

## CHAPTER 36

## UNIVERSITY OF WISCONSIN SYSTEM

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**36.01 Statement of purpose and mission.** (1) The legislature finds it in the public interest to provide a system of higher education which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources.

(2) The mission of the system is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.

History: 1973 c. 335.

**36.03 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 and one university of the system shall be located at or near the seat of state government.

History: 1973 c. 335.

**36.05 Definitions.** In this chapter:

(1) "Academic staff" means professional and administrative personnel other than faculty with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration.

(2) "Board of regents" or "board" means the board of regents of the university of Wisconsin system.

(3) "Campus" means the publicly owned or leased buildings and grounds which comprise all or part of a university, a center or the extension.

(4) "Center" means any one of the 2-year collegiate campuses of the system.

(5) "Chancellor" means the chief executive of an institution.

(6) "Classified staff" means all employes of the system other than faculty, academic staff, persons whose employment is a necessary part of their training, student assistants and student hourly help.

(7) "Extension" means the community outreach, public service and extension services of the system.

(8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution and such academic staff as may be designated by the chancellor and faculty of the institution.

(9) "Institution" means any university or an organizational equivalent designated by the board.

(10) "President" means the chief executive of the system.

(10m) "Provost" means an administrative officer, designated by the board, with multi-institutional responsibilities for planning and operational duties not deemed suitable for assignment to a single institution or chancellor.

(11) "Student" means any person who is registered for study in any institution for the current academic period. For the purpose of administering particular programs or functions involving students, the board shall promulgate rules defining continuation or termination of student status during periods between academic periods.

(12) "System" means the university of Wisconsin system.

(13) "University" means any baccalaureate or graduate degree granting institution.

History: 1973 c. 335; 1985 a. 332 s. 251 (3).

**36.07 Corporate title, officers, meetings, records.** (1) CORPORATE STATUS AND TITLE. The board and their successors in office shall constitute a body corporate by the name of "Board of Regents of the University of Wisconsin System".

(2) SECRETARY. The board shall appoint a secretary of the board who shall keep a faithful record of all its transactions.

(3) TREASURER. The state treasurer shall be the treasurer of the board, but the board may appoint other persons to receive other moneys that may be due or remitted from any source.

(4) MEETINGS, TIMES, NOTICE. The times for holding the regular annual meeting and such other meetings as are required, and the manner of providing notice for such meetings, shall be determined by the board's bylaws.

(5) ACCESS TO THE BOARD. The board shall provide in its operating policies for access to the board by the public, faculty, students and chancellors.

(6) MEETINGS AND RECORDS PUBLIC. The board meetings shall be open and all records of such meetings and of all proceedings of the board shall be open to inspection in accordance with subchs. II and IV of ch. 19.

History: 1973 c. 335; 1975 c. 426 s. 3; 1981 c. 335 s. 26.

**36.09 Responsibilities.** (1) THE BOARD OF REGENTS. (a) The primary responsibility for governance of the system shall be vested in the board which shall enact policies and rules for governing the system, plan for the future needs of the state for university education, ensure the diversity of quality undergraduate programs while preserving the strength of the state's graduate training and research centers and promote the widest degree of institutional autonomy within the controlling limits of system-wide policies and priorities established by the board.

(b) The board, after public hearing at each institution, shall establish for each institution a mission statement delineating specific program responsibilities and types of degrees to be granted.

(c) The board shall determine the educational programs to be offered in the system and may discontinue educational programs as it deems necessary.

(d) The board shall establish policies to guide program activities to ensure that they will be compatible with the missions of the institutions of the system. To this end, the board shall make all reasonable effort to provide night courses.

(e) The board shall appoint a president of the system, a chancellor for each institution, a dean for each center, the state geologist, the director of the laboratory of hygiene, the director of the psychiatric institute, a state cartographer and the requisite number of officers, faculty, academic staff and other employes and fix the salaries, subject to the limitations under par. (j) and s. 230.12 (3) (e), the duties and the term of office for each. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employes of the system.

(f) The board shall delegate to each chancellor the necessary authority for the administration and operation of the institution within the policies and guidelines established by the board. The board may also delegate or rescind other authority to chancellors, committees of the board, administrative officers, members of the faculty and students or such other groups as it deems appropriate.

(g) The board shall not create nor discontinue any university or center unless specifically authorized by the legislature in each instance.

(gm) The board shall not create, except as specifically authorized by the legislature in each instance, any new college, school or its functional equivalent if such college, school or functional equivalent has academic programs at the graduate or professional, post-baccalaureate level.

1. For the purposes of this paragraph, college or school means an academic unit below the institutional level but above the departmental level, including but not limited to a graduate school, law school, medical school, social work school, architecture school, business school and a public administration school.

2. For the purposes of this paragraph, a new college or school shall be deemed to have been created if an administrative position of dean or its functional equivalent is established and if a new instructional program, separate and distinct from the programs currently available at that institution, is established.

3. This paragraph does not apply to the redesignation or reorganization of existing colleges or schools if accomplished

through the reclassification of existing positions or the restructuring of existing organizational entities.

(h) The board shall allocate funds and adopt budgets for the respective institutions giving consideration to the principles of comparable budgetary support for similar programs and equitable compensation for faculty and academic staff with comparable training, experience and responsibilities and recognizing competitive ability to recruit and retain qualified faculty and academic staff.

(hm) The board shall develop policies for the purpose of specifically identifying the general purpose revenue and nongeneral purpose revenue funding sources used for noninstructional student activities and for the purpose of governing the allocation of funds to those noninstructional student activities supported by both general purpose and nongeneral purpose revenue.

(i) The board and the personnel commission, upon recommendation of the president and the administrator of the division of merit recruitment and selection in the department of employment relations, shall jointly adopt general policies governing the designation of positions to be exempt from the classified service as academic staff as defined in s. 36.15 (1) (a) and (b).

(j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the pay of employes specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the pay increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the pay increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The granting of pay increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the departments of administration and employment relations concerning the amounts of any pay increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

(k) 1. The board shall, with respect to academic staff, correct pay inequities based on gender or race.

2. The board shall do all of the following:

a. Establish and maintain job categories in which to place academic staff positions. The job categories shall be described in sufficient detail to enable the board to comply with subd. 1.

b. Establish and maintain pay ranges, each of which has a minimum and a maximum rate of pay and, using the job evaluation system developed by the secretary of employment relations, assign the job categories established under subd. 2. a to those pay ranges.

c. Submit the job categories and pay ranges established under subd. 2. a and b to the secretary of employment relations for review and approval. In reviewing the job categories and pay ranges, the secretary of employment relations shall determine whether the board complied with subd. 1 in establishing the job categories and pay ranges.

d. Submit a request for any change in the job categories or the pay ranges established under subd. 2. a and b to the secretary of employment relations for review and approval. In reviewing a request for such a change, the secretary of employment relations shall determine whether the requested change requires the board to comply with subd. 1. The secretary of employment relations shall annually report to the joint committee on employment relations regarding any approved changes in the job categories or pay ranges.

(L) The board shall possess all powers necessary or convenient for the operation of the system except as limited in this chapter.

(2) **THE PRESIDENT.** The president shall be president of all the faculties and shall be vested with the responsibility of administering the system under board policies and shall direct a central administration which shall assist the board and the president in establishing system-wide policies in monitoring, reviewing and evaluating these policies, in coordinating program development and operation among institutions, in planning the programmatic, financial and physical development of the system, in maintaining fiscal control and compiling and recommending educational programs, operating budgets and building programs for the board.

(3) **THE CHANCELLORS.** The chancellors shall be the executive heads of their respective faculties and institutions and shall be vested with the responsibility of administering board policies under the coordinating direction of the president and be accountable and report to the president and the board on the operation and administration of their institutions. Subject to board policy the chancellors of the institutions in consultation with their faculties shall be responsible for designing curricula and setting degree requirements; determining academic standards and establishing grading systems; defining and administering institutional standards for faculty peer evaluation and screening candidates for appointment, promotion and tenure; recommending individual merit increases; administering associated auxiliary services; and administering all funds, from whatever source, allocated, generated or intended for use of their institutions.

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

(4m) **ACADEMIC STAFF.** The academic staff members of each institution, subject to the responsibilities and powers of the board, the president and the chancellor and faculty of the institution, shall be active participants in the immediate governance of and policy development for the institution. The academic staff members have the primary responsibility for the formulation and review, and shall be represented in the development, of all policies and procedures concerning academic staff members, including academic staff personnel matters. The academic staff members of each institution shall have the right to organize themselves in a manner they

determine and to select their representatives to participate in institutional governance.

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

**History:** 1973 c. 335; 1975 c. 39, 224; 1977 c. 196 ss. 130 (1), (2), 131; 1977 c. 418; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20 s. 2202 (1) (a); 1983 a. 27 s. 2200 (15); 1983 a. 366; 1985 a. 29, 42, 45, 332.

Sub. (5) construed to give student organization, rather than student body, the right to select representatives to participate in institutional governance. *Student Assn., U.W.-Milw. v. Baum*, 74 W (2d) 283; 246 NW (2d) 622.

The board of regents has no authority to provide a deferred salary plan for employes other than through the state teachers retirement system or the Wisconsin retirement fund. 61 Atty. Gen. 6.

Ruling by chancellor of university of Wisconsin-Eau Claire denying request to conduct door-to-door solicitation in residence halls did not violate constitutional rights. 61 Atty. Gen. 373.

Classified audit fee structure may be established by university regents using age for classification purposes. 62 Atty. Gen. 1.

See note to art. I, sec. 18, citing 63 Atty. Gen. 374, concerning lease of space to church.

Regents should identify how compulsory fees will be used to necessarily and conveniently further the objects of the university before approving a segregated fee, under 37.11 (8) (1971 Stats.), to finance a legal services program for Oshkosh student association. Regent's duties are unchanged under (5). 63 Atty. Gen. 385.

### 36.11 Powers and duties of the board of regents. (1)

**PROTECTION OF PEOPLE; CUSTODY AND MANAGEMENT OF PROPERTY.** (a) The board may promulgate rules under ch. 227 to protect the lives, health and safety of persons on property under its jurisdiction and to protect such property and to prevent obstruction of the functions of the system. Any person who violates any rule promulgated under this paragraph may be fined not more than \$500 or imprisoned not more than 90 days or both.

(b) The board may purchase, have custody of, hold, control, possess, lease, grant easements and enjoy any lands, buildings, books, records and all other property of any nature which may be necessary and required for the purposes, objects and uses of the system authorized by law. The board may sell or dispose of such property as provided by law, or any part thereof when in its judgment it is for the best interests of the system and the state, except that purchases and sales of real property shall be subject to the approval of the building commission.

(c) The board may promulgate rules under ch. 227 for the management of all property under its jurisdiction, for the care and preservation thereof and for the promotion and preservation of the orderly operation of the system in any or all of its authorized activities and in any or all of its institutions with forfeitures for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action. Forfeitures shall not exceed \$500.

(n) The board shall promulgate rules under ch. 227 prescribing the times, places and manner in which political literature may be distributed and political campaigning may be conducted in state-owned residence halls. No such rule may authorize any activity prohibited under s. 11.36 (3) or (4).

(d) All fines imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in

accordance with s. 59.20 (5) and (8). All forfeitures, including forfeitures of posted bail if any, imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with ss. 778.13 and 778.17.

(e) The board, with the approval of the building commission, may sell or lease state-owned residence halls to another state agency or nonstate nonprofit agency for purposes of alternate use.

(2) **POLICE AUTHORITY.** (a) The board shall have concurrent police power, with other authorized peace officers, over all property subject to its jurisdiction. Such concurrent police authority shall not be construed to reduce or lessen the authority of the police power of the community or communities in which a campus may be located. All campus police officers shall cooperate with and be responsive to the local police authorities as they meet and exercise their statutory responsibilities. The designated agents of the board may arrest, with or without warrant, any person on such property who they have reasonable grounds to believe has violated a state law or any rule promulgated under this chapter and deliver such person to any court having jurisdiction over the violation and execute a complaint charging such person with the violation. This subsection does not impair the duty of any other peace officers within their jurisdictions to arrest and take before the proper court persons found violating any state law on property under the jurisdiction of the board.

(b) The board may employ police for the institutions and chiefs to head such police, or contract for police, all of whom shall be deemed peace officers under s. 939.22 (22) under the supervision and control of the appropriate chancellor or the chancellor's designees. Such police officers shall meet the minimum standards established for other police officers by the law enforcement standards board or a comparable agency. Such police shall preserve the peace on all property under the board's jurisdiction, enforce all rules promulgated under this chapter and all other laws, and for that purpose the chancellor or the chancellor's designee may call for aid from such other persons as is deemed necessary.

(3) **ADMISSION OF APPLICANTS.** (a) The board shall establish the policies for admission within the system and within these policies each institution shall establish specific requirements for admission to its courses of instruction. No sectarian or partisan tests or any tests based upon race, religion, national origin of U.S. citizens or sex shall ever be allowed in the admission of students thereto.

(b) The board shall establish policies for the appropriate transfer of credits between institutions within the system, including the designation of those courses which shall be transferable between and within institutions without loss of credit toward graduation or toward completion of a specific course of study.

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

(d) 1. Except as provided in subd. 2, the board shall require that a \$10 fee accompany each application for admittance from persons seeking admittance to any school within the system as new freshmen or as transfer students from outside the system. The board may exempt from the fee under this subdivision, on the basis of financial need, a maximum of 5% of the applications in any school year.

2. The board shall require that a \$20 fee accompany each application for admittance to a graduate school, law school or medical school within the system.

(4) **INJUNCTIVE RELIEF.** The board may obtain injunctive relief to enforce this chapter or any rules promulgated under this chapter.

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

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

(a) Make grants to students from funds budgeted to or controlled by the system and formulate policies and rules for such grants.

(b) Make grants equivalent in value to the payment of incidental fees to disabled residents of the state who are recommended and supervised by the department of health and social services under s. 47.02.

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

(8) **PARKING RULES.** (a) The board may make general policies and shall authorize the chancellors to adopt rules regulating the parking of motor vehicles on property under their jurisdiction. Such rules shall not be subject to ch. 227.

(b) The board shall establish fines for the violation of any rule made under par. (a). The institutions are authorized to collect such fines together with moneys collected from the sale of parking permits and other fees established under par. (a) and such moneys shall be paid into the state treasury and credited to s. 20.285 (1) (h), to be used only for the purpose of developing and operating parking or other transportation facilities at the institution at which collected and for enforcing parking rules under par. (a).

(8e) **PARKING FEES.** The board shall direct each institution and center within the system to charge a parking fee for the parking of motor vehicles by students, faculty, academic and classified staff and visitors at campus. The board shall require the fee to be sufficient to recover the costs of the construction and maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require the recovery of the costs of land for parking facilities. Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee. Center campus facilities owned by a county are not required to charge a parking fee.

(8m) **TRANSPORTATION PLANNING.** The board shall direct the administrative officers of each campus to work with the regional planning commissions and the local authorities of the community in which the campus is located to evaluate the transportation needs of the campus population. The board shall require each campus to develop a transportation plan for the campus to effect energy resource conservation and efficient use of transportation resources. The plan shall include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car and van pools and, to the extent feasible, improved mass transit services. The transportation plans shall detail parking management strategies which provide incentives for the use of mass transit and high occupancy vehicles. The transportation plans shall be implemented by January 1, 1982.

(9) **CONDEMNATION.** The board may acquire by condemnation proceedings under ch. 32 such parcels of land as it deems necessary for the use of any institution 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.

(10) **UNIVERSITY FUND.** The board may expend such portion of the income of the university fund on or at the university of Wisconsin-Madison as is appropriated by the legislature for the erection of buildings and the purchase of equipment or books.

(11) **SURPLUS MONEY.** The board may invest any of the surplus money designated in s. 20.285 (1) (h) in such securities as are legal for trust fund investments; or invest such funds or any part thereof, in the senior or junior bonds or obligations which may be issued by such nonprofit-sharing corporation as may be contracted with by the board for the construction or equipment of dormitories, commons or field houses, which bonds or obligations shall be secured by a mortgage or pledge of the buildings or improvements erected or to be erected by such corporations and by a mortgage or pledge of its leasehold interest. Any interest on any of such bonds or securities shall when received be added to the revolving funds and may be used for the purposes set forth in this subsection.

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

(b) The board may make use of and pay for the use of the facilities and services of such nonprofit-sharing corporation, but the board shall retain title to all books and materials deposited with such corporation for storage or loaned to other participating institutions and the authority of the board to expend funds for the purchase of land, the construction of buildings and additions to buildings and the purchase of equipment for the purpose of providing such facilities shall be limited to funds appropriated under s. 20.285. Except as hereinbefore provided, the appropriations to the board are to be available for the purposes of this subsection to the extent that such appropriation may be applicable and without reference to whether any particular appropriation is available for expenditure at any institution.

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

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

(16) **COMMENCEMENT OF FALL SEMESTER.** The board shall ensure that no fall semester classes at any center or institution within the system, except medical school classes and 4th year classes at the school of veterinary medicine, commence until after September 1.

(17) **SABBATICAL LEAVE FOR INSTRUCTIONAL FACULTY.** The board may grant sabbatical leave of up to one year to

instructional faculty, in order to recognize and enhance teaching efforts and excellence, under rules and procedures adopted by the board, subject to the following conditions:

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

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

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

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

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

(f) The faculty member taking a sabbatical leave shall agree to return to the institution from which leave was granted for at least one year after the termination of the sabbatical or return any compensation received from the system during the sabbatical.

(g) Funding for the sabbatical leave program shall be provided from the existing general operations appropriation for the system.

(18) The board may maintain membership of this state in the midwest technology development institute.

(19) The board may appoint a provost for university outreach.

**History:** 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1).

Board of regents has power to make reasonable rules governing student use of automobiles on university property and can enforce them by imposing reasonable monetary penalties and withholding records. Student court can be designated by board of regents as an auxiliary enterprise. Moneys thereby collected must be paid into general fund. By regent action, they may be appropriated therefrom for operation of that activity. 59 Atty. Gen. 82.

The collective bargaining agreement between the university of Wisconsin and the teaching assistants association is valid. 59 Atty. Gen. 200.

A valid collective bargaining contract between the board of regents and union representing unclassified employees may not be impaired, during its term, by the current or a future board of regents or the legislature. 60 Atty. Gen. 64.

Legality of having students and faculty voting participation on board of regents discussed. 60 Atty. Gen. 395.

The university of Wisconsin system may sell a dormitory which no longer is needed for educational purposes upon such terms as are agreeable to the Wisconsin state agencies building corporation and H U D. to guarantee the payment of the bonds issued for the initial construction of the building. 63 Atty. Gen. 252.

Campus police have jurisdiction under (2) to arrest only on campus unless deputized by a sheriff. Local ordinances are not applicable on campus. 68 Atty. Gen. 67.

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

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

(b) "Tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the board upon the affirmative recommendation of the appropriate chancellor and academic department or its functional equivalent within an institution.

(2) **APPOINTMENTS.** (a) A tenure appointment may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. The proportion of time

provided for in the appointment may not be diminished nor increased without the mutual consent of the faculty member and the institution subject only to sub. (5) and s. 36.21.

(b) A probationary appointment shall not exceed 7 consecutive academic years in a full-time position in an institution. A leave of absence, sabbatical or a teacher improvement assignment shall not constitute a break in continuous service nor shall it be included in the 7-year period.

(3) **RULES.** The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the nonretention and dismissal of faculty members. Such rules shall be promulgated under ch. 227.

(4) **CONTINUATION OF APPOINTMENT.** (a) Any person who holds a tenure appointment under chs. 36 and 37, 1971 stats., and related rules on July 9, 1974 shall continue to hold tenure as defined under those chapters and related rules.

(b) Any person who holds the equivalent of a probationary appointment under chs. 36 and 37, 1971 stats., and related rules on July 9, 1974 shall continue to enjoy the contractual rights and guarantees as defined under those chapters and related rules, and may elect to be considered for tenure according to the procedures existing under that appointment or under sub. (2).

(5) **PROCEDURAL GUARANTEES.** Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final, subject to judicial review under ch. 227. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227.

(6) **LIMITATION.** Tenure and probationary appointments are in a particular institution. A tenure appointment is limited to the institution in which the appointment is held.

**History:** 1973 c. 335; 1983 a. 189; 1985 a. 332 s. 251 (1)

See note to Art. I, sec. 1, citing *Patterson v. University Board of Regents*, 119 W (2d) 570, 350 NW (2d) 612 (1984).

Board did not have authority to grant tenure without affirmative recommendation of academic department under (1) (b). *Trojan v. Univ. Wis. Regs. Bd.* 128 W (2d) 270, 382 NW (2d) 75 (Ct. App. 1985).

Under 37.31, Stats. 1971, the faculty acquires tenure in the system as distinct from tenure at one particular institution within the system. 60 Atty. Gen. 116.

A nontenured teacher who is not rehired has no constitutional right to a statement of the reason for not renewing his contract nor to a hearing on the matter. *Board of Regents v. Roth*, 408 US 564.

**36.15 Academic staff appointments. (1) DEFINITIONS.** In this section:

(a) "Administrative appointment" means an academic staff appointment for a fixed or indefinite term granted to a system, campus, college, school or other divisional officer involved in policy development or execution and to persons involved in directing, organizing or supervising higher education related activities.

(b) "Professional appointment" means an academic staff appointment for a fixed or indefinite term granted to a professional employe who is involved in the guidance or counseling of students, assisting the faculty in research, public service or in the instruction of students or who is involved in other professional duties which are primarily associated with institutions of higher education; including, but not limited to, such employment titles as visiting faculty, clinical staff, lecturer, scientist, specialist and such other equivalent titles as the board approves.

(2) **APPOINTMENTS.** Appointments under this section shall be made by the board, or by an appropriate official autho-

ized by the board, under policies and procedures established by the board. The policies for indefinite appointments shall provide for a probationary period, permanent status and such other conditions of appointment as the board establishes.

(2m) **LIBRARIAN APPOINTMENTS.** If in any institution all professional librarians with appropriate graduate degrees as determined in accordance with that institution's policies, have formerly been ranked faculty, all present and future appointments of professional librarians with appropriate graduate degrees in such institution shall be as ranked faculty, except in those institutions where the chancellor and faculty designate that such appointments shall be as academic staff.

(3) **PROCEDURAL GUARANTEES.** A person having an academic staff appointment for a term may be dismissed prior to the end of the appointment term only for just cause and only after due notice and hearing. A person having an academic staff appointment for an indefinite term who has attained permanent status may be dismissed only for just cause and only after due notice and hearing. In such matters the action and decision of the board, or the appropriate official authorized by the board, shall be final, subject to judicial review under ch. 227. The board shall develop procedures for notice and hearing which shall be promulgated as rules under ch. 227.

**History:** 1973 c. 335 and Supp.; 1985 a. 332.

**36.17 Limited appointments. (1)** An appointment to a position listed in sub. (2) shall be a limited appointment and the appointment shall be at the pleasure of the board. A person holding a tenured or academic staff appointment under ss. 36.13 and 36.15 shall not lose that appointment by accepting a limited appointment.

(2) Limited appointments apply to the following positions: president, provost, vice president, associate vice president, assistant vice president, chancellor, vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor, assistant vice chancellor, center system dean, secretary of the board, associate secretary of the board, assistant secretary of the board, trust officer and assistant trust officer and such other administrative positions as the board determines at the time of the appointment.

**History:** 1973 c. 335.

**36.19 Other appointments.** The board may make or authorize fixed term appointments for student assistants and employes in training, such as residents, interns, post-doctoral fellows or trainees or associates. Appointments made under this section shall not be subject to ss. 36.13 and 36.15.

**History:** 1973 c. 335.

**36.21 Lapse of appointments.** Notwithstanding ss. 36.13 (4) and 36.15, the board may, with appropriate notice, terminate any faculty or academic staff appointment when a financial emergency exists. No person may be employed at the institution within 2 years to perform reasonably comparable duties to those of the person whose appointment was terminated without first offering such person a reappointment. The board, after consultation with the faculty and chancellor of each institution, shall adopt procedures to be followed in the event of termination under this section.

**History:** 1973 c. 335.

**36.23 Conflict of interest.** No regent or officer or other person appointed or employed in any position in the system may at any time act as agent for any person or organization where such act would create a conflict of interest with the terms of the person's service in the system. The board shall

define conflicts of interest and promulgate rules related thereto.

**History:** 1973 c. 335; 1985 a. 332 s. 251 (1).

A regent of the university of Wisconsin is not precluded by law from attending the university as a student or from receiving a degree from the university, but he must guard against and refrain from any possible conflict of interest. 58 Atty. Gen. 158.

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

**(3) AGRICULTURAL DEMONSTRATION STATIONS, EXPERIMENTS; DEMONSTRATIONS.** (a) The board may establish through the college of agricultural and life sciences of the university of Wisconsin-Madison demonstration stations for the purpose of aiding in agricultural development. The location of the stations shall be determined by the board which shall consider the opportunities for agricultural development in various regions of the state.

(b) The board may authorize experimental work in agriculture at points within the state and carry on demonstrations and such other extension work as it deems advisable for the improvement of agricultural knowledge. The board may conduct extension schools and courses and provide for the compensation and traveling fees of instructors whose functions shall be to assist in the improvement of agricultural education and the dissemination of agricultural knowledge.

(c) The board shall, under the supervision of the dean of the college of agricultural and life sciences of the university of Wisconsin-Madison, foster research and experimentation in the control of bovine brucellosis (Bang's disease), at various points within this state as it deems advisable. To facilitate such work, contracts may be entered into with owners of bovine animals of various classes for the supervised control of the animals and for the purchase of animals under conditions to be specified in such contracts which shall be retained for control purposes. Payment for such animals shall be made out of the appropriation in s. 20.285 (1) (a).

(d) The board may establish such agriculturally related research and instructional programs at any institution as it deems advisable so long as such programs are compatible with a single statewide integrated research and extension program.

**(4) DUTCH ELM DISEASE STUDIES.** The board shall, through the college of agricultural and life sciences of the university of Wisconsin-Madison, authorize laboratory and field studies, research and experiments to determine the cause and control of Dutch elm disease. The various departments of the state shall cooperate with the university in this program.

**(5) BROADCASTING STATION WHA AND WHA-TV, EXPERIMENTAL TELEVISION.** The board of regents, as licensee, shall manage, operate and maintain broadcasting station WHA and WHA-TV and shall enter into an affiliation agreement with the educational communications board pursuant to s. 39.14 to provide that the board of regents shall grant the educational communications board the part-time use of equipment and space necessary for the operations of the state educational radio and television networks. The board of regents shall maintain a separate account for each revenue source for broadcasting station WHA and for WHA-TV which permits identification of the functions or activities for

which expenditures are made. The board of regents shall maintain annual records of its expenditures for programming purposes by type of programming and by source of revenue.

**(6) GEOLOGICAL AND NATURAL HISTORY SURVEY.** (a) The board shall have charge of the geological and natural history survey. Under the supervision of the state geologist, the survey shall study the geology, water, soils, plants, fish and animal life of the state and shall continue the topographic mapping of the state begun by the U.S. geological survey, but no money may be expended for topography unless an equivalent amount is expended for this purpose in the state by the U.S. government.

(b) The state geologist shall examine the lands of the state and classify them in accordance with their mineral content and geological and other evidences of the presence of minerals. For this purpose, competent agents and employes of the survey are authorized to enter upon any and all lands within the state.

(c) The geological and natural history survey shall examine the mines and explored mineral lands of the state by persons competent to make such examinations and make an accurate determination of the amount of ore therein, the expense of mining, the probable life of the mine and such other factors as may be necessary, in the judgment of the department of revenue and the geological and natural history survey, for a proper valuation thereof. For the purpose of this investigation all books, inventories, waybills, maps, plats, correspondence and memoranda relating to or used in the transaction of the business of any person owning or operating any mine or explored mineral land, shall, on demand by the geological and natural history survey, or its authorized representative, be open to inspection or examination. Any person owning or operating any mine or explored mineral lands shall furnish for inspection to the geological and natural history survey, upon request, copies of all maps and plats that relate to the workings of the mine or the explored mineral lands.

(d) Any officer, agent, clerk or employe of the survey or department of revenue who makes known to any person except the officers of the survey or department of revenue, in any manner, any information given to such person in the discharge of such person's duties under par. (c), which information was given to such person with the request that it not be made known, upon conviction thereof, shall be fined not less than \$50 nor more than \$500, or imprisoned in the county jail for not less than one month nor more than 6 months, or imprisoned in the Wisconsin state prisons for not more than 2 years. This paragraph shall not prevent the use for assessment purposes of any information obtained under this subsection.

(e) The state geologist shall carry out the responsibilities specified for him or her under s. 107.15.

**(7) SOIL AND WATER CONSERVATION.** The board is responsible for research and educational programs regarding soil and water conservation. The board shall cooperate with the land conservation board, the department of agriculture, trade and consumer protection and the counties in carrying out its soil and water conservation programs. The board shall prepare annually a written program of planned educational activities in soil and water conservation.

**(8) WATER RESOURCES RESEARCH.** Funds made available to the various state agencies for joint water resources research and data collection programs shall be administered and coordinated by the director of the water resources center of the university of Wisconsin-Madison. Such funds shall be made available, on application from the state agencies concerned, when the director, after seeking the advice of the department of natural resources, finds the proposed projects

to be consistent with other state projects and the needs of the state. The director shall make biennial reports to the legislature at the convening thereof.

(9) **STATE SOILS LABORATORY.** The board shall establish a state soils and plant analysis laboratory in connection with the college of agricultural and life sciences of the university of Wisconsin-Madison and the university of Wisconsin-extension. The laboratory shall, at the request of the owner or occupant of any lands in the state and upon the payment of such fees as are prescribed, make field examinations and analyses of the soil and plant tissue and when possible interpret the results of such investigation and make appropriate recommendations. The board through the college of agricultural and life sciences of the university of Wisconsin-Madison may cause an investigation to be made of methods of clearing cutover lands, perform experiments and demonstrations in conjunction therewith and provide related services to individual citizens at cost.

(10) **PHARMACEUTICAL EXPERIMENT STATION.** The board may establish, equip and maintain a pharmaceutical experiment station in the school of pharmacy of the university of Wisconsin-Madison for the purpose of cooperating with other state agencies in the cultivation of medicinal plants, the synthesis and production of high-grade drugs and the dissemination of related information and service to the citizens of the state.

(11) **STATE LABORATORY OF HYGIENE.** (a) The laboratory of hygiene shall be attached to the university of Wisconsin-Madison. The laboratory of hygiene board shall meet at least quarterly and may promulgate rules under ch. 227, approve the laboratory of hygiene budget, set fees, set priorities and make final approval of laboratory resources so that the laboratory can act in response to agencies' planned objectives and program priorities.

(b) The laboratory shall provide complete laboratory services in the areas of water quality, air quality, public health and contagious diseases for appropriate state agencies, and may perform examinations for licensed physicians, veterinarians, health officers and resource management officials as may be necessary for the prevention and control of those diseases and environmental hazards which cause concern for public health and environmental quality.

(c) The laboratory shall provide analytical support to the appropriate state agencies charged with water supply evaluation. The support service shall include an evaluation from a public health standpoint and analytical support to ascertain the water's suitability for manufacturing, commercial and recreational purposes as determined by the rules promulgated by the department of health and social services, the department of natural resources and the department of agriculture, trade and consumer protection.

(d) The laboratory shall be operated to furnish a complete laboratory service to the department of health and social services and the department of natural resources in the areas of water quality, air quality, public health and contagious diseases and to make available to the system, the department of health and social services and the department of natural resources such facilities for teaching in the fields of public health and environmental protection as may be derived from such a laboratory.

(e) The technical staff and other employees necessary to the operation of the laboratory shall be employed by the director from the eligibility rolls of the department of administration. The board, upon the recommendation of the chancellor of the university of Wisconsin-Madison, with the approval of the laboratory of hygiene board, shall appoint the director of the

laboratory and such other members of its professional staff as are required for the administration of the laboratory.

(f) The laboratory of hygiene board may impose a fee for each test conducted by the laboratory. Any test conducted for a local unit of government is exempt from the fee unless the test is outside the state public health care mission, as determined by the laboratory of hygiene board. The laboratory may charge state agencies through contractual arrangements for the actual services rendered.

(g) The laboratory of hygiene board shall submit biennial budget requests reflecting joint budgetary planning with agencies served, and any information required by the department of administration under s. 16.43, directly to the department of administration.

(12) **PSYCHIATRIC RESEARCH INSTITUTE.** (a) The board shall house, equip and maintain the psychiatric research institute as a program of the university of Wisconsin-Madison center for health sciences. The psychiatric research institute shall be a facility for research, development and service to the state in the field of mental health. The institute may exercise the powers granted under s. 46.044.

(b) All property used by the Wisconsin psychiatric institute established under s. 46.044, except real property used by the institute and except property of the university of Wisconsin hospital and clinics, is transferred to the board which shall hold such property for the use of the psychiatric research institute.

(c) The institute shall investigate medical and social conditions which directly or indirectly result in state care; develop and promote measures to relieve and prevent the need for state care; undertake special education and training; and generally seek by research and investigation to prevent conditions which result in state care. The institute shall render, under mutual agreement, services to the state institutions under the jurisdiction of the department of health and social services and the department of public instruction. Such state institutions are open to the institute for research and training.

(12m) **STATE CARTOGRAPHER.** The state cartographer shall:

(a) Establish and maintain a union catalog of current and historical reference and thematic maps of all scales available in municipal, county, state and federal agencies relating to this state.

(b) Promote liaison among the municipal, county, state and federal mapping agencies and surveyors to facilitate coordination and to exchange information on mapping and cartographic activities.

(c) Keep abreast of the progress made by mapping agencies and their mapping developments.

(d) Collect, maintain and disseminate information regarding innovation in cartographic techniques and mapping procedures, map and air photo indexes and control data, map accuracy standards, legal aspects of map publication and such other matters as will facilitate an effective cartographic program for the state.

(e) Publish and distribute such special maps and map information as will promote the mapping of the state and preparation and use of maps by individuals, only to the extent, however, that such publication and distribution is not appropriately within the activities of any other state or commercial agency.

(f) Assist the department of natural resources in its work as the state representative of the U.S. geographic board and its other functions under s. 23.25.

(13) **UNIVERSITY OF WISCONSIN HOSPITAL AND CLINICS.** (a) The board shall establish at the university of Wisconsin-Madison the "University of Wisconsin Hospital and Clinics"



including the state of Wisconsin general hospital and the Wisconsin orthopedic hospital for children.

(b) The board shall maintain, control and supervise the use of such hospitals for the purposes of:

1. Delivering comprehensive, high-quality health care to patients using the hospitals and to those seeking care from its programs.

2. Instructing medical students, physicians, nurses and members of other health-related disciplines.

3. Sponsoring and supporting research in the delivery of health care to promote the welfare of the patients treated and applying the advances in health knowledge to alleviate human suffering.

4. Assisting health programs and personnel throughout the state in the delivery of health care.

(c) Outpatient housing may be established in connection with the hospitals.

(d) General provisions for the operation of the hospital and admission of patients shall be consistent with ch. 142.

**(13m) MEDICAL STUDENT TRANSFER PROGRAM.** The board shall establish a program in the center for health sciences of the university of Wisconsin-Madison involving the transfer of residents of this state from foreign medical schools after their 2nd year of study or involving a 5th year of clerkship following their completion of 4 years of study at a foreign school.

**(14) ADVANCED OPPORTUNITY PROGRAM.** The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The grants shall be awarded from the appropriation under s. 20.285 (1) (b).

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

**(17) MINORITY UNDERGRADUATE GRANT PROGRAM.** The board shall establish a grant program for Black, Hispanic and American Indian undergraduates enrolled in the system. Grants shall be awarded from the appropriation under s. 20.285 (1) (dd). By October 1, 1986, and annually thereafter by that date, the board shall submit to the joint committee on finance an evaluation of the program for each student class level and for each institution.

**(18) SCHOOL OF VETERINARY MEDICINE AND SATELLITE FOOD ANIMAL CLINICAL FACILITY.** The board shall establish and maintain a school of veterinary medicine at the university of Wisconsin-Madison and a satellite food animal clinical facility at the university of Wisconsin-River Falls. Existing facilities at those institutions shall be used to the maximum possible extent for auxiliary instructional and research support of the veterinary and satellite food animal clinical programs. The school of veterinary medicine at the university of Wisconsin-Madison shall enroll its first class of students in the fall of 1983.

**(19) MODEL SCHOOL SPECIAL EDUCATION PROGRAM.** (a) The board may establish at the university of Wisconsin-Madison a model school for children with exceptional educational needs as defined in s. 115.76 (3). The school shall utilize practical demonstration techniques to train teachers and other support personnel under s. 115.28 (7) (c).

(b) The board may enter into an agreement with the school board of any school district to provide special education and other related services through the model school to children with exceptional educational needs. The board may charge tuition for children served in the model school. Tuition charges made under such agreements shall be based on the net cost of providing the special education and other related services.

**(20) PHARMACY INTERNSHIP PROGRAM.** The board shall determine the administrative placement within the system of

the pharmacy internship program. The pharmacy internship program shall be supervised by the pharmacy internship board. The pharmacy internship board shall appoint an unclassified director of pharmacy internship who shall administer the pharmacy internship program. The pharmacy internship board shall determine the amount of the fee to be charged to interns under the program. The pharmacy internship board may promulgate rules, and, notwithstanding s. 227.01 (13) (f), rules promulgated and determinations made relating to the pharmacy internship program shall be subject to ch. 227.

**(21) SCHOOL OF LAW; PART-TIME ENROLLMENT AND NIGHT COURSES.** The board shall direct the school of law to:

(a) Allow resident students who are admitted to law school to enroll in part-time programs;

(b) Allow resident students who are admitted to law school 6 years after first enrolling to complete requirements for a degree; and

(c) Offer to resident students who are admitted to law school a range of courses in the evening, including required courses necessary to be admitted to the state bar under SCR 40.03.

**(22) SCHOOL OF ALLIED HEALTH PROFESSIONS.** The board may establish a school of allied health professions at the university of Wisconsin-Milwaukee.

**(23) ROBERT M. LA FOLLETTE INSTITUTE OF PUBLIC AFFAIRS.** There is established a Robert M. La Follette institute of public affairs at the university of Wisconsin-Madison. The institute shall engage in research, public service and educational activities to advance the knowledge of public affairs and the application of that knowledge to the needs of this state.

**(24) EMPLOYE-OWNED BUSINESSES PROGRAM.** Through the university of Wisconsin small business development center, in cooperation with the department of development under s. 560.07 (2m), the board of vocational, technical and adult education, the university of Wisconsin-extension, the community development finance authority under s. 233.04 (2) (e) and the council on economic adjustment, the board shall create, as needed, educational programs to provide training in the management of employee-owned businesses and shall provide technical assistance to employee-owned businesses in matters affecting their management and business operations, including assistance with governmental relations and assistance in obtaining management, technical and financial assistance.

**History:** 1973 c. 333 ss. 68, 201f (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (e), (50); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1).

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

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

1. Any adult student who has been a bona fide resident of the state for 12 months next preceding the beginning of any

semester or session for which such student registers at a university or center.

2. Any minor student whose parents have been bona fide residents of the state for 12 months next preceding the beginning of any semester or session for which such student registers at a university or center.

3. Any minor student whose natural parents are divorced or legally separated who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at a university or center.

4. Any minor student who is an orphan and who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at a university or center or whose legal guardian has been a bona fide resident for 12 months next preceding the beginning of any semester or session for which such student registers at a university or center.

5. Any minor student under guardianship in this state pursuant to ch. 48 or 880 who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at a university or center.

6. Any adult student who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of any semester or session for which the student registers at a university or center, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of any semester or session for which the student registers at a university or center, any adult student whose parent or legal guardian has been so employed while the student was a minor and any minor student whose parent or legal guardian has been so employed. In this subdivision, "migrant worker" has the meaning specified in s. 103.90 (4).

(b) Nonresident members of the armed forces and persons engaged in alternative service who are stationed in this state for purposes other than education and their spouses and children are entitled to the exemption under par. (a) during the period that such persons are stationed in this state.

(c) Any student who is a graduate of a Wisconsin high school and whose parents are bona fide residents of this state for 12 months next preceding the beginning of any semester or session for which the student registers at a university or center or whose last surviving parent was a bona fide resident of this state for the 12 months preceding death is entitled to the exemption under par. (a).

(cm) Any person continuously employed full time by a private business located in this state, who was relocated to this state for business purposes by his or her current employer or who moved to this state for business purposes and accepted his or her current employment before applying for admission to an institution or center and before moving, and the spouse of any such person, is entitled to the exemption under par. (a) if the student demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e).

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

(e) In determining bona fide residence at the time of the beginning of any semester or session and for the preceding 12 months the intent of the person to establish and maintain a permanent home in Wisconsin is determinative. In addition to representations by the student, intent may be demon-

strated or disproved by factors including, but not limited to, filing of Wisconsin income tax returns, eligibility to vote in Wisconsin, motor vehicle registration in Wisconsin, possession of a Wisconsin operator's license, place of employment, and self-support. Notwithstanding par. (a), a student who enters and remains in this state principally to obtain an education is presumed to continue to reside outside this state and such presumption continues in effect until rebutted by clear and convincing evidence of bona fide residence.

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

(3) TUITION REMISSIONS. Within the limits established by s. 20.285 (2) (d), the board may remit nonresident tuition either in whole or in part at each institution, but not other fees:

(a) To a number of needy and worthy nonresident students upon the basis of merit, to be shown by suitable tests, examinations or scholastic records and continued high standards of scholastic attainment. The aggregate amount of these nonresident remissions of tuition shall not exceed an amount equal to full remissions for 8% of the number of nonresident students registered at that institution in the preceding year, excluding those students participating in interstate agreements under s. 39.42.

(b) To additional individual students who, in the judgment of the board, are deserving of relief from the assessment of nonresident tuition because of extraordinary circumstances. The aggregate amount of these nonresident remissions of tuition shall not exceed an amount equal to full remissions for 2% of the number of nonresident students registered in the preceding year, excluding those students participating in interstate agreements under s. 39.42.

(c) The board may remit nonresident tuition, in whole or in part, but no other fees, except in special circumstances as approved by the chancellor, to worthy and needy foreign students and to students who are United States citizens but whose residence is not in the United States. The number of such remissions which may be awarded in any academic year at an institution shall not exceed 2% of the total full-time enrollment of students at that institution for the preceding academic year.

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

(g) The board may remit nonresident tuition, in whole or part, to graduate students who are fellows or who are employed within the system as assistants with an appointment equal to at least 33% of a full-time equivalent position.

**History:** 1973 c. 333 ss. 68g, 68k, 201f (2); 1973 c. 335; 1975 c. 39, 199; 1977 c. 29; 1981 c. 20; 1983 a. 407; 1985 a. 51, 192.

A student who challenges his nonresident status unsuccessfully must reapply before the beginning of any new semester when he claims his status has changed. *Hancock v. Regents of University of Wis* 61 W (2d) 484, 213 NW (2d) 45.

The board of regents may only charge student fees for activities that relate to a legitimate educational purpose. 61 Atty. Gen. 120.

**36.275 Medical school tuition rates.** Effective July 1, 1982, the board shall establish tuition rates at the university of Wisconsin medical school at 26% of instructional cost for resident students and 38% of instructional cost for nonresident students in association with the grant provisions of the

Wisconsin health education loan program under s. 39.377, 1981 stats.

History: 1979 c. 34; 1981 c. 20; 1983 a. 27 s. 2202 (53).

**36.28 Medical school enrollment.** Beginning with the class entering the university of Wisconsin medical school in the 1984-85 academic year, and ending with the class entering the university of Wisconsin medical school in the 1987-88 academic year, the board shall reduce the size of the class by 2.5% each year as compared with the size of the class entering the medical school in the 1983-84 academic year, so as to ensure a 10% total reduction by the 1987-88 academic year. The board shall make every effort to ensure that the number of minority students enrolled at the medical school shall not be decreased as a result of the reduction in class size, including, if necessary, adjusting the proportion of nonresident enrollment.

History: 1983 a. 27

**36.29 Gifts; golf course.** (1) All gifts, grants, bequests and devises for the benefit or advantage of the system or any of its institutions, departments or facilities or to provide any means of instruction, illustration or knowledge in connection therewith, whether made to trustees or otherwise, shall be valid notwithstanding any other provision of this chapter except sub. (5) and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases; but no such income accumulation shall be allowed to produce a fund more than 20 times as great as that originally given. When such gifts, grants, bequests or devises include common stocks or other investments which are not authorized by ch. 881, the board may continue to hold such common stocks or other investments and exchange, invest or reinvest the funds of such gift, grant, bequest or devise in similar types of investments without being subject to the limitations and restrictions provided by law in other cases. No such investment shall knowingly be made in any company, corporation, subsidiary or affiliate which practices or condones through its actions discrimination on the basis of race, religion, color, creed or sex. Except as otherwise provided in this section, the board may invest not to exceed 75% of trust funds held and administered by them in common stocks, the limitation of 50% in s. 881.01 (2) to the contrary notwithstanding.

(2) All such gifts, grants, devises or bequests may be made to the board, the president, a chancellor or any officer, or to any person as trustee, 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 as well for the benefit of the system or any of its institutions, colleges, schools, departments or facilities to provide any means of instruction, illustration or knowledge in connection therewith, or for the benefit of any students or any class or group of students whether by way of scholarship, fellowship or otherwise, or whether for the benefit of students or any class or group of students in any course, subcourse, special course, postgraduate course, summer school or teachers course, oratorical or debating course, laboratory, shop, lectureship, drill, gymnasium or any other like division or department of study, experiment, research, observation, travel or mental or physical improvement in any manner connected with the system, or to provide for the voluntary retirement of any of the faculty.

(3) It shall not be necessary for a gift, grant, devise or bequest to exactly or particularly describe the members of a

class or group of students intended to be the beneficiaries, but it shall be sufficient to describe the class or group. In such case, the board shall divide, graduate or otherwise categorize the students into such classes or groups as are necessary to select and determine those students belonging to the class or group intended.

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

(5) The board may not acquire or make a commitment to operate any golf course not owned by the board prior to July 2, 1983, without specific authorization by the legislature.

History: 1973 c. 335; 1983 a. 27, 192.

Board of regents' use of gifts and bequests, effective prior to ch. 100, laws of 1971, discussed. 61 Atty. Gen. 162.

Student loan funds established by gift for the benefit of students are trust funds. 62 Atty. Gen. 109.

Sub. (1), which prohibits investment of university funds in companies which practice or condone discrimination is not unconstitutional. 67 Atty. Gen. 20.

Constitutionality of the no discrimination clause regulating university of Wisconsin investments. Guynn, 1978 WLR 1059.

**36.30 Sick leave.** Leave of absence for faculty and academic staff personnel with pay, owing to sickness, shall be regulated by rules of the board, except that unused sick leave shall accumulate from year to year.

History: 1975 c. 88; 1981 c. 96 ss. 22, 67; 1981 c. 386.

**36.31 Coordination with other educational agencies.** (1) The board shall not, without the approval of the board of vocational, technical and adult education, broaden the system's post-high school training mission to include the preparation of persons for semiprofessional or skilled-trade occupations beyond those offered during the 1972-73 academic year. The board of vocational, technical and adult education shall not, without the approval of the board of regents, broaden its system's college parallel program offerings beyond those in existence during the 1972-73 academic year. In this section, "college parallel program offerings" means those courses approved and designated by the board of vocational, technical and adult education in compliance with s. 38.24 (1) which enables a student to continue education as a junior in a 4-year institution.

(2) The board of vocational, technical and adult education, in agreement with the board may designate courses other than those covered under sub. (1) as transferable for collegiate credit between the 2 systems.

(3) The fees for services charged in the national direct student loan servicing contract to the board by the higher education aids board must be approved by the secretary of administration.

History: 1973 c. 335; 1977 c. 29; 1979 c. 34

**36.33 Sale and relocation of agricultural lands.** (1) LEGISLATIVE INTENT. The legislature finds and determines that, because of the problems resulting from the development of the city of Madison around certain agricultural lands of the university of Wisconsin-Madison, the desirability of consolidating lands used for agricultural instruction, research and extension purposes, the desirability of disposing of agricultural lands no longer needed by the university and the need for land of better quality and of greater quantity for the purpose of improving and expanding agricultural research, it is in the public interest for the board to sell or lease, in whole or in part, the agricultural lands and improvements thereon owned by the board and located in sections 19, 20 and 30, township 7 north, range 9 east, Dane county; sections 25 and 27, township 7 north, range 8 east, Dane county; sections 34 and 35, township 38 north, range 11 east, Oneida county; and

section 22, township 22 north, range 8 east, Portage county; and to purchase other agricultural lands outside of the Madison urban area and to construct thereon the necessary buildings and improvements. The foregoing policy determination is made without reference to or intention of limiting the powers which the board may otherwise have.

(2) **METHOD OF SALE; ASSESSMENTS.** The board, in selling or leasing any part of the agricultural lands and improvements thereon, mentioned in sub. (1), shall sell or lease on the basis of either a) public bids, with the board reserving the right to reject any or all bids in the best interest of the state, or b) negotiated prices. Notwithstanding any provisions of law to the contrary, the lands in Dane county mentioned in sub. (1) shall be subject to special assessments for public improvements by the city of Madison, in the same manner and to the same extent as privately owned lands, if such public improvements are of direct and substantial benefit to such portions as have been platted for sale.

(3) **BUILDING COMMISSION APPROVAL.** The sale, lease and purchase of agricultural lands mentioned in sub. (1) shall be subject to the approval of the building commission.

(4) **PROCEEDS.** The net proceeds from the sale of agricultural lands and improvements authorized by this section shall be devoted to the purchase of land and construction of improvements contemplated in sub. (1) but of any excess of revenue beyond the amount required for this purpose a sum not to exceed \$7,200,000 shall constitute a nonlapsible fund for the purpose of erecting facilities for research and instruction in animal husbandry, agricultural engineering and agriculture and life sciences at the university of Wisconsin-Madison, and such funds shall become available upon consent and recommendation of the board and authorization by the building commission.

(5) **LOCAL TAXES.** The lands mentioned in sub. (1) which are located in the city of Madison shall be subject to all general property taxes levied by the city of Madison in the event that they are used for commercial purposes. "Commercial purposes" does not include official use by the state or any of its agencies.

History: 1973 c. 335; 1977 c. 418; 1983 a. 36 s. 96 (4).

**36.34 Minority student retention programs.** The board shall evaluate the effectiveness of its minority student retention programs at each institution and submit reports describing its findings to the joint committee on finance by October 1, 1986, and October 1, 1988.

History: 1985 a. 29.

**36.35 Misconduct; campus security. (1) POWER TO SUSPEND; RULES.** The board may delegate the power to suspend or expel students for misconduct or other cause prescribed by the board. The board shall promulgate rules under ch. 227 governing student conduct and procedures for the administration of violations.

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

(3) **REQUIRING PERMISSION FOR PRESENCE ON CAMPUS.** Any person who is convicted of any crime involving danger to property or persons as a result of conduct by him which obstructs or seriously impairs activities run or authorized by

an institution and who, as a result of such conduct, is in a state of suspension or expulsion from the institution, and who enters property of that institution without permission of the chancellor of the institution or the chancellor's designee within 2 years, may for each such offense be fined not more than \$500 or imprisoned not more than 6 months, or both.

History: 1973 c. 335; 1985 a. 332 s. 251 (1).

**36.37 Downer Woods and buildings preservation. (1) STATEMENT OF PURPOSE.** The purpose of this section is to promote the permanent conservation and enhancement, by the university of Wisconsin-Milwaukee, of the area known as Downer Woods; to designate and protect, as a permanent conservancy area, at least 10 acres of the woods; and to permit limited modification, in a manner consistent with the aforesaid purposes, of that portion of the woods whose present character as park and woodland lends itself to utilization, by the university and the surrounding community, as essential recreational and aesthetic corridors.

(2) **LEGISLATIVE FINDINGS.** The legislature finds it in the public interest to recognize and foster the principle of environmental quality in the area known as Downer Woods by preserving it as a conservancy area and protecting it, consistent with sub. (4), from encroachment or disparate uses. The woods is the sole remaining natural area remaining on the campus of the university of Wisconsin-Milwaukee, and as such, its preservation and enhancement is consistent with the university's recognition of its need to protect and enhance its own physical environment, and to serve the pressing human need of its faculty, students and staff, as well as the greater Milwaukee community, to live and work in an urban environment which respects those portions of unspoiled nature which yet exist. The woods is a unique asset; it provides visual relief to the concentrated building pattern surrounding it, complements the urban landscape and affords aesthetically and psychologically attractive places for people to congregate and relax. In addition, the woods serves as a refuge for wildlife and vegetation, and is, therefore, an important educational, scientific and ecological resource to the university and the community. Its presence imparts priceless recreational and aesthetic values.

(3) **DEFINITIONS.** In this section, "Downer Woods" or "the woods" means those parcels of wood, parkland and buildings comprising more than 18.805 acres located on the campus of the university of Wisconsin-Milwaukee, and divided into 4 separate and distinct categories, which categories shall define the proper and permissible uses of the parcels, as follows:

(a) Permanent conservation area, consisting of 11.101 acres, which is to be physically defined by means of fencing or other suitable means.

(b) Permanently reserved woodland, consisting of 3.018 acres.

(c) Park and woodland areas, consisting of 4.686 acres, which may be subject to limited modification, such as landscaping, but which are to be protected from disparate uses and encroachment.

(d) The buildings and grounds of the former Downer college with any reconstruction or renovation which may be authorized by the board.

(4) **DOWNER WOODS CONSERVATION.** (a) That portion of Downer Woods designated a permanent conservation area is to be forever protected from encroachment or disparate uses, and its boundaries are to be defined and protected by fencing or other suitable means.

(b) That portion of Downer Woods designated as permanently reserved woodland shall be set aside exclusively for purposes of community enhancement and relaxation, and

any disparate uses to or encroachments upon such land is prohibited.

(c) That portion of Downer Woods designated as park and woodland areas may be used by the university of Wisconsin-Milwaukee as recreational and aesthetic corridors, if any modifications made to such portions of the woods do not significantly alter the present character of such land, and any disparate uses to or encroachments upon such land is prohibited.

(d) The buildings of the former Downer college shall be preserved and no portion thereof may be razed without prior approval of the building commission.

History: 1973 c. 335; 1975 c. 386.

**36.39 Complimentary and reduced price tickets prohibited.** Complimentary and reduced price tickets to any system athletic event for which an admission fee is normally charged are prohibited with the following exceptions:

(1) Reduced price tickets for persons 62 years of age or older, minors and students;

(2) Complimentary and reduced price tickets required by rules of intercollegiate athletic conferences in which the system participates; and

(3) Complimentary and reduced price tickets for individuals who perform duties directly related to the conduct of the athletic event for which they are issued.

History: 1975 c. 224; 1977 c. 29.

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

History: 1983 a. 27.

**36.44 Precollege programs.** The board shall submit reports to the joint committee on finance by October 1, 1986, and October 1, 1988, on the number of minority high school students contacted and the number of precollege program participants enrolling in higher educational institutions in this state, including vocational, technical and adult education district schools.

History: 1985 a. 29.

**36.46 Auxiliary reserves.** The board may not accumulate any auxiliary reserve funds from student fees unless the fees and the reserve funds are approved by the joint committee on finance acting under s. 13.10. A request by the board for such approval shall be filed with the secretary of the committee under s. 13.10 (3) at least 2 months prior to a scheduled meeting of the committee. The request shall include a plan specifying the amount of reserve funds the board wishes to accumulate and the purposes to which the reserve funds would be applied, if approved.

History: 1985 a. 29.