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; and the state cartographer; and fix the salaries, the duties, and the term
12 of 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 affordability 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,

and biennially thereafter, the board shall submit the accountability report to the governor and shall post the report prominently on its Web site.

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

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

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

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

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

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

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

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

(c) Maintain an office.

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

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 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 classified
10 civil service employees to the university personnel system as necessary upon the
11 effective 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 for 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 that 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

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

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

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

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

(2) POLICE AUTHORITY. (a) The board shall have concurrent police power, with other authorized peace officers, over all property subject to its jurisdiction. Such concurrent police authority shall not be construed to reduce or lessen the authority of the police power of the community or communities in which the university is located. All university police officers shall cooperate with and be responsive to the local police authorities as they meet and exercise their statutory responsibilities. The designated agents of the board may arrest, with or without warrant, any person on such property who they have reasonable grounds to believe has violated a state

law or any rule promulgated under sub. (1m) (a), (c), or (cm) or (8) and deliver such person to any court having jurisdiction over the violation and execute a complaint charging such person with the violation. This subsection does not impair the duty of any other peace officers within their jurisdictions to arrest and take before the proper court persons found violating any state law on such property.

(b) The board may employ police for the university and a chief to head such police, or contract for police, all of whom shall be deemed peace officers under s. 939.22 (22) under the supervision and control of the chancellor or the chancellor's designee. Such police officers shall meet the minimum standards established for other police officers by the law enforcement standards board or a comparable agency. Such police shall preserve the peace on all property described under par. (a), enforce all rules promulgated under subs. (1) (a), (c), and (cm) and (8) and all other laws, and for that purpose the chancellor or the chancellor's designee may call for aid from such other persons as is deemed necessary.

(3) ADMISSION OF APPLICANTS. (a) The board shall establish the policies for admission to the university and within these policies shall establish specific requirements for admission to its courses of instruction. No sectarian or partisan tests or any tests based upon race, religion, color, creed, national origin of U.S. citizens, sex, disability, ancestry, age, sexual orientation, pregnancy, marital status, or parental status shall ever be allowed in the admission of students.

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

(4) INJUNCTIVE RELIEF. The board may obtain injunctive relief to enforce any rules promulgated under sub. (1m) (a), (c)) or (cm) or sub. (8).

1 **(5)** INSURANCE. (a) The board may procure liability insurance covering the
2 members of the board, any officer, employee, or such students whose activities may
3 constitute an obligation or responsibility of the university.

4 (b) The board may procure insurance to cover injuries sustained by students
5 as a result of their participation in intercollegiate athletics. The board may not use
6 general purpose revenue to pay for such insurance. With respect to any of the risks
7 to be covered by the insurance, the board may contract for the services of a claims
8 administrator and may obtain coverage by any combination of self-insurance, excess
9 or stop-loss insurance, or blanket insurance.

10 **(6)** FINANCIAL AIDS. (a) The board may:

11 1. Make grants to students from funds budgeted to or controlled by the
12 university and formulate policies and adopt rules for the grants.

13 2. Make grants equivalent in value to the payment of incidental fees to disabled
14 residents of the state who are recommended and supervised by the department of
15 workforce development under s. 47.02.

16 (b) The board may not make a grant under par. (a) to a person whose name
17 appears on the statewide support lien docket under s. 49.854 (2) (b), unless the
18 person provides to the board a payment agreement that has been approved by the
19 county child support agency under s. 59.53 (5) and that is consistent with rules
20 promulgated under s. 49.858 (2) (a).

21 **(7)** CONFER DEGREES. The board may confer such degrees and grant such
22 diplomas as are usual in universities or as it deems appropriate.

23 **(8)** PARKING RULES. (a) The board may make general policies and shall
24 authorize the chancellor to promulgate rules regulating the parking of motor
25 vehicles on property under its jurisdiction.

1 (b) The board shall establish fines for the violation of any rule promulgated
2 under par. (a). The university may collect such fines together with moneys collected
3 from the sale of parking permits and other fees established under par. (a), to be used
4 only for the purpose of developing and operating parking or other transportation
5 facilities at the university and for enforcing parking rules under par. (a).

6 **(8e)** PARKING FEES. The board shall charge a parking fee for the parking of
7 motor vehicles by students, employees, and visitors at campus. The board may
8 require the fee to be sufficient to recover the costs of the construction and
9 maintenance necessary for the parking facilities. Nothing in this subsection
10 requires the recovery of the costs of land for parking facilities. Nothing in this
11 subsection requires that all users of the parking facilities be charged a parking fee.

12 **(8m)** TRANSPORTATION PLANNING. The board shall work with the regional
13 planning commissions and the local authorities of the community in which the
14 university is located to evaluate the transportation needs of the university
15 population. The board shall develop a transportation plan for the university to effect
16 energy resource conservation and efficient use of transportation resources. The plan
17 shall include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car
18 and van pools, and, to the extent feasible, improved mass transit services. The
19 transportation plans shall detail parking management strategies that provide
20 incentives for the use of mass transit and high occupancy vehicles.

21 **(9)** CONDEMNATION. The board may acquire by condemnation proceedings
22 under ch. 32 such parcels of land as it deems necessary for the use of the university
23 whenever the board is unable to agree with the owner upon the compensation
24 therefor, or whenever the absence or legal incapacity of such owner, or other cause,
25 prevents or unreasonably delays such agreement.

1 **(11)** SURPLUS MONEY. The board may invest any surplus money in such
2 securities as are legal for trust fund investments; or invest such funds or any part
3 thereof, in the senior or junior bonds or obligations that may be issued by such
4 nonprofit-sharing corporation as may be contracted with by the board for the
5 construction or equipment of dormitories, commons, or field houses, which bonds or
6 obligations shall be secured by a mortgage or pledge of the buildings or
7 improvements erected or to be erected by such corporations and by a mortgage or
8 pledge of its leasehold interest. Any interest on any of such bonds or securities shall
9 when received be added to the revolving funds and may be used for the purposes set
10 forth in this subsection.

11 **(12)** LIBRARY DEPOSITORY. (a) The board may participate in the formation and
12 maintenance of a nonprofit-sharing corporation sponsored by participating colleges,
13 universities, and libraries for the purpose of providing and operating a central
14 library depository at a location in a midwestern state for the storage of little used
15 books and other library and research materials of participating institutions, and
16 which corporation may also perform other functions for the benefit of participating
17 institutions such as, without limitation because of enumeration, the correlating of
18 library catalogs of the participating institutions, the coordinating and planning of
19 the purchasing by each institution of costly or infrequently used books and research
20 materials in order to avoid unnecessary duplication, and facilitating the loaning of
21 library books and other library and research materials between participating
22 institutions. The board shall possess all powers necessary or convenient to
23 accomplish the foregoing, including the authority to designate representatives or
24 members of such corporation in accordance with its articles and bylaws.

1 (b) The board may make use of and pay for the use of the facilities and services
2 of such nonprofit-sharing corporation, but the board shall retain title to all books
3 and materials deposited with such corporation for storage or loaned to other
4 participating institutions. The appropriations to the board are to be available for the
5 purposes of this subsection to the extent that such appropriations may be applicable.

6 **(13)** AUXILIARY RESERVES. Auxiliary enterprise reserve funds established prior
7 to merger of this state's public institutions of higher education for the benefit or
8 support of an institution or group of institutions shall not be utilized for any other
9 purpose.

10 **(15)** TAX DEFERRED ANNUITIES. The board may continue all salary reduction
11 agreements with its employees pursuant to section 403 (b) of the Internal Revenue
12 Code. The board may enter into new salary reduction agreements with its employees
13 pursuant to section 403 (b) of the Internal Revenue Code or other applicable federal
14 law and may purchase annuities for its employees pursuant to these agreements
15 from such annuity providers, both public and private, as the board deems
16 appropriate.

17 **(15m)** FOOTBALL COACHES PENSION PLAN. The board may deduct contributions
18 from the salaries of football coaches employed in the university who are eligible and
19 wish to participate in the qualified pension plan for football coaches established as
20 the American football coaches retirement trust, and remit the deductions to the
21 administrator of that plan, if the American football coaches retirement trust or the
22 administrator or agent of the plan indemnifies the board and its employees against,
23 and holds the board and its employees harmless from, all claims and demands
24 associated with the plan.

1 **(17)** SABBATICAL LEAVE FOR INSTRUCTIONAL FACULTY. The board may grant
2 sabbatical leave of up to one year to university faculty, in order to recognize and
3 enhance teaching efforts and excellence, under rules and procedures adopted by the
4 board, subject to the following conditions:

5 (a) Sabbatical leave may be granted only to those faculty members who have
6 completed 6 or more years, or the equivalent, of full-time instructional service in the
7 university.

8 (b) Only one sabbatical leave may be granted for each 6 years of full-time
9 instructional service in the university with preference given to those who have been
10 making significant contributions to teaching and have not had a leave of absence
11 except under s. 103.10, regardless of source of funding, in the previous 4 years.

12 (c) Sabbatical leave shall be granted for the purposes of enhancing teaching,
13 course and curriculum development, or conducting research or any other scholarly
14 activities related to instructional programs within the field of expertise of the faculty
15 member taking such leave.

16 (d) Sabbatical leave shall be approved by appropriate faculty and
17 administrative committees.

18 (e) A faculty member shall receive compensation while on sabbatical leave, but
19 such compensation, when combined with outside compensation earned while on
20 leave, shall not exceed the full compensation normally received from the university.

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

24 **(21)** CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE.
25 Any student who engages in an activity, on campus or at an event sponsored by the

university, that constitutes a violation of ch. 961 is subject to nonacademic misconduct disciplinary sanctions, as provided by the board by rule. In determining the appropriate sanction, the board or its designee shall consider those penalties, including suspension and expulsion, that will contribute most effectively to maintaining a university environment that is free from controlled substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m).

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

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

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

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

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

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

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

4 2. Annually supply to all students enrolled in the university printed or
5 electronic material that includes all of the information under subd. 1.

6 (b) Annually, the board shall submit a report to the chief clerk of each house
7 of the legislature for distribution to the appropriate standing committees under s.
8 13.172 (3). The report shall indicate the methods the university has used to comply
9 with par. (a).

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

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

20 **(26)** BUILDING PROGRAM PLANNING AND APPROVAL. The board shall establish a
21 process for submission of building projects to the building commission for approval.
22 No building project for the university may be submitted by the board to the building
23 commission unless the project is developed and approved by the board in conformity
24 with this subsection. This subsection does not apply to building projects of the
25 University of Wisconsin Hospitals and Clinics Authority.

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

5 **(47)** ARMED FORCES. If a student who is a member of a national guard or a
6 member of a reserve unit of the U.S. armed forces withdraws from school after
7 September 11, 2001, because he or she is called into state active duty or into active
8 service with the U.S. armed forces for at least 30 days, the board shall reenroll the
9 student beginning in the semester in which he or she is discharged, demobilized, or
10 deactivated from active duty or the next succeeding semester, whichever the student
11 prefers, shall give the student the same priority in registering for courses that the
12 student would have had if he or she had registered for courses at the beginning of the
13 registration period, and, at the student's request, do one of the following for all
14 courses from which the student had to withdraw:

15 (a) Reimburse the student all tuition and fees paid for all the courses and a
16 prorated portion of room and board payments.

17 (b) Grant the student an incomplete in all the courses and permit the student
18 to complete the courses, within 6 months after leaving state service or active service,
19 without paying additional tuition or fees.

20 **(50)** RESERVE OFFICER TRAINING CORPS. The board may not prohibit the reserve
21 officer training corps from operating on its campus.

22 **(51)** AUTOMOBILE ALLOWANCE. The board may not use general purpose revenue,
23 tuition, or academic fees for the chancellors' automobile allowance.

24 **37.12 Student discrimination prohibited. (1)** No student may be denied
25 admission to, participation in, or the benefits of, or be discriminated against in any

service, program, course, or facility of, the university because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status, or parental status.

(2) (a) The board shall establish policies and procedures to protect students from discrimination under sub. (1). The policies and procedures shall do all of the following:

1. Provide criteria for determining whether sub. (1) has been violated.

2. Provide remedies and sanctions for violations of sub. (1).

3. Require a complainant to file a complaint with the university within 300 days of the alleged violation of sub. (1).

4. Provide periods within which the complainant and the university must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the chancellor.

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

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

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

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

(2) APPOINTMENTS. (a) Except as provided under par. (b), the board may grant a tenure appointment only upon the affirmative recommendation of the chancellor and the appropriate academic department or its functional equivalent. Neither the

chancellor nor the academic department or its functional equivalent may base a tenure recommendation upon impermissible factors, as defined by the board by rule.

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

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

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

3. The board has the affirmative recommendation of a committee appointed according to the policies and procedures of the university to review the individual's record with reference to criteria for tenure published by the university under procedures established by the board by rule. No person may be appointed to the committee under this subdivision unless the person is knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. No member of the committee appointed under this subdivision may be a member of the academic department, or its functional equivalent, that made the negative recommendation. The committee appointed under this subdivision may not base its tenure recommendation upon impermissible factors, as defined by the board by rule.

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

1 (d) A probationary appointment shall not exceed 7 consecutive academic years
2 in a full-time position. A leave of absence, sabbatical or a teacher improvement
3 assignment does not constitute a break in continuous service and shall not be
4 included in the 7-year period. The board may adopt rules specifying additional
5 circumstances that do not constitute a break in continuous service and that shall not
6 be included in the 7-year period.

7 **(3)** RULES. The board and the faculty shall adopt rules for tenure and
8 probationary appointments, for the review of faculty performance and for the
9 nonretention and dismissal of faculty members.

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

16 (b) Any person who holds a probationary appointment under sub. (2) (d) and
17 related rules on the effective date of this paragraph .... [LRB inserts date], shall
18 continue to enjoy the contractual rights and guarantees as defined under that
19 paragraph and related rules.

20 **(5)** PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only
21 for just cause and only after due notice and hearing. Any person having a
22 probationary appointment may be dismissed prior to the end of the person's contract
23 term only for just cause and only after due notice and hearing. The action and
24 decision of the board in such matters shall be final. The board and the faculty shall
25 develop procedures for the notice and hearing that shall be adopted by rule.

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

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

7 **37.15 Academic staff appointments.** A person having an academic staff
8 appointment for a term may be dismissed prior to the end of the appointment term
9 only for just cause and only after due notice and hearing. A person having an
10 academic staff appointment for an indefinite term who has attained permanent
11 status may be dismissed only for just cause and only after due notice and hearing.

12 **37.17 Executive appointments.** An appointment to an executive position,
13 as determined by the board, shall be at the pleasure of the board. A person holding
14 a tenured or academic staff appointment under s. 37.13 or 37.15 does not lose that
15 appointment by accepting an executive appointment.

16 **37.19 Other appointments. (1)** The board may make or authorize
17 appointments for former classified service employees, student assistants, and
18 employees in training, such as residents, interns, post-doctoral fellows, or trainees
19 or associates.

20 **(2)** (a) Beginning July 1, 2012, all board employees in the classified service who
21 have been achieved permanent status in class, and who became board employees
22 before July 1, 2012, may be dismissed only for just cause and only after due notice
23 and hearing.

24 (b) Except for appointments under par. (a), ss. 37.13, 37.15, and 37.17, and
25 except for limited-term employees, project employees, student assistants,

1 employees in training such as residents, interns, post-doctoral fellows, or trainees
2 or associates, all appointments made on or after July 1, 2012, have the procedural
3 guarantees included in the personnel system implemented by the board under s.
4 37.11 (1g).

5 **37.21 Lapse of appointments.** Notwithstanding ss. 37.13 (4) and (5), 37.15,
6 and 37.19 (2), the board may, with appropriate notice, terminate any appointment
7 when a financial emergency exists. No person may be employed at the university
8 within 2 years to perform reasonably comparable duties to those of the person whose
9 appointment was terminated without first offering such person a reappointment.
10 The board, after consultation with the faculty and chancellor, shall adopt procedures
11 to be followed in the event of termination under this section.

12 **37.23 Conflict of interest.** No member of the board, or other person
13 appointed or employed in any position in the university, may at any time act as an
14 agent for any person or organization if the act would create a conflict of interest with
15 the terms of the person's service in the university. The board shall define conflicts
16 of interest and adopt policies related thereto.

17 **37.25 Special programs. (2)** WISCONSIN RESIDENTS PREFERENCE IN HOUSING.
18 Preference as to rooming, boarding, and apartment facilities in the use of living units
19 operated by the university shall, for the following school year, be given to students
20 who are residents of this state and who apply before March 15, unless a later date
21 is set by the board. Such preference shall be granted in accordance with categories
22 of priority established by the board. Leases or other agreements for occupancy of
23 such living units shall not exceed a term of one calendar year. The board may
24 establish requirements for the execution of this subsection.

1 **(3m)** SOLID WASTE EXPERIMENT CENTERS. (a) In this subsection, "solid waste
2 disposal" has the meaning given in s. 289.01 (34).
3 (b) The board may establish one or more solid waste experiment centers for the
4 purpose of developing, demonstrating, promoting, and assessing the costs and
5 environmental effects of alternatives to solid waste disposal. The board shall
6 determine the location of the solid waste experiment centers. In making the
7 determination, the board shall consider the solid waste disposal needs of the various
8 regions of the state. The board may establish, through cooperative agreements, solid
9 waste experiment centers at existing publicly owned or privately owned storage,
10 treatment, or disposal facilities.
11 (c) The board shall conduct research into alternatives to solid waste disposal,
12 including the reuse and recycling of materials, composting, source separation, and
13 the disposal of household hazardous wastes. The board shall also conduct research
14 into the safe disposal of solid waste that cannot be composted or recycled. Research
15 conducted under this paragraph shall include technologies suitable for application
16 to waste streams of less than 50 tons of solid waste per day and shall consider the
17 environmental effects of the technologies being researched and measures that could
18 be taken to mitigate such effects. Research conducted under this paragraph shall be
19 designed for the benefit of all public and private entities responsible for the
20 collection, storage, transportation, treatment, or disposal of solid waste and all
21 persons who generate solid waste.
22 **(5)** STATE EDUCATIONAL RADIO AND TELEVISION NETWORKS. (a) Except as provided
23 in par. (b), the board may grant the educational communications board the part-time
24 use of equipment and space necessary for the operations of the state educational
25 radio and television networks pursuant to the affiliation agreement between the

educational communications board and the Board of Regents required under s. 36.25 (5).

(9) CLEARING CUTOVER LANDS. The board through the College of Agricultural and Life Sciences may cause an investigation to be made of methods of clearing cutover lands, perform experiments and demonstrations in conjunction therewith, and provide related services to individual citizens at cost.

(14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the university. The grants shall be awarded from the appropriation under s. 20.280 (1) (a). The board shall give preference in awarding grants under this subsection to residents of this state. The board may not make a grant under this subsection to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(14m) MINORITY AND DISADVANTAGED PROGRAMS. (a) The board shall allocate funds under s. 20.280 (4) (a) to fund programs for recruiting minority and disadvantaged students and to fund programs for minority and disadvantaged students enrolled in the university.

(b) Annually by April 15, the board shall adopt a precollege, recruitment and retention plan for minority and disadvantaged students enrolled in the university.

(c) Annually by April 15, the board shall submit a report to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall include all of the following:

1. The plan adopted under par. (b).

2. All financial aid distributed to students, categorized by ethnic group, class level, and dependency status. The report shall include information on financial need, percentage of need satisfied by loan, percentage of need satisfied by grant, and the percentage remaining unsatisfied.

(15) MILITARY INSTRUCTION. The board may provide courses in military science and tactics.

(27) INTEGRATED AGRICULTURE PROGRAM. The board shall establish an integrated agriculture program.

(28) SCHOOLS OF BUSINESS. The board shall use the funds appropriated under s. 20.280 (1) (a) to support improvements in master's level business programs. The board may spend funds in that appropriation for this purpose only if it receives matching funds for the same purpose from private contributions.

****NOTE: Do you want to delete the second sentence?

(46) MENINGOCOCCAL DISEASE AND HEPATITIS B. (a) The board shall do all of the following:

1. Annually, provide detailed information on the risks associated with meningococcal disease and hepatitis B and the availability and effectiveness of vaccines against the diseases to each enrolled student, if he or she is at least 18 years old, or to the student's parent or guardian, if the student is a minor.

2. Require a student who resides in a dormitory or residence hall, or the student's parent or guardian if the student is a minor, to affirm that the student received the information under subd. 1.

3. Require a student who resides in a dormitory or residence hall to affirm whether he or she has received the vaccination against meningococcal disease and to provide the date of the vaccination, if any.

4. Require a student who resides in a dormitory or residence hall to affirm whether he or she has received the vaccination against hepatitis B and to provide the date of the vaccination, if any.

5. Maintain a confidential record of the affirmations and the dates of the vaccinations of each student under subds. 3. and 4.

(b) Nothing in this subsection requires the board to provide or pay for vaccinations against meningococcal disease or hepatitis B.

37.27 Tuition and fees. (1) BOARD TO ESTABLISH. (a) Subject to par. (b), the board may establish for different classes of students differing tuition and fees incidental to enrollment in educational programs or use of facilities in the university. Except as otherwise provided in this section, the board may charge any student who is not exempted by this section a nonresident tuition. The board may establish special rates of tuition and fees for summer sessions and such other studies or courses of instruction as the board deems advisable.

(b) The board shall 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, as determined under sub. (2) (e), space is available in the course, and the instructor approves.

(2) NONRESIDENT TUITION EXCEPTIONS. (a) Students qualifying under any of the following categories, while they continue to be residents of this state, are entitled to exemption from nonresident tuition but not from incidental or other fees:

1. Any adult student who has been a bona fide resident of the state for 12 months next preceding the beginning of any semester or session for which such student registers at the university.

2. Any minor student, if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at the university.

3. Any adult student who is a dependent of his or her parents under 26 USC 152 (a), if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at the university.

4. Any minor student who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at the university.

5. Any minor student under guardianship in this state whose legal guardian has been a bona fide resident of this state for at least 12 months next preceding the beginning of any semester or session for which such student registers at the university.

6. Any adult student who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of any semester or session for which the student registers at the university, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of any semester or session for which the student registers at the university, any adult student whose parent or legal guardian has been so employed while the student was a minor and any minor student whose parent or legal guardian has been so employed. In this subdivision, "migrant worker" has the meaning specified in s. 103.90 (5).

(am) Any person who is a refugee, as defined under 8 USC 1101 (a) (42), who moved to this state immediately upon arrival in the United States and who has resided in this state continuously since then is entitled to the exemption under par.

1 (a) if he or she demonstrates an intent to establish and maintain a permanent home
2 in Wisconsin according to the criteria under par. (e).
3 (b) 1. Nonresident members of the armed forces and persons engaged in
4 alternative service who are stationed in this state on active duty and their spouses
5 and children are entitled to the exemption under par. (a) during the period that such
6 persons are stationed in this state.
7 2. Members of the armed forces who reside in this state and are stationed at
8 a federal military installation located within 90 miles of the borders of this state, and
9 their spouses and children, are entitled to the exemption under par. (a).
10 3. Nonresident persons who served in active duty in the U.S. armed forces for
11 at least 10 years, who were honorably discharged from such service within 4 years
12 before applying at the university, and who filed state income tax returns for at least
13 8 of the last 10 years of active duty in the U.S. armed forces, and their spouses and
14 children are entitled to the exemption under par. (a).
15 4. A person who was a resident of this state at the time of entry into active duty,
16 who is a resident of and living in this state at the time of registering at the university,
17 and who is a veteran, as defined in s. 45.01 (12), is entitled to the exemption under
18 par. (a).
19 (c) Any student who is a graduate of a Wisconsin high school and whose parents
20 are bona fide residents of this state for 12 months next preceding the beginning of
21 any semester or session for which the student registers at the university or whose
22 last surviving parent was a bona fide resident of this state for the 12 months
23 preceding death is entitled to the exemption under par. (a).
24 (cm) Any person continuously employed full time in this state, who was
25 relocated to this state by his or her current employer or who moved to this state for

1 employment purposes and accepted his or her current employment before applying
2 for admission to the university and before moving, and the spouse and dependents
3 of any such person, are entitled to the exemption under par. (a) if the student
4 demonstrates an intent to establish and maintain a permanent home in Wisconsin
5 according to the criteria under par. (e). In this paragraph, "dependents" has the
6 meaning given in 26 USC 152 (a).

7 (d) Any person who has not been a bona fide resident of the state for 12 months
8 next preceding the beginning of any semester or session for which such person
9 registers at the university, except as provided in this subsection, is not exempt from
10 the payment of the nonresident tuition.

11 (e) In determining bona fide residence at the time of the beginning of any
12 semester or session and for the preceding 12 months the intent of the person to
13 establish and maintain a permanent home in Wisconsin is determinative. In
14 addition to representations by the student, intent may be demonstrated or disproved
15 by factors including, but not limited to, timely filing of a Wisconsin income tax return
16 of a type that only full-year Wisconsin residents may file, voter registration in
17 Wisconsin, motor vehicle registration in Wisconsin, possession of a Wisconsin
18 operator's license, place of employment, self-support, involvement in community
19 activities in Wisconsin, physical presence in Wisconsin for at least 12 months
20 preceding the beginning of the semester or session for which the student registers,
21 and, if the student is not a U.S. citizen, possession of a visa that permits indefinite
22 residence in the United States. Notwithstanding par. (a), a student who enters and
23 remains in this state principally to obtain an education is presumed to continue to
24 reside outside this state and such presumption continues in effect until rebutted by
25 clear and convincing evidence of bona fide residence.

1 **(2m)** APPEALS. Any body designated by the board to determine nonresident
2 tuition exemptions under sub. (2) may require a student who has been granted such
3 an exemption to submit information from which the body may determine the
4 student's eligibility for the exemption, the student's eligibility for a different
5 exemption, or the student's residency status.

6 **(3)** TUITION REMISSIONS. (a) The board may remit nonresident tuition either in
7 whole or in part at the university, but not other fees:

8 1. To a number of needy and worthy nonresident students upon the basis of
9 merit, to be shown by suitable tests, examinations, or scholastic records and
10 continued high standards of scholastic attainment.

11 2. To additional individual students who, in the judgment of the board, are
12 deserving of relief from the assessment of nonresident tuition because of
13 extraordinary circumstances.

14 (b) The board may remit nonresident tuition, in whole or in part, but no other
15 fees, except in special circumstances as approved by the chancellor, to worthy and
16 needy foreign students and to students who are United States citizens but whose
17 residence is not in the United States.

18 (c) In addition to the remissions of nonresident tuition under this subsection,
19 the board may, as athletic scholarships, grant full remission of fees and nonresident
20 tuition, up to the maximum number allowed by the appropriate athletic conference
21 as recommended by the chancellor.

22 (d) The board shall remit nonresident tuition and fees, in whole or part, to
23 resident and nonresident graduate students who are fellows or who are employed
24 within the university as faculty, instructional staff, or assistants with an
25 appointment equal to at least 33 percent of a full-time equivalent position.

1 **(3m)** FEE REMISSIONS FOR SURVIVORS. (a) In this subsection:

2 1. "Correctional officer" has the meaning given in s. 102.475 (8) (a).

3 1g. "Emergency medical services technician" means an individual under s.
4 256.01 (5) or (9).

5 1m. "Fire fighter" means any person employed by this state or any political
6 subdivision of this state as a member or officer of a fire department whose duties
7 include fire fighting or fire fighting training or a member of a volunteer fire
8 department whose duties include fire fighting or fire fighting training.

9 2. "Law enforcement officer" has the meaning given in s. 165.85 (2) (c) and
10 includes a person appointed as a conservation warden under s. 23.10.

11 (b) The board shall grant full remission of fees to any resident undergraduate
12 student who is enrolled in a bachelor's degree program and who is any of the
13 following:

14 1. The child of an ambulance driver, correctional officer, fire fighter, emergency
15 medical services technician, or law enforcement officer who was killed in the line of
16 duty in this state or who qualified for a duty disability benefit, as defined in s. 40.65
17 (4), under the Wisconsin Retirement System, the Employees' Retirement System of
18 the city of Milwaukee, or the Milwaukee County Employee's Retirement System and
19 died as a result of the qualifying disability. The student must be the child of an
20 ambulance driver, correctional officer, fire fighter, emergency medical services
21 technician, or law enforcement officer who was so killed or who died as a result of the
22 qualifying disability when the child was under the age of 21 or before the child was
23 born.

24 2. The surviving spouse of an ambulance driver, correctional officer, fire fighter,
25 emergency medical services technician, or law enforcement officer who was killed in

1 the line of duty in this state or who qualified for a duty disability benefit, as defined
2 in s. 40.65 (4), under the Wisconsin Retirement System, the Employees' Retirement
3 System of the city of Milwaukee, or the Milwaukee County Employee's Retirement
4 System and died as a result of the qualifying disability.

5 (c) The fee remission under par. (b) shall remain in effect until completion of
6 a sufficient number of credits to be awarded a bachelor's degree in the student's
7 major field of study, except that a student must be in good academic standing to
8 receive the remission for the next semester and may not receive a remission for more
9 than 5 consecutive years.

10 **(3n)** FEE REMISSION FOR SPOUSE, SURVIVING SPOUSE, AND CHILDREN OF CERTAIN
11 VETERANS. (a) In this subsection, "eligible veteran" means a person verified by the
12 department of veterans affairs to be either of the following:

13 1. A person who has served on active duty under honorable conditions in the
14 U.S. armed forces, in forces incorporated as part of the U.S. armed forces, in the
15 national guard, or in a reserve component of the U.S. armed forces; who was a
16 resident of this state at the time of entry into that service; and who, while a resident
17 of this state, died on active duty, died as the result of a service-connected disability,
18 or died in the line of duty while on active or inactive duty for training purposes.

19 2. A person who was a resident of this state at the time of entry into service
20 described in subd. 1. and who the U.S. department of veteran affairs has awarded
21 at least a 30 percent service-connected disability rating under 38 USC 1114 or 1134.

22 (b) Except as provided in subds. 1. to 3. and par. (bg), the board shall grant full
23 remission of academic fees and segregated fees for 128 credits or 8 semesters,
24 whichever is longer, less the number of credits or semesters for which the person
25 received remission of fees under ss. 36.27 (3n) (b) and 38.24 (7) and less the amount

of any academic fees or segregated fees paid under 38 USC 3319, to any resident student who is also any of the following:

1. A spouse of an eligible veteran. The remission under this subdivision applies only during the first 10 years after the eligible veteran received the service-connected disability rating.

2. Except as provided in subd. 2m., an unremarried surviving spouse of an eligible veteran. The remission under this subdivision applies only during the first 10 years after the veteran died.

2m. An unremarried surviving spouse of an eligible veteran who had a child with the eligible veteran. The remission under this subdivision applies only until 10 years after the youngest child that the spouse had with the eligible veteran reaches or would have reached 18 years of age, or during the first 10 years after the veteran died, whichever is longer.

3. A child of an eligible veteran, if the child is at least 17 but not yet 26 years of age.

(bg) Before the board grants a remission of academic fees and segregated fees under par. (b), the board shall require the resident student to apply to the payment of those fees all educational assistance to which the resident student is entitled under 38 USC 3319. This requirement applies notwithstanding the fact that the resident student may be entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 as well as under 38 USC 3319, unless the resident student has 12 months or less of eligibility remaining for educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566.

(bm) 1. For a resident student who is entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 and under 38 USC 3319,

if the amount of educational assistance, not including educational assistance for tuition, to which the resident student is entitled under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 is greater than the amount of educational assistance, not including educational assistance for tuition, that the resident student received under 38 USC 3319, as determined by the higher educational aids board, in the academic year the higher educational aids board shall reimburse the resident student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the board.

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all resident students who are eligible for that reimbursement, the higher educational aids board and the board shall reimburse those resident students as provided in s. 39.50 (4).

(c) The higher educational aids board shall reimburse the board for all academic fees and segregated fees remitted under par. (b) as provided in s. 39.50 (1) and (3m).

(3p) FEE REMISSION FOR VETERANS. (a) In this subsection, "veteran" means a person who is verified by the department of veterans affairs as being a resident of this state for purposes of receiving benefits under ch. 45, as being a resident at the time of his or her entry into the U.S. armed forces or forces incorporated in the U.S. armed forces, and as meeting any of the following conditions:

1. The person has served on active duty for at least one qualifying term of service under subds. 2. to 4. under honorable conditions in the U.S. armed forces or

in forces incorporated as part of the U.S. armed forces during a war period or in a crisis zone.

2. The person has served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces under honorable conditions, for 2 continuous years or more or for the full period of his or her initial service obligation, whichever is less.

3. The person has served on active duty for 90 days or more under honorable conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces during a war period or for any period of service under section 1 of executive order 10957 dated August 10, 1961.

4. The term of service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces under honorable conditions entitled the person to receive the Armed Forces Expeditionary Medal, established by executive order 10977 on December 4, 1961, the Vietnam Service Medal established by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, the Marine Corps Expeditionary Medal, or an equivalent expeditionary or service medal.

5. The person was honorably discharged from the U.S. armed forces or from forces incorporated in the U.S. armed forces for a service-connected disability, for a disability subsequently adjudicated to have been service connected, or for reasons of hardship.

6. The person was released under honorable conditions from the U.S. armed forces or from forces incorporated in the U.S. armed forces due to a reduction in the U.S. armed forces.

(b) Except as provided in par. (bg), the board shall grant full remission of nonresident tuition, academic fees, and segregated fees charged for 128 credits or 8

1 semesters, whichever is longer, less the number of credits or semesters for which the
2 person received remission of fees under ss. 36.27 (3p) (b) and 38.24 (8) and less the
3 amount of any academic fees or segregated fees paid under 10 USC 2107 (c), 38 USC
4 3104 (a) (7) (A), or 38 USC 3313, to any student who is a veteran.

5 (bg) Before the board grants a remission of nonresident tuition, academic fees,
6 and segregated fees under par. (b), the board shall require the student to apply to the
7 payment of that tuition and those fees all educational assistance to which the student
8 is entitled under 38 USC 3313. This requirement applies notwithstanding the fact
9 that the student may be entitled to educational assistance under 10 USC 16131 to
10 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 as well as under 38 USC 3313,
11 unless the student has 12 months or less of eligibility remaining for educational
12 assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001
13 to 3036.

14 (bm) 1. For a student who is entitled to educational assistance under 10 USC
15 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 and under 38 USC
16 3313, if the amount of educational assistance, not including educational assistance
17 for tuition, to which the student is entitled under 10 USC 16131 to 16137, 10 USC
18 16161 to 16166, or 38 USC 3001 to 3036 is greater than the amount of educational
19 assistance, not including educational assistance for tuition, that the student
20 received under 38 USC 3313, as determined by the higher educational aids board,
21 in the academic year the higher educational aids board shall reimburse the student
22 for the difference in those amounts of educational assistance, as calculated by the
23 higher educational aids board, from the appropriation account under s. 20.235 (1)
24 (fz). The higher educational aids board shall make that determination and
25 calculation in consultation with the board.

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all students who are eligible for that reimbursement, the higher educational aids board and the board shall reimburse those students as provided in s. 39.50 (4).

(c) The higher educational aids board shall reimburse the board for all nonresident tuition, academic fees, and segregated fees remitted under par. (b) as provided in s. 39.50 (1) and (3m).

****NOTE: Please note the treatment of ss. 20.235 (1) (fz) and 39.50 (1m), (3m), and (4) associated with subs. (3n) and (3p).

(3r) FEE REMISSIONS FOR FUNERAL ASSISTANTS. The board shall grant a $25 remission of nonresident tuition or academic fees to any student enrolled in the university as an undergraduate for each valid voucher issued to the student under s. 45.60 (3).

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

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

37.29 Gifts. (1) All gifts, grants, and bequests for the benefit or advantage of the university or any of its departments or facilities or to provide any means of instruction, illustration, or knowledge in connection therewith, whether made to trustees or otherwise, shall be valid notwithstanding any other provision of this chapter except as otherwise provided in this subsection and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income

of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases. No investment of the funds of such gifts, grants, or bequests shall knowingly be made in any company, corporation, subsidiary, or affiliate that practices or condones through its actions discrimination on the basis of race, religion, color, creed, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status, or parental status. This subsection does not apply to a gift, grant, or bequest that the board declines to accept or that the board is not authorized to accept under this section.

(2) All gifts, grants, or bequests under sub. (1) may be made to the board, the chancellor, or any officer, or to any person as trustee, or may be charged upon any personal representative, trustee, heir, devisee, or legatee, or made in any other manner indicating an intention to create a trust, and may be made as well for the benefit of the university or any of its schools, colleges, departments, or facilities to provide any means of instruction, illustration, or knowledge in connection therewith, or for the benefit of any students or any class or group of students whether by way of scholarship, fellowship, or otherwise, or whether for the benefit of students or any class or group of students in any course, subcourse, special course, postgraduate course, summer school or teachers course, oratorical or debating course, laboratory, shop, lectureship, drill, gymnasium or any other like division or department of study, experiment, research, observation, travel, or mental or physical improvement in any manner connected with the university, or to provide for the voluntary retirement of any of the faculty.

(3) It shall not be necessary for a gift, grant, devise, or bequest to exactly or particularly describe the members of a class or group of students intended to be the beneficiaries, but it shall be sufficient to describe the class or group. In such case,

the board shall divide, graduate, or otherwise categorize the students into such classes or groups as are necessary to select and determine those students belonging to the class or group intended.

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

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

37.30 Sick leave. Leave of absence with pay for university employees, owing to sickness, shall be regulated by board policy, except that unused sick leave shall accumulate from year to year.

37.32 Student identification numbers. The university may assign to each enrolled student a unique identification number. The university shall not assign to any student an identification number that is identical to or incorporates the student's social security number. This section does not prohibit the university from requiring a student to disclose his or her social security number, nor from using a student's social security number if such use is required by a federal or state agency or private organization in order for the university or the student to participate in a particular program.

37.335 Sale of other land; buildings and structures. If there is any outstanding public debt used to finance the acquisition, construction, or improvement of any real property that is sold, the board shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and

redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt. If the property was acquired, constructed, or improved with federal financial assistance, the board shall pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or acquired with gift or grant funds, the board shall adhere to any restriction governing use of the proceeds.

37.34 Minority student programs. (1) In this subsection, "minority undergraduate" means an undergraduate student who is any of the following:

(a) A Black American.

(b) An American Indian.

(c) A Hispanic, as defined in s. 560.036 (1) (d).

(d) A person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam, or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam, or Cambodia.

(2) The board shall establish a grant program for minority undergraduates enrolled in the university. The board shall designate all grants under this subsection as Lawton grants. The board may not make a grant under this subsection to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

37.35 Misconduct; campus security. (1) POWER TO SUSPEND AND EXPEL. The board may delegate the power to suspend or expel students for misconduct or other cause prescribed by the board. The board shall adopt policies governing student conduct and procedures for the administration of violations.

1 **(2)** AUTHORITY TO RESTRICT PRESENCE OF PERSONS ON CAMPUS. The chancellor or
2 the university's chief security officer during a period of immediate danger or
3 disruption may designate periods of time during which the campus and designated
4 buildings and facilities connected therewith are off limits to all persons who are not
5 faculty, staff, employees, students, or other personnel authorized by the above named
6 officials. Any person violating such an order shall be subject to the penalties
7 provided by law for criminal trespass.

8 **(3)** REQUIRING PERMISSION FOR PRESENCE ON CAMPUS. Any person who is convicted
9 of any crime involving danger to property or persons as a result of conduct by that
10 person that obstructs or seriously impairs activities run or authorized by the
11 university and who, as a result of such conduct, is in a state of suspension or
12 expulsion from the university, and who enters university property without
13 permission of the chancellor or the chancellor's designee within 2 years, may for each
14 such offense be fined not more than $500 or imprisoned for not more than 6 months
15 or both.

16 **37.40 Use of animals for research purposes.** The board shall adopt criteria
17 for researchers to follow regarding humane treatment of animals for scientific
18 research purposes.

19 **37.43 Accommodation of religious beliefs.** The board shall adopt rules
20 providing for the reasonable accommodation of a student's sincerely held religious
21 beliefs with regard to all examinations and other academic requirements. The rules
22 shall include all of the following:

23 **(1)** Written and timely notification of all students and instructors of the rules
24 and complaint process.

1 **(2)** A means by which a student can conveniently and confidentially notify an
2 instructor of potential conflicts.
3 **(3)** A means by which a student is permitted to make up an examination or
4 academic requirement at another time or by an alternative means without any
5 prejudicial effect.
6 **(4)** A procedure for handling and resolving complaints.
7 **37.44 License plate scholarship program. (1)** The board shall establish
8 a scholarship program funded by the fees collected under s. 341.14 (6r) (b) 4. for the
9 university. The scholarships shall be awarded by the chancellor according to criteria
10 developed by the chancellor.
11 **37.48 Alcohol and other drug abuse prevention and intervention**
12 **programs.** The board shall appoint alcohol and other drug abuse prevention and
13 intervention program counselors for the university. The counselors shall develop
14 alcohol and other drug abuse prevention and intervention programs and train
15 faculty, academic staff, and classified staff in the prevention of and early
16 intervention in alcohol and other drug abuse.
17 **37.51 Nutritional improvement for elderly. (1)** In this section,
18 "authorized elderly person" means any resident of this state who is 60 years of age
19 or older, and the spouse of any such person.
20 **(2)** The board may establish a system to provide the opportunity for authorized
21 elderly persons to participate in its meal program. If the board establishes such a
22 service, it shall develop a plan and annually notify the department of public
23 instruction of the plan.
24 **(3)** The plan shall provide at least one meal per day for each day that school
25 is in regular session. The board may provide additional service at other times in its

discretion, if the number of eligible persons in the area is of sufficient size, in the opinion of the board, so that unwarranted production expense is not incurred.

(4) If the board operates a food services plan for elderly persons under this section, it shall make facilities available for service to elderly persons at every facility that provides hot food service to its students unless there is reason not to do so due to concerns regarding safety, convenience, or insufficient interest in a given neighborhood.

(5) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes.

(6) The board may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15 percent of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the secretary of administration shall pay the claim from the appropriation under s. 20.255 (2) (cn).

(7) All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the state superintendent of public instruction under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, the

board is not required to provide special foods for individual persons with allergies or medical disorders.

(8) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the board. The board may issue identification cards to such persons if necessary. The board may admit nonresidents who would otherwise qualify into its program, but no state funds under this section may be used to subsidize any portion of the meals served to such persons.

(9) The board shall adopt reasonable policies necessary to implement this section.

****NOTE: This draft does not duplicate 36.52 (as 37.52) for the UW. Sec. 20.865 (1) (cj) is for supplementing the pay of employees in the unclassified service. The UW won't have classified or unclassified employees.

37.53 Tuition gift certificates. The board may establish a gift certificate program for the payment of nonresident tuition and academic fees. The program shall include all of the following components:

(1) The individual named in a gift certificate may use the gift certificate to pay all or a portion of his or her nonresident tuition or academic fees, or for a study-abroad program, at the university.

(2) A gift certificate is not transferable, except to a parent, child, spouse, or sibling of the named individual in sub. (1).

(3) A gift certificate does not expire.

37.60 Physician loan assistance program. (1) DEFINITIONS. In this section:

(ac) "Clinic hours" means hours spent working with patients in a clinic.

(d) "Rural area" has the meaning given in s. 37.63 (1) (c).

(2) ELIGIBILITY. (a) 1. Except as provided in subd. 2., the board may repay, on behalf of a physician, up to $50,000 in educational loans obtained by the physician

1 from a public or private lending institution for education in an accredited school of
2 medicine or for postgraduate medical training.

3 (b) A physician who is a participant in the national health service corps
4 scholarship program under 42 USC 254n, or a physician who was a participant in
5 that program and who failed to carry out his or her obligations under that program,
6 is not eligible for loan repayment under this section.

7 **(3)** AGREEMENT. (b) The agreement shall specify that the responsibility of the
8 board to make the payments under the agreement is subject to the availability of
9 funds in the appropriations under s. 20.280 (1) (ks) and (qj) or collected as
10 contributions under sub. (6) or as penalties under sub. (6m) (b).

11 **(4)** LOAN REPAYMENT. Except as provided in sub. (4m), principal and interest due
12 on loans, exclusive of any penalties, may be repaid by the board at the following rate:

13 (a) Up to 40 percent of the principal of the loan or $20,000, whichever is less,
14 during the first year of participation in the program under this section.

15 (b) Up to an additional 40 percent of the principal of the loan or $20,000,
16 whichever is less, during the 2nd year of participation in the program under this
17 section.

18 (c) Up to an additional 20 percent of the principal of the loan or $10,000,
19 whichever is less, during the 3rd year of participation in the program under this
20 section.

21 **(5)** AVAILABILITY OF FUNDS; RIGHT OF ACTION AGAINST STATE. (a) The obligation of
22 the board to make payments under an agreement entered into under sub. (3) (b) is
23 subject to the availability of funds in the appropriations under s. 20.280 (1) (ks) and
24 (qj) or collected as contributions under sub. (6) or as penalties under sub. (6m) (b).

1 (b) If the cost of repaying the loans of all eligible applicants, when added to the
2 cost of loan repayments scheduled under existing agreements, exceeds the total
3 amount in the appropriations under s. 20.280 (1) (ks) and (qj) or collected as
4 contributions under sub. (6) or as penalties under sub. (6m) (b), the board shall
5 establish priorities among the eligible applicants based upon the following
6 considerations:

7 1. The degree to which there is an extremely high need for medical care in the
8 eligible practice area, health professional shortage area, or rural area in which a
9 physician desires to practice.

10 2. The likelihood that a physician will remain in the eligible practice area,
11 health professional shortage area, or rural area in which he or she desires to practice
12 after the loan repayment period.

13 3. The per capita income of the eligible practice area, health professional
14 shortage area, or rural area in which a physician desires to practice.

15 4. The financial or other support for physician recruitment and retention
16 provided by individuals, organizations, or local governments in the eligible practice
17 area, health professional shortage area, or rural area in which a physician desires
18 to practice.

19 5. The geographic distribution of the physicians who have entered into loan
20 repayment agreements under this section and the geographic distribution of the
21 eligible practice areas, health professional shortage areas, and rural areas in which
22 the eligible applicants desire to practice.

23 6. Other considerations that the board may specify.

1 (d) An agreement under sub. (3) does not create a right of action against the
2 state, university, or other instrumentalities of the state on the part of the physician
3 or lending institution for failure to make the payments specified in the agreement.
4 **(6)** LOCAL PARTICIPATION. The board shall encourage contributions to the
5 program under this section by counties, cities, villages, and towns.
6 **(6m)** PENALTIES. (a) The board shall establish requirements for penalties to
7 be assessed by the board against physicians who breach agreements entered into
8 under sub. (3). The requirements shall do all of the following:
9 1. Specify what actions constitute a breach of the agreement.
10 2. Provide specific penalty amounts for specific breaches.
11 3. Provide exceptions for certain actions, including breaches resulting from
12 death or disability.
13 (b) The board shall use any penalties assessed and collected under this
14 subsection for the program under this section.
15 **(8)** ADMINISTRATION. The board shall do all of the following:
16 (b) Identify eligible practice areas and rural areas with an extremely high need
17 for medical care.
18 (d) Publicize the program under this section to physicians and eligible
19 communities.
20 (e) Assist physicians who are interested in applying for the program under this
21 section.
22 (f) Assist communities in obtaining physicians' services through the program
23 under this section.
24 (g) Make recommendations to the governor on all of the following:

1. Ways to improve the delivery of health care to persons living in rural areas of the state that constitute shortage areas.

2. Ways to help communities evaluate and utilize the linkage between rural health facilities and economic development.

3. Coordination of state and federal programs available to assist rural health care service delivery.

4. Strengthening coordination and maintenance of rural services and the delivery system.

5. Development of mechanisms to reduce shortages of health care providers in rural areas.

(h) Notwithstanding subs. (3) (b) and (5) (a) and (b), ensure that moneys appropriated under s. 20.280 (1) (qj) are used under this section only to repay loans on behalf of physicians who agree to practice in a rural area.

(9) EXPANDED LOAN ASSISTANCE PROGRAM. The board may agree to repay loans as provided under this section on behalf of a physician under an expanded physician loan assistance program that is funded through federal funds in addition to state matching funds. To be eligible for loan repayment under the expanded physician loan assistance program, a physician must fulfill all of the requirements for loan repayment under this section, as well as all of the following:

****NOTE: How does one determine what constitutes state matching funds?

(a) The physician must be a U.S. citizen.

(b) The physician may not have a judgment lien against his or her property for a debt to the United States.

(c) The physician must agree to do all of the following:

1. Accept medicare assignment as payment in full for services or articles provided.

2. Use a sliding fee scale or a comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the physician's services.

3. Practice at a public or private nonprofit entity in a health professional shortage area.

37.61 Health care provider loan assistance program. (1) DEFINITIONS. In this section:

(ac) "Clinic hours" has the meaning given in s. 37.60 (1) (ac).

(ad) "Council" means the rural health development council.

(e) "Rural area" has the meaning given in s. 37.63 (1) (c).

(2) ELIGIBILITY. The board may repay, on behalf of a health care provider, up to $25,000 in educational loans obtained by the health care provider from a public or private lending institution for education related to the health care provider's field of practice, as determined by the board with the advice of the council.

(3) AGREEMENT. (a) The board shall enter into a written agreement with the health care provider. In the agreement, the health care provider shall agree to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state or in a rural area, except that a health care provider in the expanded loan assistance program under sub. (8) may only agree to practice at a public or private nonprofit entity in a health professional shortage area.

(b) The agreement shall specify that the responsibility of the board to make the payments under the agreement is subject to the availability of funds in the

1 appropriations under s. 20.280 (1) (ks) and (qj) or collected as contributions under
2 sub. (6) or as penalties under sub. (6m) (b).

3 **(4)** LOAN REPAYMENT. Principal and interest due on loans, exclusive of any
4 penalties, may be repaid by the board at the following rate:

5 (a) Up to 40 percent of the principal of the loan or $10,000, whichever is less,
6 during the first year of participation in the program under this section.

7 (b) Up to an additional 40 percent of the principal of the loan or $10,000,
8 whichever is less, during the 2nd year of participation in the program under this
9 section.

10 (c) Up to an additional 20 percent of the principal of the loan or $5,000,
11 whichever is less, during the 3rd year of participation in the program under this
12 section.

13 **(5)** AVAILABILITY OF FUNDS; RIGHT OF ACTION AGAINST STATE. (a) The obligation of
14 the board to make payments under an agreement entered into under sub. (3) is
15 subject to the availability of funds in the appropriations under s. 20.280 (1) (ks) and
16 (qj) or collected as contributions under sub. (6) or as penalties under sub. (6m) (b).

17 (b) If the cost of repaying the loans of all eligible applicants, when added to the
18 cost of loan repayments scheduled under existing agreements, exceeds the total
19 amount in the appropriations under s. 20.280 (1) (ks) and (qj) or collected as
20 contributions under sub. (6) or as penalties under sub. (6m) (b), the board shall
21 establish priorities among the eligible applicants based upon the following
22 considerations:

23 1. The degree to which there is an extremely high need for medical care in the
24 eligible practice area, health professional shortage area, or rural area in which an
25 eligible applicant desires to practice.

2. The likelihood that an eligible applicant will remain in the eligible practice area, health professional shortage area, or rural area in which he or she desires to practice after the loan repayment period.

3. The per capita income of the eligible practice area, health professional shortage area, or rural area in which an eligible applicant desires to practice.

4. The financial or other support for health care provider recruitment and retention provided by individuals, organizations, or local governments in the eligible practice area, health professional shortage area, or rural area in which an eligible applicant desires to practice.

5. The geographic distribution of the health care providers who have entered into loan repayment agreements under this section and the geographic location of the eligible practice area, health professional shortage area, or rural area in which an eligible applicant desires to practice.

6. Other considerations that the board may specify.

(c) An agreement under sub. (3) does not create a right of action against the state, the university, or other instrumentalities of the state on the part of the health care provider or the lending institution for failure to make the payments specified in the agreement.

(6) LOCAL PARTICIPATION. The board shall encourage contributions to the program under this section by counties, cities, villages, and towns.

(6m) PENALTIES. (a) The board shall establish requirements for penalties to be assessed by the board against health care providers who breach an agreement entered into under sub. (3) (a). The requirements shall do all of the following:

1. Specify what actions constitute a breach of the agreement.

2. Provide specific penalty amounts for specific breaches.

1 3. Provide exceptions for certain actions, including breaches resulting from
2 death or disability.
3 (b) The board shall use any penalties assessed and collected under this
4 subsection for the program under this section.
5 **(7)** ADMINISTRATION. The board shall do all of the following:
6 (a) Identify communities with an extremely high need for health care.
7 (b) Publicize the program under this section to health care providers and
8 eligible communities.
9 (c) Assist health care providers who are interested in applying for the program
10 under this section.
11 (d) Assist communities in obtaining the services of health care providers
12 through the program under this section.
13 (e) Notwithstanding subs. (3) (b) and (5) (a) and (b), ensure that moneys
14 appropriated under s. 20.280 (1) (qj) are used under this section only to repay loans
15 on behalf of health care providers who agree to practice in a rural area.
16 **(8)** EXPANDED LOAN ASSISTANCE PROGRAM. The board may agree to repay loans
17 as provided under this section on behalf of a health care provider under an expanded
18 health care provider loan assistance program that is funded through federal funds
19 in addition to state matching funds. To be eligible for loan repayment under the
20 expanded health care provider loan assistance program, a health care provider must
21 fulfill all of the requirements for loan repayment under this section, as well as all of
22 the following:
23 (a) The health care provider must be a U.S. citizen.
24 (b) The health care provider may not have a judgment lien against his or her
25 property for a debt to the United States.

(c) The health care provider must agree to do all of the following:

1. Accept medicare assignment as payment in full for services or articles provided.

2. Use a sliding fee scale or a comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the health care provider's services.

3. Practice at a public or private nonprofit entity in a health professional shortage area.

37.62 Rural health development council. The rural health development council created under s. 15.917 (1) shall do all of the following:

(1) Advise the board on matters related to the physician loan assistance program under s. 37.60 and the health care provider loan assistance program under s. 37.61.

(2) Advise the board on the amount, up to $25,000, to be repaid on behalf of each health care provider who participates in the health care provider loan assistance program under s. 37.61.

***-1465/P3.303* *-1059/P3.114* SECTION 1131.** 38.04 (1m) (b) (intro.) of the statutes is amended to read:

38.04 **(1m)** (b) (intro.) The board, in consultation with the ~~department of commerce~~ Wisconsin Economic Development Corporation, shall do all of the following for each economic development program administered by the board:

***-1465/P3.304* *-1059/P3.115* SECTION 1132.** 38.04 (4) (a) of the statutes is amended to read:

38.04 **(4)** (a) ~~Except as provided in par. (ag), the~~ The qualifications of educational personnel and the courses of study for each program offered in district