

## 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, in the manner 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 colleges authorized by law and none other, with full power to sell or dispose of such personal property in the manner provided by law, or any part thereof when in their judgment it shall be for the interest of the state; and shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The board of regents shall not sell, mortgage or dispose of in any way any real estate, nor borrow money without the express authority of the legislature; nor shall they contract indebtedness nor incur liabilities to exceed, at any time, in the aggregate, the amount of money which, under the provisions of law, shall then be at their disposal in the hands of the state treasurer; nor shall said board ever reduce the amount so at their disposal below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability. 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 chapter 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) The provisions of s. 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.

**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 second 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 from time to time.

**History:** 1961 c. 316.

**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 shall 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 regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model schools free of charge of tuition. The board may enter into a contract with any school, for a period of not more than 5 years, whereby children selected from such district 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 may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the district. Any contract or agreement jointly entered into between any

state college and any school districts, and having for its purpose the education of the pupils of the district is hereby validated, and shall be continued in full force and effect for a period not exceeding 5 years from the original date of the contract. Districts which suspend their schools in whole or in part, on account of the contract authorized under this subsection shall be eligible to receipt of aids in the same amounts that they would be eligible to receive if they had operated their schools without such contract and in addition the district shall receive aid on account of transportation at the rate of \$24 per school year per child transported to and from the state college whose residence is more than 2 miles and not more than 5 miles from such college by the nearest traveled route and at the rate of \$36 per school year per pupil transported who resides more than 5 miles from such college by the nearest traveled route under the conditions provided by ss. 40.53 to 40.56. The governing body of any school district operating a high school or municipality in or near which there is a state-supported institution of higher learning which provides high school grades is authorized to provide or contract for the transportation of such pupils to such high school grades, and such district or municipality shall be entitled to transportation aids under the conditions provided in ss. 40.53 to 40.56 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.

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

(1) To make rules, regulations and by-laws for the good government and management of the same and each department thereof, and to 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 maintaining a strong teachers' training program.

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

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

(5) To prescribe the courses of study and the various books to be used in such colleges, and upon completion of a course for a bachelor of arts degree or for preparing teachers, to confer such certificates, diplomas, the bachelor of arts degree and professional degrees in education in testimony thereof as are usually conferred by other institutions of like character and rank, such degrees to be conferred only upon completion of a 4-year course above high school or its equivalent unless otherwise provided by law, and to prescribe the course of study for and to confer the degree of master of education. When any state college offers a course for the express purpose of training teachers for nonurban schools, the completion of which shall entitle one to the certificate mentioned in s. 37.13, the course of study shall be the full and fair equivalent of the course of study prescribed for the county teachers colleges by the state superintendent. At the division of technology at the Wisconsin state college and institute of technology the board may grant diplomas or certificates of graduation upon the completion of the required courses and may confer upon the graduates of the various courses such academic, scholastic or engineering degrees as they deem suitable.

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

(7) To 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) To require any applicant for admission, who shall not have been exempted by any of the provisions of this section, to pay or to secure to be paid such fees for tuition as the board may deem 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 shall have been a resident of the state for one year next preceding his first admission to the state college, or any minor student whose parents have been bona fide residents of this state for one year next preceding the beginning of any semester for which such student enters the state college, or any minor student, whose natural parents are divorced or legally separated, and who has resided continuously for the preceding year with either his mother or father, provided that such mother or father has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student enters the state college, or any minor student who is an orphan who has resided continuously for the preceding year with a grandparent or a legally appointed guardian, provided that such grandparent or guardian has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student enters the state college, or any minor student who is under guardianship in this state pursuant to ch. 48 or 319, provided that the parental rights of the parents of such minor have been judicially terminated, and provided that, if the guardian of such minor is an individual, such individual has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student enters the state college, shall, while he continues a resident of the state, be entitled to exemption from fees for nonresident tuition, but not from incidental fees in the state colleges except that the board may admit nonresidents to summer schools on the same basis as residents. So far as applicable the provisions of s. 6.51 shall be used in determining such residence.

(8a) Nonresident members of the armed forces who are stationed in the state, and their wives and children, shall be entitled to exemption from fees for tuition but not from incidental fees in the state college.

(9) To 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) To 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) The board of regents of state colleges shall have authority to grant scholarships equivalent in value to the payment of all incidental fees to freshmen who, during their high school course, ranked first in scholarship in Wisconsin public high schools and private secondary schools enrolling less than 250 students; to those ranking first and second in scholarships in Wisconsin public high schools and private secondary schools enrolling 250 to 750 students; and to those ranking first, second and third in scholarships in Wisconsin public high schools and private secondary schools enrolling 750 or more students. In case the person or persons eligible for scholarships under the provisions of this subsection do not elect to enroll at a state college, then the regents shall have the authority to grant the scholarships to the freshmen who were next highest in scholastic rank in the Wisconsin public high schools and Wisconsin private secondary schools.

(13) The board of regents of state colleges shall have authority to grant scholarships equivalent in value to the payment of all incidental fees 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.

(14) The board of regents of state colleges shall have authority to 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 and adult education.

(15) To grant scholarships equivalent in value to the payment of incidental fees and nonresident tuition fees to foreign students and to students who are United States 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) The board of regents of state colleges may 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, to deliver such person to any court having jurisdiction over such violation, and to 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) To 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 per cent 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 per cent of the number of nonresident students registered in the preceding year who, in the judgment of the board, are entitled to equitable relief from the assessment of nonresident tuition.

**History:** 1961 c. 15.

**37.115 Gifts.** (1) Notwithstanding any other provisions of the statutes to the contrary, all gifts, grants, bequests and devices 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 per cent of trust funds held and administered by them in common stocks, the limitation of 50 per cent in s. 320.01 (2) to the contrary notwithstanding.

(2) All such gifts, grants, devices 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.

**37.12 College courses.** (1) The board of state college regents may extend the course of instruction at any state college to include a 4-year college liberal arts course. The board shall have the power to confer upon persons completing the 4-year course such degrees as are usual in universities and colleges.

(2) 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 as 4- and 5-year college courses, and students who shall satisfactorily complete such courses shall receive the degree of bachelor or master of science with majors in industrial education, vocational education, in home economics education and home economics and industrial technology.

(3) 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.

**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, certifying 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 Teacher training.** 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.** Course 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 college shall be employed on probation and after successful probation for 4 years, the employment shall be permanent, during efficiency and good behavior, provided, that the teachers having taught 4 years or more in any such college shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided, by reason of 4 or more years of continuous service, shall be discharged except for cause upon written charges. Said charges shall after 10 days' written notice thereof to such teacher, and upon such teacher's written request, be investigated, heard and determined by the board of regents of state colleges, whose action and decision in the matter shall be final. The term "teachers" as used in this section shall include all persons engaged in teaching as their principal occupation but shall not include the president or acting president of any state college.

(2) Compulsory retirement of each teacher covered by this section shall be automatic upon the thirtieth day of June next succeeding the seventieth birthday of such teacher.

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

**37.33 Transitional clause.** On July 1, 1959, the institute of technology at Platteville shall cease to exist as a separate institution and all of the functions, property, documents and records of the institute of technology shall be transferred to the merged institution.

(1) All of the rules and orders of the board of regents in force immediately prior

cation as such city may have, shall act as secretary, shall meet and appoint 15 members of the board of school directors.

(2) Five of the directors so appointed shall be appointed to serve from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the first regular school election to be held in any city to which this chapter applies; 5 of the directors so appointed shall be appointed to serve from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the second regular school election to be held in any city to which this chapter applies; and 5 from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the third regular school election to be held in any city to which this chapter applies; and at the school elections to be held on the first Tuesday in April preceding the expiration of the terms of those members so appointed, their successors shall be elected by the qualified voters of such city to serve for the term of 6 years or until their successors are elected and qualified.

(3) Within 90 days after such appointees have entered upon the duties of their office the common council of such city may by resolution concurred in by a majority of the members-elect provide for a special school election to be held in such city to elect successors to such appointees; 5 of the directors so elected to be nominated and elected to succeed the 5 directors appointed for the term expiring on the first Tuesday of July next following the first regular school election to be held in such city; 5 of the directors so nominated and elected to succeed the 5 directors appointed for the term expiring on the first Tuesday of July next following the second regular school election in such city, and 5 of the directors so nominated and elected to succeed the 5 directors appointed for the term expiring on the first Tuesday of July next following the third regular school election in such city; the respective terms of office of such directors so elected at such special election shall terminate at the respective times when the terms of office of their predecessors would have terminated if no special school election had been held; in the event of such special school election, the terms of office of the directors-elect shall begin on the first Tuesday of the month next following such election. In the event such special school election be called as hereinbefore provided, it shall be held at the polling places, in the manner and under the charge of election officials, ballot clerks, inspectors, as the regular school elections to be held under this chapter; and nominations for such special election shall be made and had in like manner as provided for the regular school elections under this chapter; provided, however, that no such resolution for the calling of a special school election under this chapter shall be introduced except at a regular meeting of the council, and no action shall be taken thereon before the next regular meeting thereof, nor until such proposed resolution shall be published at least once in an official city paper, if there be one; and if there be none, in some newspaper to be designated by the council, together with a notice of the time said resolution will be considered.

(4) All vacancies in the said board resulting from any cause shall be filled by the board, a majority of the remaining members being necessary to a choice. Members so elected by the board shall serve until the first Tuesday in July following the next school election at which election the vacancies shall be filled for the unexpired terms in the same manner as members are elected for the full term provided that the members of boards of school directors or of such board of education as such city may have in office when this chapter becomes effective in any such city, shall hold their offices until the time for newly appointed members to assume their duties, as provided heretofore in this section, or until their successors so appointed are qualified, and during such period shall continue to exercise all of the rights and privileges and discharge the duties of members of the board of school directors.

**38.04 Board; president, committees, absentees, temporary officers; ex officio members of commissions.** (1) The board of school directors in any city hereafter coming under this chapter shall meet on the first Tuesday of the month following the first appointment of its members, and in the event of a special election on the first Tuesday of the month following such special election, and thereafter on the first Tuesday of July in each year, and on the first Wednesday of July in any year when the first Tuesday of July shall be a public holiday, and organize by the election of the proper officers. A president shall be elected by said board from its own number to serve for one year, or until his successor shall be chosen, and in his absence or during his disability the board shall elect a president pro tempore. After his election the president shall appoint standing committees, to serve for one year.

(2) The seat of any member shall be declared vacant by the board and the vacancy shall be filled by it by election in the manner hereinbefore provided, if the said member has been absent for 4 successive meetings of the board without satisfactory reason presented by him in writing.