

1971 Senate Bill 213

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CHAPTER 100, Laws of 1971

AN ACT to repeal 15.64, 15.641 (intro.), 15.88, 15.881, / /20,267 and 39.01 to 39.05; to renumber and amend 15.641 (1) and 15.643 (1); to amend 15.67, 15.94 (intro.), 36.06 (2) and (10) and 38.13 (5); to repeal and recreate 15.91 and 36.01; and to create 15.94 (2m), 36.02 (3), 36.06 (1m), 38.001 and 39.42 of the statutes, relating to the establishment of the board of regents of the university of Wisconsin system, consolidating therein governing power over the university of Wisconsin and state university systems, eliminating the coordinating council for higher education, board of regents of the university of Wisconsin and board of regents of state universities, and transferring appropriations.

Vetoed
in part

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.64 of the statutes is repealed.

SECTION 2. 15.641 (intro.) of the statutes, as affected by chapter 40, laws of 1971, is repealed.

SECTION 3. 15.641 (1) of the statutes is renumbered 15.571 and amended to read:

15.571 SAME; PROGRAM RESPONSIBILITIES. The educational communications ~~division~~ board shall have the program responsibilities specified for the ~~division~~ board under ss. 39.11 and 39.13.

SECTION 4. 15.643 (1) of the statutes is renumbered 15.57 and amended to read:

15.57 EDUCATIONAL COMMUNICATIONS BOARD. There is created an ~~educational communications division which is attached to the coordinating council for higher education under s. 15.03.~~ This ~~division is under the direction and supervision of the~~ educational communications board ~~which is created~~ to consist of the governor, the state superintendent of public instruction, the presi-

~~dent executive head of the university of Wisconsin, the director of the board of regents of state universities system and the director of the board of vocational, technical and adult education, or their designees, and 8 members appointed for 4-year terms, of whom 4 shall be citizen members and one each shall be a representative of private higher education, a representative of private or parochial elementary or secondary education, a professional representative of public elementary and secondary education and a representative of a public school board of a district operating elementary and high school grades, and legislative members consisting of one member of the majority membership and one from the minority membership of each house of the legislature selected the same way as members are appointed to standing committees of those houses.~~

SECTION 5. 15.67 of the statutes is amended to read:

15.67 There is created a higher educational aids board consisting of ~~15~~ the state superintendent of public instruction and 14 members, appointed to serve at the pleasure of the governor. To represent the ~~state institutions of higher education, 5~~ members shall be ~~nominated to the governor by the co-ordinating council for higher education from its membership public educational institutions, 2~~ members shall be nominated to the governor from the board of regents of the university of Wisconsin system and 2 members shall be nominated to the governor from the board of vocational, technical and adult education. To represent all private institutions of higher education, 5 members shall be nominated to the governor by joint action of the Wisconsin association of independent colleges and universities and the Wisconsin association of presidents and deans of institutions of higher learning. To represent the general public, the governor shall appoint 5 members directly.

SECTION 6. 15.88 and 15.881 of the statutes are repealed.

SECTION 7. 15.91 of the statutes is repealed and recreated to read:

15.91 BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM. There is created a board of regents of the university of Wisconsin system consisting of the state superintendent of public instruction, the president of the board of vocational, technical and adult education and 14 citizen members appointed for staggered 7-year terms.

SECTION 8. 15.94 (intro.) of the statutes is amended to read:

15.94 (intro.) There is created a board of vocational, technical and adult education consisting of ~~4+~~ 12 members, as follows:

SECTION 9. 15.94 (2m) of the statutes is created to read:

15.94 (2m) The president of the board of regents of the university of Wisconsin system.

Vetoed
in part

~~SECTION 10. / 129.265 of the statutes, as affected by / chapter 400A.478 ON 12/11/1971 is repealed.~~

SECTION 11. 36.01 of the statutes is repealed and recreated to read:

36.01 SYSTEM. There is created in this state a system of institutions of learning to be known as the university of Wisconsin system. The principal office of the system shall be located at or near the seat of state government and one campus of the system shall be located at or near the seat of state government.

SECTION 12. 36.02 (3) of the statutes is created to read:

36.02 (3) "System", unless otherwise indicated, means the university of Wisconsin system, including all schools, campuses, branches and property governed by the former board of regents of the university of Wisconsin and the former board of regents of state universities under ch. 37, 1969 stats.

SECTION 13. 36.06 (1m) of the statutes is created to read:

36.06 (1m) The board of regents shall appoint an executive head for each 4-year institution under its jurisdiction, for the system, for the center system and for the extension system. The board of regents shall appoint an executive head for each center. The board of regents shall designate the titles for the various executive heads within the system.

SECTION 14. 36.06 (2) and (10) of the statutes are amended to read:

36.06 (2) The board of regents may remove the president or any professor, instructor or officer of the university system when, in the judgment of the board of regents, the interests of the university system require it.

(10) The board of regents of ~~the university~~ may establish extension centers and branch campuses in communities approved by the coordinating council for higher education and not otherwise provided with degree-granting public institutions of higher learning and enter into arrangements with one or more counties or other units of government for the establishment and ~~maintenance~~ of the necessary physical facilities in connection therewith. No campus, center or branch campus in existence at the time of establishment of the board of regents of the university of Wisconsin system shall be terminated, either directly or indirectly by such means as failure to provide adequate funding, except by act of the legislature.

SECTION 15. 38.001 of the statutes is created to read:

38.001 MISSION. The board shall be responsible for the initiation, development, maintenance and supervision of programs with specific occupational orientations below the baccalaureate level, including terminal associate degrees, training of apprentices and adult education below the professional level.

SECTION 16. 38.13 (5) of the statutes is amended to read:

38.13 (5) The board may authorize boards of vocational, technical and adult education districts to grant associate degrees in the appropriate areas designated by the board to students who successfully complete 2 full years of ~~post-high~~ post-high school instruction in courses the standards of which meet requirements established by the board. ~~The coordinating council for higher education shall determine the collegiate transfer programs and qualifications of personnel therefor. Except in cities having a population of 150,000 or more, no liberal arts collegiate transfer program shall be offered in a vocational, technical or adult education school located in any town, city or village where there is an existing public institution of higher learning. Collegiate transfer programs shall not comprise more than 25% of the credit hours offered in any vocational, technical and adult education district.~~

SECTION 17. 39.01 to 39.05 of the statutes are repealed.

SECTION 18. 39.42 of the statutes is created to read:

39.42 INTERSTATE AGREEMENTS. The board, with the approval of the joint committee on finance if the legislature is in session or the board on government operations if the legislature is recessed or adjourned, or the governing boards of any publicly supported institution of post-high school education, with the approval of the board and the joint committee on finance if the legislature is in session or the board on government operations if the legislature is recessed or adjourned, may enter into agreements or understandings which include remission of nonresident tuition for designated categories of students at state institutions of higher education with appropriate state agencies and institutions of higher education in other states to facilitate use of public higher education institutions of this state and other states. Such agreements and understandings shall have as their purpose the mutual improvement of educational advantages for residents of this state and such other states or institutions of other states with which agreements are made.

SECTION 19. MISSIONS. The initial missions and program statements under the direction and supervision of the board of regents of the university of Wisconsin system shall be those set forth and approved by the coordinating council for higher education as of July 1, 1971, and shall remain as the missions and programs until changed by formal action of the board of regents.

SECTION 20. TRANSFERS. (1) POWERS. (a) There is transferred to the board of regents of the university of Wisconsin system all powers, duties and functions previously vested in the board of regents of the university of Wisconsin, the board of regents of state universities and, except as provided in par. (b), all powers, duties and functions previously vested in the coordinating council for higher education, except as they relate to institutions under chapter 38 of the statutes.

(b) In addition to the powers previously vested in the educational communications board, there is transferred to that board the powers, duties and functions previously vested in the educational communications division and those previously vested in the coordinating council for higher education under sections 39.09, 39.11 and 39.13 of the statutes.

(2) APPROPRIATIONS. (a) The unencumbered balances in the appropriations under section 20.265 of the statutes, as affected by the laws of 1971, shall be made available to the board of regents of the university of Wisconsin system through section 20.285 of the statutes, and shall be used by the board of regents for the purpose for which appropriated.

(b) The unencumbered balances in the appropriations under section 20.225 of the statutes, as affected by the laws of 1971, which were allocated for:

1. Functions of the educational communications division shall be made available to the educational communications board for its use under this act.

2. Functions of the coordinating council for higher education shall lapse.

(3) STAFF. Employees of the board of regents of the university of Wisconsin and of the board of regents of state universities shall become employees of the board of regents of the university of Wisconsin system without loss of any right or benefits in the areas of salary, job security, retirement, vacation or sick leave, tenure for those who hold it or any other employment rights or benefits.

(4) **FACULTY TENURE RETAINED.** Faculty of the former university of Wisconsin employed prior to the effective date of merger shall continue to hold or earn tenure under the tenure rules in effect on the date of merger. Faculty of the former Wisconsin state universities employed prior to the effective date of merger shall continue to hold or earn tenure under section 37.31 of the statutes and any rules established thereunder. For faculty employed after the date of merger, existing tenure rules and statutes shall remain in effect until new rules or statutes become effective. If new tenure rules or statutes become effective any faculty member mentioned in this section may elect to hold or earn tenure under the new rules or statutes.

(5) **FACULTY RETIREMENT SYSTEMS RETAINED.** The merger of the systems formerly governed by the former boards of regents of the university of Wisconsin and of state universities shall not affect state teachers retirement fund collections which would ordinarily be made if no unification had occurred. The department of employe trust funds and the board of regents shall cooperate in insuring that the intent of this subsection is carried out, and shall recommend appropriate statutory changes consolidating the former university and state university retirement associations for consideration by the 1973 legislature.

(6) **RECORDS, PROPERTY, GIFTS, ETC.** The records, property, assets and liabilities of the board of regents of the university of Wisconsin and the board of regents of state universities shall become records, property, assets and liabilities of the board of regents of the university of Wisconsin system, except that any grant, contractor, gift, endowment, trust or segregated funds bequeathed or assigned to individual campuses for any purpose whatsoever shall not be commingled or reassigned.

(7) **RULES, ETC.** Rules and orders of, and matters pending before, the board of regents of the university of Wisconsin and the board of regents of state universities shall become rules and orders of, and matters pending before, the board of regents of the university of Wisconsin system until modified, rescinded or completed.

(8) **OPERATING POLICIES.** The board of regents shall provide in its operating policies for access to the board by faculty, students and institutional executive heads.

(9) **BUILDING PROGRAM OBLIGATIONS.** The merger of the former university of Wisconsin and state university systems shall not relieve the new board of regents of any bonding obligations incurred by the board of regents of the university of Wisconsin or the board of regents of state universities.

(10) **SEPARATE IDENTITY.** The board of regents of the university of Wisconsin system, as reconstituted by this act, shall, with regard to those campuses which constitute the former Wisconsin state university system under chapter 37 of the statutes, operate those campuses in accordance with chapter 37, and with regard to those campuses which constitute the former university of Wisconsin under chapter 36 of the statutes, operate those campuses in accordance with chapter 36.

(11) **MISSION LIMITATION.** The merger of the university of Wisconsin and the Wisconsin state universities into the university of Wisconsin system shall not broaden the system's post-high school collegiate training mission to include the preparation of persons for semiprofessional or skilled trade occupations beyond those offered during the 1971-72 academic year unless approved by the board of vocational, technical and adult education.

(12) **ADMINISTRATION.** (a) The university of Wisconsin's central administration shall be responsible to the executive head of the system and shall assist the board of regents in establishing policies, reviewing the administration of these policies and planning the programmatic, financial and physical development of the system. The executive head of the system and the executive heads of the units comprising the system shall implement the policies approved by the board of regents, consistent with sub. (13) (b). The executive head of the system shall have the duties and responsibilities set forth in section 36.12. Central administrative responsibilities in providing services to the separate institutions should be held to a minimum, but cooperative service arrangements among the campuses should be encouraged.

(b) The board of regents shall direct and approve the consolidation of the central administrative staffs of the former university of Wisconsin and state universities systems. Such consolidation shall occur not later than July 1, 1973. This consolidation shall not occur without consultation with representatives of the 2 former central administrative staffs. The goal of such consolidation shall be increased efficiency and economy, but this goal shall not be achieved at the expense of adequate and effective management capability.

(13) **GENERAL POLICY.** (a) The legislature finds it in the public interest to create a single board of regents to administer the state's public universities. A unified system of collegiate education will foster greater diversity in educational opportunity, promote the growth of diversified, quality undergraduate programs and preserve the strength of the state's graduate training and research centers.

(b) It shall further be the policy of the state to promote the widest degree of individual campus autonomy within the controlling limits established by the board of regents of the university of Wisconsin system. Each campus shall be entitled to develop specialized programs of academic excellence reserved to it by the board of regents, and individual campuses shall be entitled to develop unique strengths, teaching methods, rules and regulations which promote individual campus character and identity.

(c) As the governing body of the institutions comprising the university of Wisconsin system, the primary responsibilities of the board of regents shall be the enactment of policies for governing the system, the planning of future needs of the state for collegiate education, and the appointment of the executive head of the system and the executive heads of each of the institutions.

(d) All existing policies, rules and traditional practices of the former university of Wisconsin and the Wisconsin state universities and of the individual institutions shall continue until changed.

SECTION 21. INSTITUTION NAME CHANGES. Each 4-year institution governed by the board of regents of the university of Wisconsin system shall be known as the "University of Wisconsin-(location or name)". Each 2-year institution governed by the board of regents shall be known as the "University Center-(location)".

SECTION 22. RETENTION OF SEPARATE CENTRAL ADMINISTRATIVE OFFICES. During the 1971-73 biennium, the board of regents shall retain separate central administrative offices for the institutions formerly under the Wisconsin state universities and under the university of Wisconsin.

SECTION 23. CORRECTION OF TERMS. Wherever the statutes refer to the board of regents of the university of Wisconsin or the

board of regents of state universities, reference to the board of regents of the university of Wisconsin system is substituted.

SECTION 24. BOARD OF REGENTS: INITIAL APPOINTMENTS. Notwithstanding the number of members prescribed in section 15.91 of the statutes:

(1) (a) The initial nominees to the board of regents of the university of Wisconsin system shall include 8 persons who were members of the board of regents of state universities on January 1, 1971, and whose terms have not expired by the effective date hereof. Of the initial 8 nominees, one shall be appointed for a one-year term, 2 shall be appointed for 2-year terms, one shall be appointed for a 3-year term, one shall be appointed for a 4-year term, one shall be appointed for a 5-year term, one shall be appointed for a 6-year term and one shall be nominated for a 7-year term.

(b) Initial nominees shall also include 8 persons who were members of the board of regents of the university of Wisconsin on January 1, 1971, and whose terms have not expired by the effective date hereof. Of the initial 8 nominees, one shall be nominated for a one-year term, one shall be nominated for a 2-year term, 2 shall be nominated for 3-year terms, one shall be nominated for a 4-year term, one shall be nominated for a 5-year term, one shall be nominated for a 6-year term and one shall be nominated for a 7-year term.

(c) Initial nominees shall also include 3 citizen members ~~appointed by 7-year terms~~, nominated at the same time the 16 former members of the boards of regents of the university of Wisconsin and state universities are nominated. In the 1st, 2nd and 3rd years following the first year's operation, the governor shall nominate one additional citizen member annually. During the 4th, 5th, 6th and 7th years following the first year's operation, the governor shall nominate 2 additional citizen members annually. ~~All public members shall be nominated on 7-year terms.~~

Vetoed
in part

Vetoed
in part

(d) The total membership of the board, excluding ex officio members, shall be 19 during the year following creation of the board. In the year following the first year's operation, membership, exclusive of ex officio members, shall decline to 18. In the 2nd year following the first year's operation, membership shall decline to 16. In subsequent years, membership shall be in accordance with section 15.91 of the statutes.

(2) In making nominations to the board of regents, the governor shall examine the terms of office of the members of the board of regents of state universities and nominate the 8 active members with the longest terms of office remaining on January 1, 1971. The member with the longest remaining term shall be nominated to the 7-year term. Other nominees shall be chosen from the members in sequence according to the longest remaining terms and nominated, respectively, to the next longest terms. If 2 or more members have identical terms remaining and are eligible for consideration for nomination, they shall determine by lot who shall become the nominee.

(3) In making nominations to the board of regents, the governor shall examine the terms of office of the members of the board of regents of the university of Wisconsin and shall nominate the 8 active members with the longest terms of office remaining on January 1, 1971. The member with the longest remaining term shall be nominated to the 7-year term. Other nominees shall be chosen from the members in sequence according to the longest remaining terms and nominated, respectively, to the next longest terms. If 2 or more members have identical terms remaining and are eligible for con-

sideration for nomination, they shall determine by lot who shall become the nominee.

SECTION 25. COURT TEST. On enactment of this section, the attorney general shall promptly commence an action seeking a declaratory judgment as to whether the constitution permits the merger of the university of Wisconsin and the state universities as provided in this act. The attorney general shall petition for leave to commence the action as an original action before the Wisconsin supreme court. If the petition is denied, he shall commence the action in the circuit court for Dane county.

SECTION 26. INTERIM STUDY ON MERGER IMPLEMENTATION. Upon passage of this act, the governor shall appoint 3 citizen members; the present president of the board of regents of state universities, or his designee, and 2 persons appointed by him who are present members of the board of regents of state universities; and the present president of the board of regents of the university of Wisconsin, or his designee, and 2 persons appointed by him who are present members of the board of regents of the university of Wisconsin who together with the co-chairman from each house of the joint committee on finance and the chairman of the assembly and senate committees on education, plus one faculty member and one student member from the former state universities and one faculty member and one student member from the former university of Wisconsin system, shall constitute a merger implementation study committee. The governor shall designate from among the board members the chairman of the committee. The executive head of the university of Wisconsin system shall serve as secretary of the committee and shall be responsible for providing staff services. The committee shall select one member from the central administration staff of the state universities system and one member from the university of Wisconsin central administrative staff to act in advisory capacities. The committee shall study and make recommendations to the board of regents and the legislature by January 31, 1973, on merging chapters 36 and 37 of the statutes and on such areas as a) faculty tenure and retirement; b) faculty government and campus autonomy; bm) the practicability, feasibility and wisdom of merger; c) graduate and undergraduate credit transfer policies; d) student participation in government of the system; e) comparable funding for comparable programs and comparable teaching loads and salaries for faculty based on comparable experience and qualifications; f) relevant criteria for research programs; g) uniform system-wide standards for utilization of classrooms and other facilities; h) the role, efficiencies and economics contemplated by educational television in the system; i) year-round and evening utilization of facilities; j) collegiate transfer course standards employed by the state's vocational technical educational system; k) admissions and tuition policies; L) the role of teaching assistants and instructors throughout the merged system; and m) a complete review of savings and efficiencies effected by or contemplated by merger, so that such recommendations and studies may with practicability be applied to university of Wisconsin system budget determinations by the legislature. In the course of its study, the committee shall solicit the views of the administrators, faculty and students at the affected institutions. Further, by January 31, 1977, the board of regents of the university of Wisconsin system shall submit to the legislature a report detailing the status of the implementation of merger for legislative consideration.