



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4696/1
MDK:emw

2015 SENATE BILL 719

February 11, 2016 - Introduced by Senator HARSDORF, cosponsored by Representative MURPHY. Referred to Committee on Universities and Technical Colleges.

1 **AN ACT relating to:** modifying rules of the Board of Regents of the University
2 of Wisconsin System regarding service of notice, updating outdated rules of the
3 board, and providing for consistent capitalization of certain terms in the board's
4 rules.

Analysis by the Legislative Reference Bureau

This bill makes various changes to rules of the Board of Regents of the University of Wisconsin (UW) System. The bill revises several rules to allow certain types of notice to be served by electronic means in addition to the means allowed under the current rules, which are personal service and service by certified mail. The bill also eliminates an outdated provision in the rules regarding faculty holding appointments under a statutory law that was repealed in 1974. The bill modifies certain rules to be consistent with statutory changes made by the 2015 biennial budget act, 2015 Wisconsin Act 55. The act replaced the statutory term "classified staff" with "university staff." The bill makes similar changes to the board's rules. The bill also removes references in the rules to a statute regarding faculty tenure and probationary appointments that was repealed by the act.

In addition, the bill also modifies the rules to refer to the UW System's 2-year schools as "colleges," instead of the outdated term "centers." Also, the bill modifies the rules to define "chancellor" as the chief executive officer of an "institution," which is defined in a rule not affected by the bill as any university or an organizational

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equivalent designated by the board. The bill also provides for capitalizing “Board of Regents” and “University of Wisconsin System” throughout the administrative code.

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

1 **SECTION 1.** UWS 1.01 of the administrative code is amended to read:

2 **UWS 1.01 Academic staff.** “Academic staff” means professional and
3 administrative personnel, other than faculty and ~~classified~~ university staff, with
4 duties and types of appointments that are primarily associated with higher
5 education institutions or their administration.

6 **SECTION 2.** UWS 2.01 of the administrative code is amended to read:

7 **UWS 2.01 Rules.** Rules in chs. UWS 2 and 3 apply to all faculty appointments
8 made on or after the effective date of these rules. Any person who holds a tenure
9 appointment under former chs. 36 and 37, 1971 Stats. and related rules shall
10 continue to hold tenure as defined under those chapters and related rules. Any
11 person who holds a probationary appointment under former chs. 36 and 37, 1971
12 Stats. and related rules shall continue to enjoy the contractual rights and guarantees
13 as defined under those chapters and related rules, ~~and may elect to be considered for~~
14 ~~tenure according to the procedures existing under that appointment or under rules~~
15 ~~and procedures in effect at the time of consideration.~~ The rules in chs. UWS 4 to 8
16 apply to all appointments to faculty positions regardless of whether the appointment
17 preceded the adoption of these rules.

18 **SECTION 3.** UWS 3.01 (1) (e) of the administrative code is amended to read:

19 **UWS 3.01 (1) (e)** A person holding a faculty appointment ~~under ss. 36.13 and~~
20 ~~36.15, Stats.,~~ shall not lose that appointment by accepting a limited appointment for
21 a designated administrative position.

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1 **SECTION 4.** UWS 3.06 (1) (a) of the administrative code is amended to read:

2 UWS 3.06 (1) (a) *General.* Appointments may be granted only upon the
3 affirmative recommendation of the appropriate academic department, or its
4 functional equivalent, and the chancellor of an institution. When specified by the
5 board, the institutional recommendation shall be transmitted by the president of the
6 system with a recommendation to the board for action. Tenure appointments may be
7 granted to any ranked faculty member who holds or will hold a half-time
8 appointment or more. The proportion of time provided for in the appointment may
9 not be diminished or increased without the mutual consent of the faculty member
10 and the institution, unless the faculty member is dismissed for just cause, pursuant
11 to s. 36.13 (5), Stats., or is terminated or laid off pursuant to s. 36.21, Stats.

12 **SECTION 5.** UWS 3.09 (1) (intro.) of the administrative code is amended to read:

13 UWS 3.09 (1) (intro.) A faculty member who is employed on probationary
14 appointment pursuant to s. 36.13, Stats., shall be given written notice of
15 reappointment or nonreappointment for another academic year in advance of the
16 expiration of the current appointment as follows:

17 **SECTION 6.** UWS 4.02 (3) of the administrative code is amended to read:

18 UWS 4.02 (3) The statement of charges shall be served personally, by electronic
19 means, or by certified mail, return receipt requested. If such service cannot be made
20 within 20 days, service shall be accomplished by first class mail and by publication
21 as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c),
22 Stats., were applicable. Such service by mailing and publication shall be effective as
23 of the first insertion of the notice of statement of charges in the newspaper.

24 **SECTION 7.** UWS 6.01 (intro.) of the administrative code is amended to read:

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1 **UWS 6.01 Complaints.** (intro.) The faculty of each institution, with the
2 approval of the chancellor, shall establish rules and procedures to deal with
3 allegations by the administration, students, academic staff members, other faculty
4 members, ~~classified~~ university staff members, or members of the public concerning
5 conduct by a faculty member which violates university rules or policies, or which
6 adversely affects the faculty member's performance of his/her obligation to the
7 university but which allegations are not serious enough to warrant dismissal
8 proceedings under ch. UWS 4. Such rules and procedures shall include, but not
9 necessarily be limited to, the following:

10 **SECTION 8.** UWS 8.02 (5) of the administrative code is amended to read:

11 UWS 8.02 (5) "Chancellor" means the chief executive officer of a ~~university, the~~
12 ~~university of Wisconsin centers or the university extension~~ an institution.

13 **SECTION 9.** UWS 11.02 (2) of the administrative code is amended to read:

14 UWS 11.02 (2) Any formal statement of specific charges shall be served
15 personally, by electronic means, or by certified mail, return receipt requested. If such
16 service cannot be made within 20 days, service shall be accomplished by first class
17 mail and by publication as if the statement of charges were a summons and the
18 provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and
19 publication shall be effective as of the first insertion of the notice of statement of
20 charges in the newspaper.

21 **SECTION 10.** UWS 13.01 of the administrative code is amended to read:

22 **UWS 13.01 Complaints.** Each institution shall establish policies and
23 procedures to deal with allegations by persons other than the academic staff
24 member's supervisor(s), including administrators, students, other academic staff,
25 faculty, ~~classified~~ university staff, or members of the public concerning conduct by

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1 an academic staff member which violates university rules or policies, or which
2 adversely affects the staff member's performance or obligation to the university but
3 which allegations are not serious enough to warrant dismissal proceedings under ch.
4 UWS 11. Such procedures shall include the designation of an individual or body with
5 the power and authority to conduct a hearing on the complaint and to recommend
6 solutions to the chancellor if the problem cannot be otherwise resolved.

7 **SECTION 11.** UWS 14.02 (10) of the administrative code is amended to read:

8 UWS 14.02 (10) "Institution" means any university or ~~center~~ college, or
9 organizational equivalent designated by the board.

10 **SECTION 12.** UWS 14.07 (5) (b) of the administrative code is amended to read:

11 UWS 14.07 (5) (b) The written report shall be delivered personally or by
12 electronic means to the student or mailed to the student by regular first class United
13 States mail at his or her current address, as maintained at the institution. In
14 addition, a copy of the report shall be provided to the instructor and to the
15 institution's student affairs officer.

16 **SECTION 13.** UWS 14.08 (3) (h) of the administrative code is amended to read:

17 UWS 14.08 (3) (h) The decision of the hearing committee shall be served upon
18 the student either by personal delivery, electronic means, or by first class United
19 States mail and shall become final within 10 days of service, unless an appeal is
20 taken under s. UWS 14.09.

21 **SECTION 14.** UWS 15.01 (2) of the administrative code is amended to read:

22 UWS 15.01 (2) Limited appointments apply to the following positions:
23 president, senior vice president, provost, vice president, associate vice president,
24 assistant vice president, chancellor, vice chancellor, associate chancellor, assistant
25 to the chancellor, assistant chancellor, associate vice chancellor, assistant vice

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1 chancellor, ~~center system~~ college campus dean, secretary of the board, associate
2 secretary of the board, assistant secretary of the board, trust officer and assistant
3 trust officer, and such other administrative positions as the board, the president, or
4 the chancellor determines at the time of the appointment.

5 **SECTION 15.** UWS 16.01 of the administrative code is amended to read:

6 **UWS 16.01 Other appointments.** The board may make or authorize
7 appointments of specified terms for student assistants and ~~employes~~ employees in
8 training, such as residents, interns, post-doctoral fellows or trainees or associates.
9 Appointments made pursuant to this section shall not be subject to the provisions of
10 ~~ss. 36.13 and s. 36.15, Stats., and chs. UWS 1 to 15.~~ Policies and procedures for such
11 appointments shall be determined as appropriate by the president or the chancellor
12 of each institution after consultation with appropriate faculty and with appropriate
13 student assistants and ~~employes~~ employees in training.

14 **SECTION 16.** UWS 18.08 (12) (a) of the administrative code is amended to read:

15 UWS 18.08 (12) (a) Every ticket or other evidence of the right of entry to any
16 amusement, game, contest, exhibition, event, or performance given by or under the
17 auspices of the University of Wisconsin System, or an institution or ~~center~~ college of
18 the University of Wisconsin System, shall be considered a revocable license to the
19 person to whom the ticket has been issued and shall be transferable only on the terms
20 and conditions prescribed on the ticket or other evidence of the right of entry.

21 **SECTION 17.** UWS 20.01 (4) (b) 1. of the administrative code is amended to read:

22 UWS 20.01 (4) (b) 1. Be served at least 10 days before the hearing date either
23 by personal service, electronic means, or by mailing;

24 **SECTION 18.** UWS 21.02 (2) of the administrative code is amended to read:

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1 UWS 21.02 (2) “Chancellor” means the chief executive officer of a ~~university,~~
2 ~~the university of Wisconsin centers, or the university extension~~ an institution.

3 **SECTION 19.** UWS 22.02 (2) of the administrative code is amended to read:

4 UWS 22.02 (2) “Chancellor” means the chief executive officer of a ~~university,~~
5 ~~the university of Wisconsin centers, or the university extension~~ an institution.

6 **SECTION 20. Nonstatutory provisions.**

7 (1) CAPITALIZATION CHANGES. Wherever “board of regents” appears in the
8 administrative code, “Board of Regents” is substituted. Wherever “university of
9 Wisconsin System” appears in the administrative code, “University of Wisconsin
10 System” is substituted.

11 (END)