

STATE OF WISCONSIN
Board of Regents of University of Wisconsin System

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : BOARD OF REGENTS OF THE
Board of Regents of the University of : UNIVERSITY OF WISCONSIN SYSTEM
Wisconsin System :
: ADOPTING RULES
: (CLEARINGHOUSE RULE _____)

PROPOSED ORDER

An Order of the Board of Regents of the University of Wisconsin System to amend the Wisconsin Administrative Code, Chapters UWS 4, Procedures for Dismissal of Faculty and UWS 7, Dismissal of Faculty in Special Cases.

Analysis prepared by the University of Wisconsin System Administration.

ANALYSIS

Statutory Authority and Rule Overview

The University of Wisconsin System (UW System) Administration seeks to modify Board of Regents (Board) administrative rules, known as Chapters UWS 4, Procedures for Dismissal of Faculty and UWS 7, Dismissal of Faculty in Special Cases.

The Board of Regents has statutory authority for Chs. UWS 4 and 7, as articulated in s. 36.13(3), Wis. Stats., and s. 36.13(5), Wis. Stats.

Section 36.13(3), Wis. Stats., reads as follows:

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 non-retention and dismissal of faculty members. Such rules shall be promulgated under ch. 227.

Section 36.13(5), Wis. Stats., reads as follows:

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.

On June 19, 2014, the Board submitted a Scope Statement to the Governor's Office for authority to propose legislative changes pursuant to the Wisconsin Legislative Rulemaking Process for Wisconsin Administrative Code, Chapters UWS 4, 7, 11 and 17. The purpose of this request was to initiate changes to Chapters UWS 4 and 7 to comply with federal guidance issued by the U.S. Department of Education Office for Civil Rights as it relates to Title IX of the Education Amendments of 1972 ("Title IX") (guidance issued by the U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, April, 2011). The proposed revisions are also intended to address the regulatory amendments under the Violence Against Women Reauthorization Act of 2013 ("VAWA") and the Campus Sexual Violence Elimination Act ("Campus SaVE Act").

On July 7, 2014 and pursuant to s. 227.135, Wis. Stats., Governor Scott Walker approved the scope statement. The scope statement was submitted to the Legislative Reference Bureau for publication on July 31, 2014, and thereby published in Register No. 703, pursuant to s. 227.135(3), Wis. Stats.

On April 10, 2015, the Board of Regents adopted Resolution I.1.b.(1), approving the Revisions to Administrative Code Ch. UWS 4 Procedures for Dismissal of Faculty and Ch. UWS 7 for pursuing dismissal of faculty in special cases of serious criminal misconduct, including sexual assault.

Economic Impact

The Board of Regents hereby determines that the proposed rules shall have minimal to no economic impact locally or statewide. A fourteen (14) day comment period was provided to the general public in order to solicit information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule in order to determine what, if any, economic impact the rule will have locally or statewide.

Fiscal Estimate

The Board of Regents hereby determines that the proposed rules shall have minimal to no fiscal impact or effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenues. There is minimal to no anticipated fiscal effect on the private sector and no anticipated costs incurred by the private sector in complying with the rules. This fiscal estimate determination has been conducted in accordance with s. 224.14(4), Wis. Stats.

14 day Comment Period

The “Notice of Public Comment Period on Economic Impact and Fiscal Estimate” for Chapters UWS 4 and 7 was available on the UW System homepage: <https://www.wisconsin.edu/> (Look under “News, Events, & Announcements”) and the Board of Regents page: <https://www.wisconsin.edu/regents/>. The notice remained open from April 17, 2015 to May 1, 2015. No comments were received during this period.

Agency Contact Person

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TEXT OF RULE

SECTION EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____
(Member of the Board or Secretary)
(board or department name)