

Fiscal Estimate Narratives

WTCS 11/2/2023

LRB Number	23-4719/1	Introduction Number	SB-0575	Estimate Type	Original
Description free speech and academic freedom at University of Wisconsin System institutions and technical colleges, due process in disciplinary proceedings at University of Wisconsin System institutions and technical colleges, Wisconsin grant funding allocation, and causes of action against the Board of Regents of the University of Wisconsin System and technical college district boards					

Assumptions Used in Arriving at Fiscal Estimate

Senate Bill 575 establishes certain standards related to free speech and academic freedom at University of Wisconsin System institutions and technical college districts and specifies that the Board of Regents of the University of Wisconsin System and technical college district boards may be subject to a civil cause of action for violation of these standards. The bill also establishes certain due process standards in disciplinary proceedings at UW System Institutions and technical colleges. A UW institution or technical college may become ineligible for Wisconsin grant funding allocation for violation of these standards.

The bill establishes First Amendment and academic freedom protections and prohibits technical colleges from taking specific actions. The bill also requires technical colleges to biennially survey students and employees, submit a report on the results of the survey biennially to the legislature and annually provide all students and employees with instruction in academic freedom, due process, and First Amendment protections. Technical colleges will incur administrative costs associated with creating or modifying policies and procedures to align with the standard and prohibitions in the bill, administering and reporting upon the survey, and training students and employees annually. The fiscal impact of these administrative costs is unknown.

The bill requires a technical college found by a state or federal court to have violated any of the free speech or academic freedom provisions to include a disclaimer on notices to individuals regarding admission to the technical college for four years. In addition, a court action may be brought against a technical college district board for violation of any of the free speech or academic freedom provisions under the bill and may seek an injunction and recovery of damages, court costs, and attorney fees for those aggrieved by the violation. If a court finds a violation, the bill specifies the amounts that the court must award to the plaintiffs. Technical college district boards that are found in violation by a court must pay plaintiffs damages in an amount between \$500 and \$100,000 as well as court costs and attorney fees. This fiscal impact on technical college district boards is unknown, but could exceed \$100,000 for each free speech or academic freedom incident at a technical college.

The bill establishes due process guarantees and requirements related to disciplinary proceedings or investigations at a technical college. Among the provisions, the bill prohibits overlapping administrative or adjudicative roles for disciplinary proceedings and specifies that an individual may not serve in more than one of six identified roles. Compliance with the requirements under the bill will increase administrative costs associated with the creation or modification of policies and procedures to align with the requirements and ensuring there is sufficient quantity and expertise in staffing to support the procedures required under the bill.

The bill specifies that a technical college that violates any of the due process provisions under the bill more than once in a 10-year period is ineligible for allocation of Wisconsin grants for at least one fiscal year. Wisconsin grants provide financial aid to qualifying students, including students attending technical colleges. A Wisconsin grants penalty primarily impacts students that would qualify for Wisconsin grants but are unable to receive a Wisconsin grant to attend a technical college that has been found to have violated due process and disciplinary proceedings requirements. The fiscal impact on technical college district boards is unknown.

Long-Range Fiscal Implications