

## CHAPTER 37

## STATE COLLEGES

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**37.01 Board of regents of state colleges.**

(1) For the government of the state colleges established, and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of 13 regents, called "The Board of Regents of State Colleges," composed of the state superintendent, as ex officio regent, and of 12 appointed regents, at least one of whom shall be a woman; the terms of office of the appointed regents commencing with the first Monday in February in the year in which appointed, shall be 5 years and until the appointment and qualification of their respective successors; except that the regents first appointed under this section shall be divided into 4 classes of 2 each and one class of 4, and the term of office of said classes so first appointed shall be respectively 1, 2, 3, 4 and 5 years and until their successors shall be appointed and qualified, and their successors in office shall continue so divided into 4 classes of 2 each and one class of 4, so that the term of office of 2 or 4 regents shall expire each year. The governor shall appoint the regents, by and with the advice and consent of the senate.

(2) A member of the board shall receive the compensation fixed by the board for rendering any specific service under its direction; but he shall receive no compensation for time spent going to, attending or returning from meetings of the board.

(3) After July 1, 1955, the Stout institute shall be known as the Stout state college.

**37.02 Powers of regents.** (1) The board of regents and their successors in office are constituted a body corporate by the name aforesaid; and may purchase, as provided by law, have, hold, control, possess and enjoy, in trust for the state, for educational purposes

solely, any lands, tenements, hereditaments, goods and chattels of any nature which may be necessary and required for the purposes, objects and uses of the state universities authorized by law and none other, with full power to sell or dispose of such property as provided by law, or any part thereof when in their judgment it is for the interest of the state, except that sales of real property shall be subject to the approval of the state building commission and shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The regents shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The proceeds of the sale of any real or personal estate shall be paid by them into the treasury, and shall become a part of the income of the normal school fund.

(2) Said board may acquire by condemnation proceedings in the manner provided by ch. 32 such parcels of land as it deems necessary for the use of any institution under its control whenever the board is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause, prevents or unreasonably delays such agreement.

(3) Section 36.06 (6) shall apply to the state colleges, and the board of regents of state colleges shall have all of the powers and duties enumerated in s. 36.06 (6), and the power to enter into leases or contracts with local units of government for the purposes mentioned therein as the board deems for the best interests of the state colleges.

(4) The board of regents may procure liability insurance covering the employes and staff members of the state colleges.

(5) The board of regents of the state colleges may establish branch campuses offering

the first 2 years of academic work offered in the state colleges in communities approved by the co-ordinating committee 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. The rates of tuition charged to students at any such branch campus shall be no higher than the rates of tuition charged for such courses at the state colleges. Any such branch campus shall be administered by one of the state colleges, with appropriate instructional support from other state colleges as may be required. The board of regents shall have general supervision over the branch campuses.

**History:** 1963 c. 419; 1965 c. 215; 1967 [13.93 (1) (e)].

**37.03 Officers.** The officers of the board shall be a president, vice president and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall perform the duties incident to their several offices, and such as are prescribed by the board. The state treasurer shall be, ex officio the treasurer of the board, but the board may appoint suitable persons to receive any tuition fees or other moneys that may be due from any student or other person, and pay the same to the treasurer.

**37.04 Meetings; quorum.** The board shall be supplied by the department of administration with necessary office rooms in the capitol, and the board shall hold an annual meeting at such office on the 2nd Wednesday in July in each year or at such time as they designate. Special meetings may be called by the governor or by the president of the board on a petition signed for that purpose by any 3 regents. A majority of the regents constitutes a quorum for the transaction of business; but a less number may adjourn.

**History:** 1961 c. 316; 1967 c. 29.

**37.05 Regents of state colleges meetings public.** The meetings of the board of regents of the state colleges shall be open to the public and the press and all records of such meetings and of all proceedings of such board shall be open to inspection by the public and the press at any reasonable hours thereafter; provided, that said board may hold executive sessions, the findings of said executive sessions to be made a part of the records of the proceedings of said board.

**37.06 Disqualification of officers, etc.** No regent or officer, trustee or person appointed or employed in any position or capacity connected with state colleges shall at any time act as agent of any author or publisher of or dealer in school books, maps or charts, or school library books, or school furniture or apparatus, or become interested directly or indirectly in the publication, manufacture or sale of any such as agent or otherwise, except solely as author or inventor, and for a violation hereof any regent shall be expelled from the board by a majority vote of the regents; provided, that the purchase and use of books and appliances written or invented by persons connected with any of the schools shall not be deemed to be prohibited.

**37.07 State colleges pre-audit; payments.** Unless otherwise provided by law, no bills shall be incurred in the management of state colleges nor be paid until they have been audited by the board of regents of state colleges under the supervision of the department of administration. All payments shall be made on the warrant of the department of administration drawn in accordance with the certificate of the proper designated officer or officers of the board. All claims and accounts, before being certified to the department of administration shall be verified and approved in the same manner as provided in s. 36.10 (2).

**37.08 State colleges' accounts.** (1) The board of regents of the state colleges shall cause all of the financial transactions and accounts of or relating to the several state colleges under their supervision at the close of each fiscal year to be fully and thoroughly examined subject to ch. 16. The cost of such audit shall be paid from and charged against the proper appropriation for the board of state college regents.

(2) **WHEN MADE.** Such examination shall be commenced immediately after the close of the fiscal year and be completed as soon as practicable.

(3) **REPORT.** Upon the completion of such examination a full and detailed report thereof shall be made by such auditor to the governor.

**37.09 Objects of state colleges.** The primary purposes and objects of each state college shall be the instruction and training of students in the theory and art of teaching, and in all various branches that pertain to a good common school education, and in all subjects needful to qualify for teaching in

the public schools; also to give instruction in the fundamental laws of the United States and of this state in what regards the rights and duties of citizens.

**37.10 Model schools; department for teachers of deaf.** (1) The board of regents may also establish a model school for practice in connection with each state college, except Stout state college and the institute of technology, and shall make all the rules necessary to govern and support the same; and they may admit pupils to such model schools free of charge of tuition. The board of regents may enter into a contract with the school board of any district or with the handicapped children's education board of any county whereby children selected from the school district or handicapped children selected from the county may be pupils in such model school for the practical demonstration of methods of teaching and the instruction of the students enrolled in any state college. The board of regents may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the school district or county. The school district or handicapped children's education board shall receive aid on account of transportation to and from the model school under subch. II of ch. 121 for all pupils so transported.

(2) The board shall establish and maintain in one of the state colleges of the state, located in a city maintaining a graded school for the deaf, a normal training department for oral teachers of the deaf. Candidates for admission to this course shall have completed at least one year of the advanced course in a state college or its equivalent. Graduates from said course shall be granted a diploma by the board that will serve as a basis for an unlimited state certificate, qualifying the holder to teach in any day school for the deaf in this state, or in any public school of the state, below high school grade.

History: 1963 c. 224; 1967 c. 29, 92, 313.

**37.11 Powers of board as to state colleges.** The said board shall have the government and control of all the state colleges, and may:

(1) Make rules, regulations and bylaws for the good government and management of the same and each department thereof, and adopt such designation for said colleges as in the judgment of the board best fits their functions and purposes as institutions offering the liberal arts degree while main-

taining a strong teachers' training program.

(2) Appoint a president and assistants and such other teachers and officers and employ such persons as may be required for each of said colleges; and prescribe their several duties.

(3) Remove at pleasure any president, assistant or other officer or person from any office or employment in connection with any such college, but discharges of teachers shall be governed by s. 37.31.

(4) Purchase within the amount appropriated for such purposes any needful and proper apparatus, books or articles to assist in instruction, and provide for all necessary fuel and supplies for the conduct of such colleges.

(5) Prescribe the courses of study and the various books or works to be used in such courses and upon completion of a curriculum for the bachelor of arts, bachelor of science, master of arts, master of science and specialist or professional degrees in education to confer, with the approval of the coordinating committee under s. 39.03, degrees and to award diplomas in testimony thereof as are usual in colleges and universities.

(6) Cause notice to be given of the opening of such colleges and the several terms thereof.

(7) Prescribe rules for the admission of students; but every applicant for admission shall undergo an examination to be prescribed by the board, and shall be rejected if it appears that he is not of good moral character.

(8) (a) Require any applicant for admission, who has not been exempted by this section, to pay or to secure to be paid such fees for tuition as the board deems proper and reasonable. The board may also charge any student laboratory fees, book rents, fees for special departments or any incidental fee covering all such special costs. Any adult student who has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student registers at the state colleges, or any minor student whose parents have been bona fide residents of the state for one year next preceding the beginning of any semester for which such student registers at the state colleges, or any minor student whose natural parents are divorced or legally separated who has resided substantially in this state during his years of minority and at least one year next preceding the beginning of any semester for which such student registers at the state colleges or whose mother or father has been a

bona fide resident for one year next preceding the beginning of any semester for which such student registers at the state colleges, or any minor student who is an orphan and who has resided substantially in this state during his years of minority and at least one year next preceding the beginning of any semester for which such student registers at the state colleges or whose legal guardian has been a bona fide resident for one year next preceding the beginning of any semester for which such student registers at the state colleges, or any minor student under guardianship in this state pursuant to ch. 48 or 319 who has resided substantially in this state during his years of minority and at least one year next preceding the beginning of any semester for which such student registers at the state colleges or whose legal guardian if a person who has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student registers at the state colleges, shall while he continues a resident of the state be entitled to exemption from nonresident tuition, but not from incidental or other fees and tuition in the state colleges.

(ab) Nonresident members of the armed forces who are stationed in the state and their wives and children shall be entitled to the exemptions provided in par. (a) during the period that such member of the armed forces is stationed in the state.

(ac) Any female student who attended the state college as a minor student exempt from the fees for nonresident tuition, and, who would continue to be entitled to the exemptions provided in par. (a) except for having married a nonresident, shall continue to be entitled to such exemptions.

(ad) Any female who marries a bona fide resident shall be entitled to the exemptions provided in par. (a) effective the semester following her marriage and while continuing to reside in this state.

(am) Any minor, or totally dependent person, who resides outside the state but whose parent upon whom he is dependent is employed full time in this state shall be entitled to the exemptions provided in par. (a), provided that if the state of residence levies an income tax on individual income, such state must have provided for reciprocity in the levying of any taxes on income imposed by such state.

(b) Any student who has not been a resident of the state for one year next preceding the beginning of any semester for which such student registers at the state colleges, except

as above provided, shall not be exempt from the payment of the nonresident tuition fees.

(8a) In determining bona fide residence, filing of state income tax returns in Wisconsin, eligibility for voting in this state, motor vehicle registration in Wisconsin, and employment in Wisconsin shall be considered. A student from another state who is in this state principally to obtain an education will not be considered to have established a residence in Wisconsin by virtue of attendance at educational institutions.

(9) Cause lectures on any art, science or branch of literature to be delivered in any such colleges on such terms and conditions as they may prescribe.

(10) Confer by bylaws upon the presidents of the several state colleges the power to suspend or expel pupils for misconduct or other cause prescribed in such bylaws.

(11) The board shall provide a definite course in the theory and art of physical education, and instruction in games and playground management, to be taught in every state college. Examination in this branch shall be required of all candidates for state college diplomas and certificates.

(12) Grant scholarships to bona fide residents of the state who, during their high school or college courses, were good students, are in financial need and possess qualifications for leadership. The monetary value of scholarships granted shall vary with the recipient's financial need. A scholarship granted an individual by the board of regents under this section shall not exceed an amount equal to 67% of the financial need of the individual student as determined by the institution in conformance with procedures established by the state commission for higher educational aids.

(14) Grant scholarships equivalent in value to the payment of incidental fees to disabled bona fide residents of the state who are recommended and supervised by the rehabilitation division of the state board of vocational, technical and adult education.

(15) Grant scholarships equivalent in value to the payment of incidental fees and nonresident tuition fees to foreign students and to students who are U.S. citizens but whose residence is not in the continental United States, who are good students, are in financial need and possess qualifications for leadership. The number of such scholarships which may be granted in any school year in any state college shall not exceed one per cent of the

total full-time enrollment of students in such college for the preceding year.

(16) (a) Make rules regulating the parking of motor vehicles on property under its jurisdiction. Such rules shall not be subject to ch. 227.

(b) Any person who violates any rule made under par. (a) shall be fined not more than \$10.

(c) The board shall have concurrent police supervision over all property under its jurisdiction. The duly appointed agents of the board may arrest, with or without warrant, any person on such property violating a state law or a rule made under this subsection, deliver such person to any court having jurisdiction over such violation, and execute a complaint charging such person with such violation.

(d) This subsection does not impair the duty of county or municipal police officers within their jurisdictions to arrest and take before the proper court or magistrate persons found in a state of intoxication, engaged in any disturbance of the peace or violating any state law on any property under the jurisdiction of the board.

(17) Remit either in whole or in part tuition, but not other fees, to a number of needy and worthy nonresident students at each state college not exceeding 8% of the number of nonresident students registered in the preceding year at such college, upon the basis of merit, to be shown by suitable tests, examinations or scholastic records and continued high standards of scholastic attainment. The board may remit nonresident tuition in whole or in part, but no other fees, to additional individual students at the state colleges not exceeding 2% of the number of nonresident students registered in the preceding year who, in the judgment of the board, are deserving of relief from the assessment of nonresident tuition because of extraordinary circumstances.

**History:** 1961 c. 15; 1963 c. 224, 475; 1965 c. 163, 463; 1967 [13.93 (1) (h), (i)]; 1967 c. 26 s. 93; 1967 c. 294.

See note to 36.06, citing 52 Atty. Gen. 217.

Under (8) (a) a resident minor student does not lose status when parents remove from the state subsequent to student's 21st birthday. 54 Atty. Gen. 27.

See note to 36.16, citing 54 Atty. Gen. 68.

Regents may adopt administrative rules regulating on-campus parking and charge a fee therefor. Violations would be subject to ch. 288. Authority is vested in local municipality to regulate parking on streets or drives on university lands. 56 Atty. Gen. 4.

Dependent minor student whose parents reside in another state and work full time in Wisconsin would not be entitled to exemption from nonresident tuition unless the other state has provided for tax reciprocity similar to 71.03 (2) (c). 56 Atty. Gen. 40.

**37.115 Gifts.** (1) Notwithstanding any other statutes to the contrary, all gifts, grants, bequests and devises for the benefit of any or all of the state colleges or any of their programs, courses, schools or institutions, or to provide any means of instruction or knowledge in connection therewith, whether made to trustees or otherwise, shall be legal and valid. Provisions of any instrument making same, including all directions for accumulation of income of any fund or rents and profits of any real estate, shall be executed without being subject to the restrictions provided by law in other cases except that no accumulation shall be allowed to produce a fund more than 20 times as great as that originally given. When such gifts include investments not authorized by ch. 320, the board of regents of state colleges may hold such investments, or exchange the funds therein or reinvest in similar types of investments without being subject to the restrictions provided by law in other cases. Except as otherwise provided in this section, the regents may invest not to exceed 75% of trust funds held and administered by them in common stocks, the limitation of 50% in s. 320.01 (2) to the contrary notwithstanding.

(2) All such gifts, grants, devises or bequests may be made to the board of regents of state colleges or the president or any officer thereof, or to any person or persons as trustees, or may be charged upon any executor, trustee, heir, devisee or legatee, or made in any other manner indicating an intention to create a trust, and may be made for the benefit of any or all of the state colleges or any of their programs, courses, schools or institutions or to provide any means of instruction or knowledge in connection therewith, or for the benefit of any class of students at any or all of the state colleges through scholarships or fellowships or to benefit students in any course, program or school or division of study, experiment, research, observation or travel in any way connected with any or all of the state colleges, or to provide for the voluntary retirement of any of their faculty.

(3) In case of any such gift, grant, devise or bequest to a class, group or nationality of students intended to be the beneficiaries, it is sufficient to describe the class or group in general terms without particularity or exactness. The regents shall divide the students at any or all of the state colleges into whatever divisions may be necessary to determine

what persons are intended to benefit by such gift, grant, devise or bequest.

**History:** 1961 c. 278; 1967 [13.93 (1) (e)].

**37.12 Stout state college; institute of technology.** (1) The board shall maintain the necessary courses for the thorough instruction and training of teachers in the principles and practice of the industrial arts and of home economics and household arts at the Stout state college.

(2) The board shall on July 1, 1959, merge the Wisconsin state college at Platteville and the institute of technology at Platteville under a single administrator, co-ordinating the educational program and the use of physical facilities. The board shall maintain a division of technology at Platteville which shall be an integral part of the Wisconsin state college and institute of technology at which a course of instruction shall be provided which shall give students a knowledge of the science, art and practice of professional engineering with special emphasis on mining and civil engineering leading to appropriate degrees. The board shall maintain a complete collection of the minerals of the lead and zinc region of Wisconsin at the division of technology of the Wisconsin state college and institute of technology.

**History:** 1967 c. 294.

**37.13 Diplomas; certificates.** Said board may grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted until such graduate shall have passed a thorough and satisfactory examination in the course of study prescribed by the board. When any such graduate has, after receiving such diploma, taught a public school in this state 2 years, the state superintendent may, after such examination as to moral character, learning and ability to teach as to him may seem proper, issue to such teacher an unlimited state certificate, and thereafter such unlimited certificate shall be evidence of his qualification to teach in any common school. The said board may also, on such conditions as they may determine, grant a certificate of attendance certifying that the holder has completed the elementary course in a state college and is qualified to teach a common school; and the said superintendent may, upon conditions above prescribed respecting diplomas, issue a limited state certificate, and thereafter such certificate shall be evidence of his qualification to teach in any common school of the state. The said board of regents may also on such conditions as they may determine, grant a certificate, cer-

tifying that the holder has completed the course for teachers of country schools in a state college and is of good moral character. It shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the college.

**37.15 Regents' report.** The president of said board shall make to the governor a biennial report, bearing date August 31 of the year in which the biennial fiscal term closes, which shall contain a full and detailed account of the doings of the said board, and of all their expenditures and of all moneys received, and the prospect, progress and condition of said state colleges; and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the governor.

**37.29 Co-operative marketing and consumers' co-operatives.** The governing boards of the university, state colleges and county teachers colleges shall provide in their respective institutions adequate and essential instruction in co-operative marketing and consumers' co-operatives, and in conservation of natural resources.

**37.30 Agricultural economics.** Courses in agricultural economics shall be given (including the business principles involved in farming and marketing and in financing agriculture), in the several state colleges and county teachers colleges, and shall be extended to schools in which agricultural subjects are taught, and to other schools as rapidly as practicable. The courses in agricultural economics to be given in the various schools shall be such as are prescribed by the state superintendent of public instruction, with the advice of the state department of agriculture and the chairman of the department of agricultural economics of the state university.

**37.31 Teachers employed on probation; tenure; compulsory retirement.** (1) All teachers in any state university shall initially be employed on probation. The employment shall be permanent, during efficiency and good behavior after 4 years of continuous service in the state university system as a teacher. An official leave of absence shall not constitute a break in continuous service, nor shall it count toward the 4 years required to attain tenure. No teacher who has become permanently employed as herein provided shall be discharged except for cause upon written charges. Within 30 days of receiving the written charges, such teacher may appeal the dis-

charge by a written notice to the president of the board of regents of state colleges. The board shall cause the charges to be investigated, hear the case and provide such teacher with a written statement as to their decision. The action and decision of the board in the matter shall be final. The term "teachers" as used in this section includes all persons engaged in teaching as their principal occupation but shall not include any university president or acting president in his capacity as president of any of the state universities.

(1m) A teacher shall lose tenure upon discharge or resignation from the state university system. A resignation withdrawn and the withdrawal accepted by the board before the beginning of the next school semester, not

including the summer session, shall not be considered as voiding tenure. A teacher losing tenure must upon re-employment serve another probation period.

(2) Compulsory retirement of each teacher covered by this section shall be automatic upon the June 30 next succeeding the 70th birthday of such teacher.

**History:** 1965 c. 497.

**37.32 Transitional clause; Stout Institute and Institute of Technology.** [*Not printed; 1961 c. 33 s. 12; see 1959 Stats.*]

**37.33 Transitional clause; Institute of Technology.** [*Not printed; 1963 c. 343 s. 5; see 1961 Stats.*]