilities or to provide any means of  
7 instruction, illustration, or knowledge in connection therewith, whether made to  
8 trustees or otherwise, shall be valid notwithstanding any other provision of this  
9 chapter except as otherwise provided in this subsection and shall be executed and  
10 enforced according to the provisions of the instrument making the same, including  
11 all provisions and directions in any such instrument for accumulation of the income  
12 of any fund or rents and profits of any real estate without being subject to the  
13 limitations and restrictions provided by law in other cases. No investment of the  
14 funds of such gifts, grants, or bequests shall knowingly be made in any company,  
15 corporation, subsidiary, or affiliate that practices or condones through its actions  
16 discrimination on the basis of race, religion, color, creed, or sex. This subsection does  
17 not apply to a gift, grant, or bequest that the board declines to accept or that the board  
18 is not authorized to accept under this section.

19 (2) All gifts, grants, or bequests under sub. (1) may be made to the board, the  
20 chancellor, or any officer, or to any person as trustee, or may be charged upon any  
21 personal representative, trustee, heir, devisee, or legatee, or made in any other  
22 manner indicating an intention to create a trust, and may be made as well for the  
23 benefit of the university or any of its schools, colleges, departments, or facilities to

✓  
insert  
37.12  
discrimination  
list