CHAPTER 36

UNIVERSITY OF WISCONSIN SYSTEM

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Cross−reference: See also UWS, Wis. adm. code.

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 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 an institution or the extension.

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

(6m) "College campus" means any one of the 2−year collegiate campuses of the system.

(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 and the University of Wisconsin colleges.

(9m) "Instructional academic staff" means academic staff members with teaching responsibilities.

(9s) "Mainframe" means a large scale, central computer maintained by the board for multipurpose functions.

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

(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.

(14) "University of Wisconsin Colleges" means the college campuses as a whole.

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

History: 1973 c. 335; 1985 a. 332 s. 251 (3); 1989 a. 31, 67; 1991 a. 39; 1995 a. 27; 1997 a. 237; 2015 a. 55, 199.

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.

(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 V of ch. 19.

History: 1973 c. 335; 1975 c. 426 s. 3; 1981 c. 335 s. 26; 1991 a. 39; 2015 a. 55.

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 promulgate 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.

Cross−reference: See also UWS, Wis. adm. code.

(am) The board, in consultation with the Wisconsin Economic Development Corporation, shall do all of the following for each economic development program, as defined in s. 36.11 (29r) (a), administered by the board:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the board. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the board and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the board a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The board shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the board to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the board or fails to comply with the terms of a contract entered into with the board under the program and fails to provide to the satisfaction of the board an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a forfeiture on the recipient.

(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 college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; and the requisite number of officers, other than the vice presidents, associate vice presidents, and assistant vice presidents of the system; faculty; academic staff; and other employees 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. The board shall fix the salaries, subject to the limitations under par. (j) and s. 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president, and assistant vice president of the system. 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 employees 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.

(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. If the board ceases or suspends operation of any institution or college campus, the appropriations to the board for operation of the institution or college campus may be utilized by the board for any other purpose authorized by the appropriations within the period for which the appropriations are made.

(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.

(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 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 salaries of employees under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to recognize merit, to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The granting of salary 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 secretary of administration and administrator of the division of personnel management in the department of administration concerning the amounts of any salary 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.

(L) The board shall possess all powers necessary or convenient for the operation of the system except as limited in this chapter and ss. 13.48 (14) (am) and 16.848 (1).

(2) THE PRESIDENT. (a) 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. Subject to par. (b), the president shall appoint each senior vice president, vice president, associate vice president and assistant vice president of the system. The president shall fix the term of office for each senior vice president, vice president, associate vice president and assistant vice president of the system.

(b) The sum of the number of senior vice presidents and vice presidents of the system that the president may appoint under par. (a) may not exceed 4.

(c) The president shall appoint a special assistant to the president to serve as the director of the office of educational opportunity under s. 36.64. The special assistant serves at the pleasure of the president.

(3) THE CHANCELLORS. (a) 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.

(b) The chancellor may designate a person as provost, to act as chief executive officer of the institution in the chancellor's absence, if the person currently holds a limited appointment as vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor or assistant vice chancellor. The chancellor may not create an additional administrative position for the purpose of this paragraph.

(3m) MEANING OF "SUBJECT TO" IN CERTAIN PROVISIONS. In subs. (4) to (5), "subject to the responsibilities and powers" means subordinate to the responsibilities and powers.

(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 have the primary responsibility for advising the chancellor regarding 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, except that the faculty of each institution shall ensure that faculty in academic disciplines related to science, technology, engineering, and mathematics are adequately represented in the faculty organizational structure.

(4m) ACADEMIC STAFF. The academic staff members of each institution, subject to the responsibilities and powers of the board, the president, the chancellor, and the faculty of the institution, shall have the primary responsibility for advising the chancellor regarding 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 have primary responsibility for advising the chancellor regarding 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; 1987 a. 4, 27, 340; 1989 a. 31, 336, 359; 1991 a. 39; 1997 a. 27 ss. 1156ad, 9456 (3m); 1997 a. 35, 237, 307; 1999 a. 42; 2001 a. 16, 104; 2003 a. 33 ss. 930, 931, 2811, 9160; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2003 a. 320; 2005 a. 25 ss. 695, 2493; 2007 a. 125; 2009 a. 28; 2011 a. 10, 32; 2013 a. 20 ss. 578, 2365m, 9448; 2013 a. 166; 2015 a. 55.

Sub. (5) gives student organizations, rather than the student body, the right to select representatives to participate in institutional governance. Student Association of U.W.−Milwaukee v. Baum, 74 Wis. 2d 283, 246 N.W.2d 622 (1976).

Student and faculty voting participation on the Board of Regents is limited to duly appointed members, but hat does not preclude the board or any committee thereof from utilizing groups of nonmembers in advisory capacities. 60 Atty. Gen. 395.

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

A ruling by the chancellor of the University of Wisconsin−Eau Claire denying a request to conduct door−to−door solicitation in residence halls did not violate constitutional rights. 61 Atty. Gen. 373.

The leasing of university buildings to a religious congregation during nonschool days and hours on a temporary basis while the congregation's existing facility is being renovated and leasing convention space to a church conference would not violate the separation of church and state provisions of the 1st amendment and Art. I, s. 18. 63 Atty. Gen. 374.

Regents should identify how compulsory fees will be used to necessarily and conveniently further the objects of the university before approving a segregated fee. Regent's duties are unchanged under sub. (5). 63 Atty. Gen. 385.

The financing of student organizations through mandatory student fees does not violate the 1st amendment if viewpoint neutrality is the operational principal. Board of Regents v. Southworth, 529 U.S. 217, 146 L. Ed. 2d 193 (2000).

With one exception, the university's system, as required by *Southworth,* for distributing compelled fees collected from university students to student groups that delegates funding decisions to the student government was subject to sufficient limits. Southworth v. Board of Regents of the University of Wisconsin System, 307 F.3d 566 (2002).

Although the 1st amendment establishment clause of the U.S. constitution neither compels nor authorizes the University to categorically exclude funding of activities

related to worship, proselytizing, and sectarian religious instruction with segregated fees, the University may nevertheless be able to exclude some or all of the activities to which it objects. The University is free to enact viewpoint neutral rules restricting access to segregated fees, for it may create what is tantamount to a limited public forum if the principles of viewpoint neutrality are respected. However, before excluding an activity from the segregated fee forum pursuant to a content−based distinction, the University must explain specifically why that particular activity, viewed as a whole, is outside the forum's purposes. Roman Catholic Foundation v. The Regents of the University of Wisconsin System, 578 F. Supp. 2d 1121. Affirmed. 620 F.3d 775 (2010).

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) Except as provided in this paragraph and ss. 13.48 (14) (am) and 16.848 (1), 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. Any lease by the board is subject to the powers of the University of Wisconsin Hospitals and Clinics Authority under s. 233.03 (13) and the rights of the authority under any lease agreement, as defined in s. 233.01 (6). The board shall not permit a facility that would be privately owned or operated to be constructed on state−owned land without obtaining prior approval of the building commission under s. 13.48 (12). Subject to prior action under s. 13.48 (14) (am) or 16.848 (1), 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. All purchases of real property shall be subject to the approval of the building commission. The provision of all leases of real property to be occupied by the board for use other than for student housing shall be the responsibility of the board. The provision of all leases of real property to be occupied by the board for use as student housing shall be the responsibility of the department of administration under s. 16.84 (5), except for leases in effect on July 14, 2015, regardless of any subsequent extension, modification, or renewal, which shall be the responsibility of the board.

(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.

(cm) 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. 11.1207 (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. 59.25 (3) (f) and (j). 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) Subject to prior action under s. 13.48 (14) (am) or 16.848 (1), 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.

Cross−reference: See also chs. UWS 18 and 21, Wis. adm. code.

(2) POLICE AUTHORITY. (a) The board shall have concurrent police power, with other authorized peace officers, over all property subject to its jurisdiction, and all property contiguous to such property at the University of Wisconsin−Parkside if owned by a nonprofit corporation the primary purpose of which, as determined by the board, is to benefit the system. 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 such property.

(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 described under par. (a), 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.

Cross−reference: See also ch. UWS 18, Wis. adm. code.

(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) Subject to s. 36.31 (2m), 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) Subject to s. 36.31 (2m), the board may establish policies for the appropriate transfer of credits with other educational institutions outside the system.

(cm) The board shall establish and maintain a computer−based credit transfer system that shall include, but not be limited to, the following:

1. All transfers of credit between institutions within the system.

2. Program−specific course requirements in the system.

3. Technical college collegiate transfer program offerings, as defined in s. 38.01 (3).

4. Other courses for which the transfer of credits is accepted under par. (b) or (c).

5. Core general education courses that are subject to the agreement required under s. 36.31 (2m).

(d) Each institution that has any of the following applicants shall charge a uniform application fee to that group of applicants:

1. Undergraduate applicants.

2. Graduate school applicants.

3. Law school applicants.

4. Medical school applicants.

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

(5) INSURANCE. (a) The board may procure liability insurance covering the members of the board, any officer, employee, or

agent, or such students whose activities may constitute an obligation or responsibility of the system.

(b) The board may procure insurance to cover injuries sustained by students as a result of their participation in intercollegiate athletics. With respect to any of the risks to be covered by the insurance, the board may contract for the services of a claims administrator and may obtain coverage by any combination of self−insurance, excess or stop−loss insurance or blanket insurance.

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

1. Make grants to students from funds budgeted to or controlled by the system and formulate policies and promulgate rules for the grants.

2. 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 workforce development under s. 47.02.

(b) The board may not make a grant under par. (a) to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(c) By April 10, 1998, and annually thereafter, the board shall develop and submit to the higher educational aids board for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year to students enrolled in the system.

(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), to be used for the purpose of developing and operating parking or other transportation facilities, or campus safety or transportation−related programs, at the institution at which collected or for enforcing parking rules under par. (a).

Cross−reference: See also s. UWS 18.05, Wis. adm. code.

(8e) PARKING FEES. The board shall direct each institution within the system to charge a parking fee for the parking of motor vehicles by students, faculty, academic and university 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. College campus facilities owned by a county are not required to charge a parking fee.

Cross−reference: See also s. UWS 18.05, Wis. adm. code.

(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.

(11m) INVESTMENT OF CERTAIN MONEYS. (a) The board may invest revenues from gifts, grants, donations by doing any of the following:

1. Directly employing a financial manager to oversee the investment of these funds.

2. Contracting with the investment board to manage the investment of these funds.

3. Selecting a private investment firm using the competitive sealed proposal process described in s. 16.75 (2m).

(b) Notwithstanding ss. 25.14 (1) (a) and 25.17 (1) (g), the board is not required to deposit revenues from gifts, grants, donations in the state investment fund if the board invests these moneys as provided in par. (a).

(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 institution, 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 except under s. 103.10, 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.

(19) FURNISHING OF SERVICES TO SCHOOL DISTRICTS. (a) The board may furnish, and school districts may accept, services for educational study and research projects and they may enter into contracts under s. 66.0301 for that purpose.

(b) A group of school districts, if authorized by each school board, may form a nonprofit−sharing corporation to contract with the state or the board for the furnishing of the services specified in par. (a).

(c) The corporation shall be organized under ch. 181 and shall have the powers there applicable. Members of the school boards

specified in par. (b) may serve as incorporators, directors and officers of the corporation.

(d) The property of the corporation shall be exempt from taxation.

(e) The corporation may receive gifts and grants and be subject to their use, control and investment as provided in s. 118.27, and the transfer of the property to the corporation shall be exempt from income, franchise and death taxes.

(21) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE. Any student who engages in an activity, on campus or at an event sponsored by a college campus or institution or by the system, that constitutes a violation of ch. 961 is subject to nonacademic misconduct disciplinary sanctions, as provided by the board by rule. In determining the appropriate sanction, the board or its designee shall consider those penalties, including suspension and expulsion, that will contribute most effectively to maintaining a system environment that is free from controlled substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m).

(22) ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL HARASSMENT. (a) The board shall direct each institution and college campus to:

1. Incorporate in its orientation program for newly entering students oral and written or electronic information on sexual assault and sexual harassment, as defined in s. 111.32 (13), including information on sexual assault by acquaintances of the victims and on all of the following:

a. The legal definitions of, and penalties for, sexual assault under ss. 940.225, 948.02 and 948.025, sexual exploitation by a therapist under s. 940.22 and harassment under s. 947.013.

b. Generally available national and state statistics, and campus statistics as compiled under par. (c) and as reported under par. (d), on sexual assaults and on sexual assaults by acquaintances of the victims.

c. The rights of victims under ch. 950 and the services available at the institution or college campus and in the community to assist a student who is the victim of sexual assault or sexual harassment.

d. Protective behaviors, including methods of recognizing and avoiding sexual assault and sexual harassment and locations in the community where courses on protective behaviors are provided.

2. Annually supply to all students enrolled in the institution or college campus printed or electronic material that includes all of the information under par. (a).

(b) Annually, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall indicate the methods each institution and college campus have used to comply with par. (a).

(c) Any person employed at an institution who witnesses a sexual assault on campus or receives a report from a student enrolled in the institution that the student has been sexually assaulted shall report to the dean of students of the institution. The dean of students shall compile reports for the purpose of disseminating statistical information under par. (a) 1. b.

(d) Annually, each institution shall report to the department of justice statistics on sexual assaults and on sexual assaults by acquaintances of the victims that occurred on each campus of the institution in the previous year. The department of justice shall include the statistics in appropriate crime reports published by the department.

(27) CONDITION ON FINANCIAL ASSISTANCE. The board may not provide any state financial assistance under this chapter to any person during the period that the person is required to register with the selective service system under 50 USC, Appendix, sections 451 to 473 if the person has not so registered.

(28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), and subject to any prior lease entered into under s. 13.48 (14) (am) or 16.848 (1), the board shall negotiate and enter into a lease agreement with the University of Wisconsin Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7) and shall comply with s. 233.04 (7g).

(28m) AFFILIATION AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), the board shall negotiate and enter into an affiliation agreement with the University of Wisconsin Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7m) and shall comply with s. 233.04 (7p).

(29) OTHER AGREEMENTS WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. The board may enter into joint purchasing contracts and other contracts, rental agreements and cooperative agreements and other necessary arrangements with the University of Wisconsin Hospitals and Clinics Authority which may be necessary and convenient for the missions, objects and uses of the University of Wisconsin Hospitals and Clinics Authority authorized by law.

(29r) ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

1. The program receives funding from the state or federal government that is allocated through an appropriation under ch. 20.

2. The program provides financial assistance, tax benefits, or direct services to specific industries, businesses, local governments, or organizations.

(b) 1. The board shall coordinate any economic development assistance with the Wisconsin Economic Development Corporation.

2. Annually, no later than October 1, the board shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs administered by the board. The report shall include all of the information required under s. 238.07 (2). The board shall collaborate with the Wisconsin Economic Development Corporation to make readily accessible to the public on an Internet−based system the information required under this subsection.

(36) AQUACULTURE DEMONSTRATION FACILITY. The board, in consultation with representatives of the aquaculture industry, shall operate the aquaculture demonstration facility authorized under 1999 Wisconsin Act 9, section 9107 (1) (i) 3.

(40) CENTER FOR COOPERATIVES. The board shall maintain a center for cooperatives at the University of Wisconsin−Madison.

(43) PROGRAMMING AT UNIVERSITY OF WISCONSIN–GREEN BAY. The board shall ensure that the University of Wisconsin−Green Bay implements programming that is jointly developed by the University of Wisconsin−Green Bay and the Oneida Tribe.

(47) ARMED FORCES. If a student who is a member of a national guard or a member of a reserve unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state active duty or into active service with the U.S. armed forces for at least 30 days, the board shall reenroll the student beginning in the semester in which he or she is discharged, demobilized, or deactivated from active duty or the next succeeding semester, whichever the student prefers, shall give the student the same priority in registering for courses that the student would have had if he or she had registered for courses at the beginning of the registration period, and, at the student's request, do one of the following for all courses from which the student had to withdraw:

NOTE: Sub. (47) (intro.) is affected by 2005 Wis. Acts 324 and 470. The 2 treatments are mutually inconsistent. Sub. (47) (intro.) is shown as affected by the last enacted act, 2005 Wis. Act 470. As affected by 2005 Wis. Act 324, it reads:

(47) ARMED FORCES. **If a student who is a member of a national guard or a member of a reserve unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state active duty or into active service with the U.S. armed forces for at least 30 days, the board shall reenroll the student beginning in the semester following his or her discharge from active duty or the next succeeding semester, whichever the student prefers, and, at the student's request, do one of the following for all courses from which the student had to withdraw:**

(a) Reimburse the student all tuition and fees paid for all the courses and a prorated portion of room and board payments.

(b) Grant the student an incomplete in all the courses and permit the student to complete the courses, within 6 months after leaving state service or active service, without paying additional tuition or fees.

(47m) SERVICE MEMBERS; PRIORITY REGISTRATION. (a) In this subsection, "service member" means a person who has served or is serving on active duty under honorable conditions in the U.S. armed forces, in forces incorporated as part of the U.S. armed forces, in the national guard, or in a reserve component of the U.S. armed forces.

(b) The board shall ensure that a student who is a service member is given priority in registering for courses at any college campus or institution.

(48) REPORT ON UTILITY CHARGES; ASSESSMENT OF CERTAIN UTILITY CHARGES. The board shall ensure that the University of Wisconsin−Madison reports annually to the department of administration on utility charges in the following fiscal year to fund principal and interest costs incurred in purchasing the Walnut Street steam and chilled−water plant enumerated under 2003 Wisconsin Act 33, section 9106 (1) (g) 2. and in renovating and adding an addition to the Charter Street heating and cooling plant enumerated under 2009 Wisconsin Act 28, section 9106 (1) (g) 3., and the methodology used to calculate those charges. The board may not assess the utility charges until the charges are approved by the department of administration.

(50) RESERVE OFFICER TRAINING CORPS. The board may not allocate general purpose revenue for the operation of an institution or college campus that prohibits the reserve officer training corps from operating on its campus.

(51) AUTOMOBILE ALLOWANCE. The board may not use general purpose revenue, tuition, or academic fees for the president's or the chancellors' automobile allowance.

(52) MIDWESTERN HIGHER EDUCATION COMPACT DUES. The board shall make full annual payments of membership dues to the Midwestern Higher Education Compact.

(53m) DESIGNATION OF BUILDING PROJECTS. The board shall not designate any part of a state building project that is subject to approval under s. 13.48 (10) (a) as a separate building project.

(54) EMPLOYEE REPORTS. (a) In this subsection, "backup position" means a position that the board is contractually required to provide for an employee who resigns or is terminated from his or her current position.

(b) Annually, the board shall submit a report to the appropriate standing committees of the legislature under s. 13.172 (3) and to the governor that identifies the number of employees with limited appointments under s. 36.17 and rules promulgated thereunder, the number of employees with concurrent appointments, and the number of employees with employment contracts that require backup positions but who have not yet resigned or been terminated from their current positions.

(55) REVIEW OF SYSTEM CONTRACTS WITH RESEARCH COMPANIES. The board shall review any contract submitted by the system under s. 946.13 (12) (b) 2. b. to determine whether entering into the contract would constitute a violation of s. 946.13 (1). The board shall complete the review and, if the board determines that entering into the contract would constitute a violation of s. 946.13 (1), notify the system of its determination within 45 days after the date of submittal.

(55m) CLASSIFIED RESEARCH. The board may accept research contracts involving government security classifications or other similar restrictions on participation in research or access to or dissemination of research results, if all of the following are satisfied:

(a) The research furthers national security interests.

(b) The educational interests of all participating students are adequately protected.

(c) Appropriate facilities, infrastructure, and administrative resources are available for the research, either on campus or at off−campus locations.

(d) The sponsors of the research cover all additional costs associated with the security requirements of the research.

(e) The conditions for accepting the contracts and conducting the research are established pursuant to a process approved by the chancellor, in consultation with the faculty, of the institution at which the research is to be conducted.

(56) TRAVEL POLICIES. Effective July 1, 2013, the board shall establish travel policies for system employees and a schedule for the reimbursement of system employees for travel expenses.

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); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a. 27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3, 27, 128, 237; 1999 a. 9, 29; 1999 a. 150 ss. 7, 351; 2001 a. 16, 22; 2003 a. 33, 69, 149, 282; 2005 a. 25, 253, 324, 470; 2007 a. 20, 85, 125; 2009 a. 28, 59, 302; 2011 a. 32, 175; 2013 a. 20, 56, 289; 2015 a. 55, 117, 185.

The Board of Regents has the 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. A student court can be designated by the board of regents as an auxiliary enterprise. Moneys collected must be paid into the general fund. By regent action, they may be appropriated therefrom for operation of that activity. 59 Atty. Gen. 82.

The University of Wisconsin System may sell a dormitory that no longer is needed for educational purposes upon terms that 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 sub. (2) to arrest only on campuses unless deputized by a sheriff. Local ordinances are not applicable on campus. 68 Atty. Gen. 67.

36.115 Personnel systems. (1) In this section, "chancellor" means the chancellor of the University of Wisconsin−Madison.

(2) The board shall develop a personnel system that is separate and distinct from the personnel system under ch. 230 for all system employees except system employees assigned to the University of Wisconsin−Madison.

(3) The chancellor shall develop a personnel system that is separate and distinct from the personnel system under ch. 230 for all system employees assigned to the University of Wisconsin−Madison.

(3m) The board shall set the salary ranges for all of the following positions:

(ae) Each of the vice chancellors who is serving as deputy at the University of Wisconsin System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater and each of the vice chancellors who is serving as deputy at the University of Wisconsin Colleges and the University of Wisconsin−Extension.

(am) The vice presidents of the University of Wisconsin System.

(ar) The chancellors at the University of Wisconsin System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater and the chancellors of the University of Wisconsin Colleges and the University of Wisconsin−Extension.

(b) The vice chancellor who is serving as deputy at the University of Wisconsin−Milwaukee.

(bm) The senior vice presidents of the University of Wisconsin System.

(c) The vice chancellor who is serving as deputy at the University of Wisconsin−Madison.

(d) The chancellor at the University of Wisconsin−Milwaukee.

(e) The chancellor at the University of Wisconsin−Madison.

(f) The president of the University of Wisconsin System.

(g) The associate and assistant vice presidents, vice chancellors not identified in pars. (ae), (b), or (c), assistant chancellors, associate and assistant vice chancellors, and administrative directors and associate directors of physical plant, general operations and services, and auxiliary enterprises activities or their equivalent, of each University of Wisconsin institution, the University of Wisconsin−Extension, and the University of Wisconsin System administration.

(4) The personnel systems developed under subs. (2) and (3) shall include a civil service system, a grievance procedure that addresses employee terminations, and provisions that address employee discipline and workplace safety. The grievance procedure shall include all of the following elements:

(a) A written document specifying the process that a grievant and an employer must follow.

(b) A hearing before an impartial hearing officer.

(c) An appeal process in which the highest level of appeal is the board.

(5) (a) The personnel systems developed under subs. (2) and (3) shall be implemented on July 1, 2015.

(b) The board may not implement the personnel system developed under sub. (2) unless it has been approved by the joint committee on employment relations.

(c) The chancellor may not implement the personnel system developed under sub. (3) unless it has been approved by the joint committee on employment relations.

(6) All system employees holding positions in the classified or unclassified service of the civil service system under ch. 230 on June 30, 2015, shall be included in the personnel systems developed under subs. (2) and (3). System employees holding positions in the classified service on June 30, 2015, who have achieved permanent status in class on that date, shall retain, while serving in the positions in the system, those protections afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff, or reduction in base pay. Such employees shall also have reinstatement privileges to the classified service as provided under s. 230.31 (1). System employees holding positions in the classified service on June 30, 2015, who have not achieved permanent status in class on that date are eligible to receive the protections, privileges, and rights preserved under this subsection if they successfully complete service equivalent to the probationary period required in the classified service for the positions which they hold on that date.

(7) The board shall establish and maintain consistent employment relations policies and practices for all system employees except system employees assigned to the University of Wisconsin−Madison. The chancellor shall establish and maintain consistent employment relations policies and practices for all system employees assigned to the University of Wisconsin−Madison.

History: 2011 a. 32; 2013 a. 20; 2015 a. 55.

36.12 Student discrimination prohibited. (1) No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

(2) (a) The board shall direct each institution to establish policies and procedures to protect students from discrimination under sub. (1). The policies and procedures shall do all of the following:

1. Provide criteria for determining whether sub. (1) has been violated.

2. Provide remedies and sanctions for violations of sub. (1).

3. Require a complainant to file a complaint with the institution within 300 days of the alleged violation of sub. (1).

4. Provide periods within which the complainant and the institution must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the chancellor of the institution.

(b) The board shall establish policies and procedures for the appeal of the chancellor's or dean's decision to the board.

History: 1989 a. 186; 1997 a. 237; 2015 a. 55.

The exclusion of contraceptives from an employer or college or university sponsored benefits program that otherwise provides prescription drug coverage violates Wisconsin law prohibiting sex discrimination in employment and in higher education, ss. 111.31 to 111.395, 36.12, and 38.23. OAG 1−04.

Student body diversity is a compelling state interest that can justify the use of race in university admissions. A race−conscious admissions program cannot use a quota system, but may consider race or ethnicity as a plus factor for an applicant, without insulating the individual from comparison with all other candidates for the available seats. An admissions program must be flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight. Race−conscious admissions policies must be limited in time. Grutter v. Bollinger, 539 U.S. 306, 123 S. Ct. 2325 (2003). See also Gratz v. Bollinger, 539 U.S. 244, 156 L. Ed. 2d 304, 123 S. Ct. 2411 (2003).

Under *Grutter*, strict scrutiny must be applied to any university admissions program using racial categories or classifications. Once the university has established that its goal of diversity is consistent with strict scrutiny, however, there must still be a further judicial determination that the admissions process meets strict scrutiny in its implementation. The university must prove that the means chosen by the university to attain diversity are narrowly tailored to that goal. Strict scrutiny imposes on the university the ultimate burden of demonstrating, before turning to racial classifications, that available, workable race−neutral alternatives do not suffice. *Grutter* did not hold that good faith would forgive an impermissible consideration of race. Fisher v. University of Texas at Austin, 570 U.S. ___, 133 S. Ct. 2411, 186 L. Ed. 2d 474 (2013). See also Fisher v. University of Texas at Austin 579 U. S. ____ (2016).

36.14 Wisconsin distinguished professorships. (1) The board may establish distinguished professorships under this section.

(2) The board may pay under this section the salary and fringe benefit costs of the professor holding the distinguished professorship and of any graduate assistant assigned to the professor, and the equipment, supplies and travel costs of the professor and the graduate assistants assigned to the professor.

(4) The board shall ensure that at least 3 of the professors awarded distinguished professorships under this section after August 9, 1989, are not employed by the board when they are awarded the professorships.

History: 1987 a. 27; 1989 a. 31; 2011 a. 32.

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 employee 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 authorized 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.

(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; 1989 a. 31; 2011 a. 32; 2013 a. 20 ss. 2365m, 9448; 2015 a. 55.

Cross−reference: See also ch. UWS 3, 9, 10, 11, 12, and 19, Wis. adm. code.

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 faculty member who has been granted tenure or a person holding an academic staff appointment under s. 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, college campus 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; 1997 a. 237; 2015 a. 55.

Cross−reference: See also chs. UWS 15 and 19, Wis. adm. code.

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

History: 1973 c. 335; 2015 a. 55.

Cross−reference: See also ch. UWS 16, Wis. adm. code.

36.21 Termination due to certain budget or program changes. Notwithstanding s. 36.15, the board may, with appropriate notice, terminate any faculty or academic staff appointment when such an action is deemed necessary due to a budget or program decision requiring program discontinuance, curtailment, modification, or redirection. 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 of academic staff under this section and the board may adopt procedures, consistent with s. 36.22, to be followed in the event of termination of faculty under this section and s. 36.22.

History: 1973 c. 335; 2015 a. 55.

36.22 Layoff or termination of faculty member due to certain budget or program changes. (1) DEFINITIONS. In this section:

(a) "Layoff" means an indefinite suspension or involuntary reduction in services and compensation of a faculty member's employment by the system.

(b) "Program change" means program discontinuance, curtailment, modification, or redirection.

(c) "Termination" means the permanent elimination of a faculty member's employment by the system.

(2) LAYOFF OR TERMINATION DUE TO CERTAIN CIRCUMSTANCES. (a) The board may, under this section and s. 36.21, with appropriate notice, lay off or terminate any faculty member when such an action is deemed necessary due to a budget or program decision requiring a program change.

(b) Any layoff or termination of a faculty member under par. (a) may be made only in accordance with the provisions of this section and implies the retention of rights indicated in this section. A faculty member who is laid off retains the rights specified in subs. (11) to (16) and a faculty member who is terminated retains the rights specified in subs. (13) and (14).

(c) Nonrenewal of an appointment, regardless of the reason, is not a layoff or termination under this section.

(3) SENIORITY. (a) In the case of layoffs of faculty members due to a budget or program decision requiring a program change, layoffs shall follow seniority unless a clear and convincing case is made that program or budget needs dictate other considerations such as the need to maintain diversity of specializations within a department.

(b) The faculty of each institution shall determine the form of seniority that is to be considered. This determination shall be effective uniformly throughout the institution. Seniority may be defined in the following, or in other, ways:

1. Without regard to rank, with seniority established by total years of service in the institution.

2. By rank, and within rank according to total years of service in the institution.

3. By rank, and within rank, according to length of service in the institution at that rank.

(4) NOTIFICATION. (a) Each faculty member who is to be laid off shall receive prompt written notification from the chancellor. Prior to issuing a layoff notification, the chancellor shall offer to consult with, and seek advice from, a faculty committee designated or created by the faculty of the institution.

(b) The notification under par. (a) shall include all of the following:

1. A summary of the reasons supporting the need for the layoff.

2. A statement of the basis on which the individual position was selected for elimination and one of the following:

a. If the position was selected for elimination on the basis of seniority, the criterion used and data supporting the choice.

b. If the position was selected for elimination on a basis other than seniority, the data and reasons supporting that choice.

3. A statement of the date on which the layoff is to be effective.

4. A copy of the statutes regarding layoff of faculty due to a budget or program decision requiring a program change and such other information or procedural regulations as the chancellor deems appropriate.

(5) NOTIFICATION PERIOD. (a) In the case of the layoff of faculty due to a budget or program decision requiring a program change, notification must be given at least 12 months in advance of the effective date.

(b) During the 12−month period under par. (a), and prior to entering layoff status, the chancellor may offer as appropriate, and the faculty member may accept, any of the following:

1. Terminal leave and early retirement.

2. Relocation leave accompanied by resignation.

(c) Acceptance of either option under par. (b) terminates the faculty member's association with the system at the end of the leave period.

(6) FACULTY HEARING COMMITTEE. The faculty of each institution shall establish a committee or designate an existing committee to serve as a hearing committee for the purposes of this section. The committee shall consist of faculty members of the institution chosen by the faculty in a manner to be determined by the faculty. This standing faculty committee shall conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence, and transmit the record and summary along with its recommended findings of law and decision to the board.

NOTE: Sub. (6) was created as sub. (6) (a) by 2015 Wis. Act 55 and renumbered to sub. (6) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

(7) REVIEW HEARING. (a) A faculty member who has been notified of layoff is entitled to a hearing before the faculty hearing committee as to the appropriateness of the decision to lay off that particular individual. The budget or program decisions made to discontinue, curtail, modify, or redirect a program are not subject to review in the hearing.

(b) A hearing must be requested within 20 days of the receipt by the faculty member of notification of layoff. The request shall state with particularity the grounds to be relied upon in establishing the impropriety of the decision. Relevant information supplementary to that contained in the notification statement may be requested. The question to be considered in the review is whether one or more of the following improper factors entered into the decision to lay off:

1. Conduct, expressions, or beliefs on the faculty member's part that are constitutionally protected, or protected by the principles of academic freedom.

2. Factors proscribed by applicable state or federal law regarding fair employment practices.

3. Improper selection of the individual to be laid off.

(c) For purposes of par. (b), "improper selection" has occurred if material prejudice resulted from any of the following:

1. The procedures required by the board were not followed.

2. Available data bearing materially on the role of the faculty member in the institution were not considered.

3. Unfounded or arbitrary assumptions of fact were made.

4. Immaterial or improper factors other than those specified in par. (b) entered into the decision.

(d) The committee shall determine whether one or more of the improper factors under par. (b) entered significantly into and affected the layoff decision on the basis of the evidence presented. If the committee believes that one or more improper factors may have entered into the layoff decision but is convinced that the same decision would have been reached had the error or errors not occurred, the committee shall find the layoff decision to have been proper. The committee shall report its findings and recommendations to the chancellor and the faculty member.

(8) HEARING PROCEDURE. (a) If the faculty hearing committee requests, the chancellor shall provide legal counsel to the committee for a hearing under sub. (7). The hearing shall be closed unless the faculty member who has been notified of layoff requests an open hearing, in which case it shall be open.

(b) The faculty hearing committee may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the hearing committee under sub. (6). No faculty member who participated in the decision to lay off or who is a material witness may sit in on the faculty hearing committee.

(c) The faculty member shall be given at least 10 days' notice of the hearing. The hearing shall be held not later than 20 days after the request for hearing except that this time limit may be extended by mutual consent of the parties or by order of the faculty hearing committee.

(d) The faculty member shall have access to the evidence on which the administration intends to rely to support the decision to lay off, and shall be guaranteed all of the following minimal procedural safeguards at the hearing:

1. A right to be heard on his or her own behalf.

2. A right to counsel or other representatives or both, and to offer witnesses.

3. A right to confront and cross−examine adverse witnesses.

4. A verbatim record of the hearing, which might be a sound recording, provided at no cost.

5. Written findings of fact and decision based on the hearing record.

6. Admissibility of evidence as described in s. 227.45 (1) to (4).

(e) Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

(9) RECOMMENDATIONS AND REVIEW BY THE BOARD. The layoff decision of the chancellor and the recommendations, if any, of the faculty hearing committee, shall be transmitted to the president and to the board and acted upon as follows:

(a) If the faculty member has not requested a hearing before the faculty hearing committee, the chancellor's decision shall be deemed proper and shall be reported for information to the president and the board.

(b) If the faculty member has requested a hearing and the faculty hearing committee has found the decision to be proper, the report of the faculty hearing committee shall be forwarded to the president and board by the chancellor with a recommendation. The faculty member may request a review by the board, and the board review panel may at its option grant a review. Unless the board review panel grants the request for review, the recommended findings of fact and decision of the faculty hearing committee shall be the final decision of the board.

(c) If after a hearing, the faculty hearing committee's recommended findings of fact and decision are that the initial decision was improper, the chancellor shall review the matter and give careful consideration to the committee's finding. If the chancellor accepts the committee's findings, the chancellor's decision shall be final. If the chancellor contests the recommended findings that the decision was improper, the verbatim record, a summary of the evidence, and the recommended findings of law and decision shall be forwarded to the board review panel. The chancellor and the faculty member shall be furnished with copies of this material and shall have a reasonable opportunity to file written exceptions to the summary and proposed findings and decision and to argue with respect to them orally and in writing before the board review panel. The board review panel shall hear and decide the case and the decision of the board review panel shall be final.

(10) BOARD REVIEW. A review panel shall be appointed by the president of the board, and shall include 3 members of the board, and 2 nonvoting staff members from the academic affairs office of the system. The panel shall review the criteria and reasoning of the chancellor and the findings and recommendations of the faculty hearing committee in each case forwarded for its review, and shall reach a decision on the recommendation to be approved. The decision shall be final and binding upon the chancellor and the faculty member affected unless one or more of the board members of the review panel request that the decision be reviewed by the full board, in which case the record shall be reviewed and a decision reached by the full board.

(11) LAYOFF STATUS. (a) A faculty member whose position has been eliminated or reduced in accordance with the provisions of this section shall, at the end of the appropriate notice period, be placed on layoff status, unless the layoff notice has been rescinded prior to that time.

(b) The faculty member whose notice period has expired, and who is placed on layoff status, shall remain on layoff status until any of the following occurs:

1. The period of the faculty member's appointment has expired under its own terms.

2. The faculty member is reappointed to the position from which he or she was laid off. Failure to accept a reappointment terminates the faculty member's association with the system.

3. The faculty member accepts an alternative continuing position in the system. Failure to accept an alternate appointment does not terminate the faculty member's association with the system.

4. The faculty member resigns.

5. The faculty member, while on layoff status, fails to notify the chancellor by December 1 of each year as to his or her location, employment status, and desire to remain on layoff status. Failure to provide this notice of desire to remain on layoff status terminates the faculty member's association with the system.

(12) ALTERNATIVE EMPLOYMENT. Each institution shall devote its best efforts to securing alternative appointments within the institution in positions for which faculty laid off under this section are qualified under existing criteria. In addition, the system shall provide financial assistance for one year for faculty who are designated for layoff to readapt within the department or within another department of the institution, where readaptation is feasible. Further, the system shall devote its best efforts to ensure that faculty members laid off or terminated in any institution are made aware of openings within the system.

(13) REAPPOINTMENT RIGHTS. Each institution shall establish administrative procedures and policies to ensure that where layoffs or terminations occur due to a budget or program decision requiring a program change, no person may be employed at that institution within 3 years to perform reasonably comparable duties to those of the faculty member laid off or terminated without first offering the laid off or terminated faculty member reappointment without loss of seniority and other rights. The 3−year period shall be computed from the effective date of layoff as specified in the original notice.

(14) RETENTION OF RANK AND SALARY. Any faculty member reappointed within 3 years after layoff or termination shall be reappointed with a rank and salary at least equivalent to the rank and salary when laid off or terminated, together with such other rights and privileges that may have accrued at that time. Any faculty member relocated within an institution or within the system shall not have either rank or salary adversely affected except by consent at the time of relocation.

(15) RIGHTS OF FACULTY MEMBERS ON LAYOFF. A faculty member on layoff status in accord with the provisions of this section has the reemployment rights guaranteed by subs. (13) and (14), and has all of the following minimal rights:

(a) The right to participate in fringe benefit programs as is allowed by state statutes and rules governing rights of laid off state employees.

(b) The right to continued use of campus facilities as is allowed by policies and procedures established by the department and institution.

(c) The right to participate in departmental and institutional activities as is allowed by guidelines established by the department and institution.

(16) SYSTEMWIDE TENURE. The commitment to systemwide tenure within the institutions formerly governed under ch. 37, 1971 stats., shall be honored by those institutions for those eligible under s. 36.13 (4), 1973 Stats., in the event of layoff or termination under the provisions of this section.

(17) LACK OF FACULTY ACTION. If the faculty of an institution is given due notice but does not establish or designate a hearing committee under sub. (6), the chancellor may appoint a committee of faculty members to provide this function.

NOTE: The cross−reference to sub. (6) was changed from sub. (6) (a) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 36.22 (6) (a), as created by 2015 Wis. Act 55.

History: 2015 a. 55; s. 13.92 (1) (bm) 2.

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).

Cross−reference: See also ch. UWS 8, Wis. adm. code.

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, which is also known as Bang's disease, at various points within this state that the board considers advisable. To facilitate the bovine brucellosis research and experimentation, 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 contracts that shall be retained for control purposes.

(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. (a) 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. Except as provided under par. (b), the agreement shall 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.

(b) The board of regents may rent space on the Madison public broadcast transmission tower to the educational communications board and to other public and commercial broadcasters.

(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 employees 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 employee 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, is guilty of a Class I felony. 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 and water 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 chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), at the convening of the legislature.

(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, local health officers, as defined in s. 250.01 (5), 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 system 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 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 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 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. 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.

(em) The laboratory of hygiene board shall create and maintain a roster of scientists and other persons with technical expertise who are willing to work for the laboratory of hygiene if the governor declares that an emergency related to public health exists. If the governor declares such an emergency, the laboratory of hygiene board shall hire as limited−term employees the requisite number of persons from the roster to assist the department of health services under s. 250.042.

(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 or is required under 42 USC 300f to 300j, 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 Hospitals 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 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.

(13g) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS. (a) The board shall establish at the University of Wisconsin−Madison the "University of Wisconsin Hospitals and Clinics".

(b) The board shall maintain, control and supervise the use of the University of Wisconsin Hospitals and Clinics, for the purposes of:

1. Delivering comprehensive, high−quality health care to patients using the hospitals and to those seeking care from its programs, including a commitment to provide such care for the medically indigent.

2. Providing an environment suitable for instructing medical and other health professions students, physicians, nurses and members of other health−related disciplines.

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

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

(d) This subsection applies only in the event that the on−campus facilities, as defined in s. 233.01 (7), leased to the University of Wisconsin Hospitals and Clinics Authority under s. 36.11 (28), and any improvements, modifications or other facilities specified in s. 233.04 (7) (c), are transferred to the board under s. 233.04 (3b) (b), (7g) (b) or (7p) (b).

(13m) MEDICAL STUDENT TRANSFER PROGRAM. The board shall establish a program in the University of Wisconsin School of Medicine and Public Health to consider the transfer of residents of this state from foreign medical schools after their 2nd year of study.

(13s) MEDICAL PRACTICE IN UNDERSERVED AREAS. The board shall allocate $400,000 in each fiscal year for the department of family medicine and practice in the University of Wisconsin School of Medicine and Public Health to support the Wisconsin Academy for Rural Medicine, the Academy for Center−city Medical Education, and the Wisconsin Scholars Academy programs. The board may not expend any moneys allocated under this subsection in a fiscal year unless the board receives $400,000 in gifts and grants from private sources in that fiscal year for supporting such programs.

(14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The board shall give preference in awarding grants under this subsection to residents of this state. The board may not make a grant under this subsection to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(14m) MINORITY AND DISADVANTAGED PROGRAMS. (a) The board shall fund programs for recruiting minority and disadvantaged students and for minority and disadvantaged students enrolled in the system.

(b) By April 15, 1992, and annually thereafter, the board shall adopt a precollege, recruitment and retention plan for minority and disadvantaged students enrolled in the system.

(c) By April 15, 1992, and annually thereafter by April 15, the board shall submit a report to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall include all of the following:

1. The plan adopted under par. (b).

2. All financial aid distributed to students, categorized by ethnic group, class level and dependency status. The report shall include information on financial need, percentage of need satisfied by loan, percentage of need satisfied by grant and the percentage remaining unsatisfied.

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

(18) SCHOOL OF VETERINARY MEDICINE. The board shall establish and maintain a school of veterinary medicine at the University of Wisconsin−Madison. Existing facilities shall be used to the maximum possible extent for auxiliary instructional and research support of the veterinary program.

(19) MODEL SCHOOL SPECIAL EDUCATION PROGRAM. (a) The board may establish at the University of Wisconsin−Madison a model school for children with disabilities, as defined in s. 115.76 (5). 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 related services through the model school to children with disabilities. 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.

(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.

(21m) GREAT LAKES INDIAN LAW PROGRAM. The board shall establish a Great Lakes Indian law program at the University of Wisconsin−Madison Law School.

(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.

(23m) WILDER CRANE PROFESSORSHIP OF GOVERNMENT. The board shall establish the Wilder Crane professorship of government at the University of Wisconsin−Milwaukee department of political science.

(24) EMPLOYEE−OWNED BUSINESSES PROGRAM. Through the University of Wisconsin small business development center, in cooperation with the Wisconsin Economic Development Corporation, the technical college system board and the University of Wisconsin−Extension, 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.

(25) INDUSTRIAL AND ECONOMIC DEVELOPMENT RESEARCH PROGRAM. (a) The board shall award industrial and economic grants to fund industrial and economic development research projects and outreach activities.

(b) In awarding grants under par. (a) the board shall:

1. Receive project proposals from system researchers.

2. Provide for a review process for project proposals by appropriate professionally qualified reviewers.

3. Specify the duration of the project to be funded by the grant.

(c) Biennially by November 15, the board shall submit a report to the joint committee on finance specifying the projects funded under this subsection in the previous fiscal biennium, the duration of the funded projects and the relationship of the funded projects to this state's economy.

(26) CHILD CARE CENTERS. A college campus may establish a child care center.

(27) INTEGRATED AGRICULTURE PROGRAM. The board shall establish an integrated agriculture program.

(28) SCHOOLS OF BUSINESS. The board shall support improvements in master's level business programs. The board may provide financial support for such improvements only if it receives matching funds for the same purpose from private contributions.

(29) ENVIRONMENTAL EDUCATION. The board shall seek the advice of the environmental education board on the development of environmental education programs.

NOTE: Sub. (29) is repealed eff. 7−1−17 by 2015 Wis. Act 55.

(29m) CENTER FOR ENVIRONMENTAL EDUCATION. There is established in the College of Natural Resources at the University of Wisconsin−Stevens Point a center for environmental education to assist in the development, dissemination, implementation, and evaluation of environmental education programs for elementary and secondary school teachers and pupils. The center shall do all of the following:

(a) Assist the environmental education board in addressing statewide teacher training needs in environmental education and in administering grants under s. 36.54 (2).

NOTE: Par. (a) is repealed eff. 7−1−17 by 2015 Wis. Act 55.

(b) Assist the department of public instruction to periodically assess the environmental literacy of this state's teachers and students.

NOTE: Par. (b) is shown as amended eff. 7−1−17 by 2015 Wis. Act 55. Prior to 7−1−17 it reads:

(b) Assist the department of public instruction to periodically assess and report to the environmental education board on the environmental literacy of this state's teachers and students.

(c) Develop, offer and evaluate environmental education courses for teachers.

(d) Select and train natural resource and environmental education specialists with teaching experience to assist in providing environmental education courses and programs to teachers in this state.

(e) Assist the department of public instruction and cooperative educational service agencies to assist school districts in conducting environmental education needs assessments.

(f) Provide environmental education workshops and consulting services to teacher educators from teacher training institutions located in this state.

(g) Establish an environmental education curriculum and materials center for use by school teachers, faculty of teacher training institutions located in this state and others in educational programs who need such materials.

(h) Assist the University of Wisconsin−Stevens Point College of Natural Resources in providing opportunities for teachers to complete advanced training in environmental education through the college's master's degree program.

(29r) STUDY ON THE REINTRODUCTION OF ELK. (a) The board shall direct the University of Wisconsin−Stevens Point to conduct a study to determine the feasibility of reintroducing elk into the northern part of the state and to formulate a management plan for the reintroduction of elk if the conclusions of the study demonstrate that the reintroduction is feasible.

(b) The University of Wisconsin−Stevens Point shall conduct the study by monitoring the behavior of an experimental herd that the university shall bring into the state. The university shall also assess the herd's compatibility with other resources in the area where the study is conducted.

(30) POLLUTION PREVENTION. The board shall maintain in the extension a solid and hazardous waste education center to promote pollution prevention, as defined in s. 299.13 (1) (dm). In cooperation with the department of natural resources, the center shall conduct an education and technical assistance program to promote pollution prevention in this state.

(30g) RECYCLING MARKET DEVELOPMENT PROGRAM. The board shall establish in the extension a program of education and technical assistance related to recycling market development. The program shall serve waste generators; solid waste scrap brokers, dealers and processors; business entities that use or could use recovered materials or that produce or could produce products from recovered materials and persons who provide support services to those business entities; and the general public.

(30m) AGRICULTURAL TECHNOLOGY AND FAMILY FARM PROGRAMS. The board may establish agricultural technology and family farm programs in the College of Agricultural and Life Sciences at the University of Wisconsin−Madison.

(31) BIOTECHNOLOGY EDUCATION; CONSUMERS. The board shall establish extension programs to educate consumers about biotechnology processes and products and risk assessment techniques.

(32) AGRICULTURAL SAFETY AND HEALTH CENTER. (a) The board shall establish an Agricultural Safety and Health Center in the extension. The center shall do all of the following:

1. Develop curriculum and materials for a tractor and machine operation safety training course for persons who are at least 12 years of age but under 18 years of age that is equivalent

to the requirements, other than age, specified under 29 CFR 570.70 to 570.72.

2. Perform instructor training and coordination necessary to provide a statewide program of tractor and machinery operation safety training to persons who are at least 12 years of age but under 18 years of age and certification of persons successfully completing such training.

3. Develop and disseminate educational and informational materials and present programs on farm safety and health topics.

(b) The board shall award grants totaling not more than $500 annually per county to sponsors of farm safety education, training or information programs. To be eligible for a grant, a sponsor shall:

1. Secure or provide equal matching funds from private or public sources.

2. Demonstrate the need for the program.

3. Demonstrate that the program for which a grant is sought was developed in consultation with extension personnel, public health personnel, vocational agriculture instructors or other persons with expertise or interest in farm safety topics.

(33) QUALITY IMPROVEMENT AWARDS. The board annually may award up to $500 each to no more than 10 system employees who make suggestions that result in significant quality improvements for the system relating to supplies and expenses. The board shall appoint a council under s. 15.04 (1) (c) to nominate recipients for the awards. The board shall not make more than one award to an employee in the same fiscal year. An award is not part of an employee's base pay.

(34) CENTER FOR URBAN LAND ECONOMICS RESEARCH. The board shall establish a center for urban land economics research in the School of Business at the University of Wisconsin−Madison to conduct research and undertake educational, public outreach and grant activities related to real estate and urban land economics.

(35m) HERBARIUM. The board shall maintain an herbarium at the University of Wisconsin−Madison to be known as the "Wisconsin State Herbarium".

(36) HIGHER EDUCATION LOCATION PROGRAM. The board shall maintain in the extension a higher education location program to provide information on undergraduate admission requirements, degree programs, enrollment, student financial aid, student housing and admission forms.

(37) AREA HEALTH EDUCATION CENTER. The board shall maintain at the University of Wisconsin−Madison an area health education center to support community−based primary care training programs.

(38) EDUCATIONAL TECHNOLOGY PROJECTS. (a) In this subsection, "educational technology" has the meaning given in s. 16.99 (3).

(b) The board shall provide for projects that have the following purposes:

1. The student information system.

2. The development of system technology infrastructure.

3. The development of curricula to train students enrolled in the schools of education in the use of educational technology in primary and secondary schools.

4. To provide professional development in the use of educational technology for primary and secondary school teachers.

5. To provide faculty with educational technology and to train faculty in its use.

6. To pay the department of administration for telecommunications services provided under s. 16.972 (1).

(39) INSTITUTE FOR EXCELLENCE IN URBAN EDUCATION. There is established an Institute for Excellence in Urban Education at the University of Wisconsin−Milwaukee. The institute shall engage in research, public service and educational activities pertaining to issues in urban public education.

(42) DISTINGUISHED CHAIR OF MILITARY HISTORY. The board shall establish a distinguished chair of military history at the University of Wisconsin−Madison.

(44) INTERNATIONAL BUSINESS DEVELOPMENT. The University of Wisconsin−Milwaukee shall collaborate with other institutions to develop and implement programs and training for Wisconsin businesses and University of Wisconsin System faculty in the area of international business development.

(46) MENINGOCOCCAL DISEASE AND HEPATITIS B. (a) The board shall do all of the following:

1. Annually, provide detailed information on the risks associated with meningococcal disease and hepatitis B and the availability and effectiveness of vaccines against the diseases to each enrolled student, if he or she is at least 18 years old, or to the student's parent or guardian, if the student is a minor.

2. Require a student who resides in a dormitory or residence hall, or the student's parent or guardian if the student is a minor, to affirm that the student received the information under subd. 1.

3. Require a student who resides in a dormitory or residence hall to affirm whether he or she has received the vaccination against meningococcal disease and to provide the date of the vaccination, if any.

4. Require a student who resides in a dormitory or residence hall to affirm whether he or she has received the vaccination against hepatitis B and to provide the date of the vaccination, if any.

5. Maintain a confidential record of the affirmations and the dates of the vaccinations of each student under subds. 3. and 4.

(b) Nothing in this subsection requires the board to provide or pay for vaccinations against meningococcal disease or hepatitis B.

(47) DISCOVERY FARM GRANTS. (a) In this subsection, "discovery farm" means an operating commercial farm that conducts on−farm research under the Wisconsin agricultural stewardship initiative.

(b) From the appropriation under s. 20.285 (1) (qr), the board shall make grants through the extension to operators of discovery farms for research and outreach activities under the Wisconsin agricultural stewardship initiative.

(48) LUMBER GRADING TRAINING PROGRAM. (a) In this subsection:

1. "Department" means the department of natural resources.

2. "Department employee" means an employee of the department who is knowledgeable in the marketing of forest products and who is selected by the secretary to act under this subsection.

(b) The forest products outreach program at the University of Wisconsin−Stevens Point, in cooperation with the department, shall establish a basic lumber grading training program for individuals and establish the general requirements for successfully completing the training program, including requirements for initial certification and recertification. The training program shall be offered in the extension on an annual basis. The faculty at the forestry outreach program, in cooperation with the department employee, shall develop and establish the content of the training program and shall determine the certification requirements for instructors teaching the training program. Instructors shall be certified by the department.

(c) The department, in cooperation with the board, shall establish a procedure under which the department determines successful completion of the training program and issues certifications of accomplishment to the individuals who are certified or recertified as having successfully completed the training program. Under the procedure, the department employee may delegate to the program instructors the process of determining successful completion and issuing certificates of accomplishment.

(d) An individual holding an initial certificate of accomplishment shall be recertified under the training program every 5 years.

(e) The department employee may exempt from the training program an individual who has any of the following:

1. A bachelor's or postgraduate degree in forest products or wood science and technology.

2. A degree that is equivalent to a degree specified in subd. 1.

3. A level of experience or background in understanding wood properties, construction, and design that the department employee determines to be equivalent to the level of understanding held by an individual who successfully completes the training program.

(f) The department employee shall issue a certificate of accomplishment to each individual who meets the requirement under par. (e). A certificate of accomplishment issued under this subdivision applies only to the initial certification requirement and an individual receiving such a certificate must be recertified as required under par. (d).

(49) ACADEMIC FEE INCREASE GRANTS. The board may make grants to resident undergraduate students who do not receive grants under s. 39.435 that are payable from the appropriation under s. 20.235 (1) (fe), whose annual family income is less than $60,000, and who have unmet financial need. Beginning in fiscal year 2011−12, the board may make a grant under this subsection only to those students enrolled in the system during fiscal year 2010−11 who maintain continuous enrollment. A grant to a student under this subsection shall be in an amount determined by the board that corresponds to any increase, or any portion of an increase, in academic fees charged to the student, but may not exceed the amount of the student's unmet need. The board may not make a grant under this subsection to a student whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the student provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(49m) CAREER CONVERSATIONS PROGRAM. (a) In this subsection:

1. "Center" means the Center on Education and Work at the University of Wisconsin−Madison.

2. "Pilot period" means the period beginning on the date that the program is established and ending on May 15, 2011.

3. "Program" means the program established under par. (b).

(b) The center shall establish a program for students enrolled in grades 7 to 12 to engage in webcam conversations about careers with individuals in this state who have careers in math, science, agricultural education, technology education, or information technology. The center shall develop criteria for choosing the classrooms that may participate in the program during the pilot period. The program shall satisfy all of the following:

1. The program shall select individuals for conversations who have careers that the center determines are in the greatest demand in this state.

2. The program shall use student discussion guides developed by the center to facilitate the conversations.

3. The program shall allow for recording the conversations for future viewing, at schools or over the Internet, by interested parties, including parents of students.

4. The program shall include requirements for promoting participation in the conversations among students, parents, and the business community; measuring student participation in the conversations; notifying parents and the business community after conversations take place; and tracking the study plans of students who participate in the conversations.

(c) The center shall evaluate the effectiveness of the program during the pilot period in promoting careers in math, science, agricultural education, technology education, and information technology. If, based on the results of the evaluation, the center determines that the program has been effective in promoting such careers, the center may continue the program after the pilot period and may expand the program by allowing participation by additional classrooms. The center shall prepare a report regarding the evaluation and describing whether the center has continued or expanded the program, and submit the report to the appropriate standing committees of the legislature under s. 13.172 (3), the department of public instruction, and the department of workforce development.

(50) SCHOOL OF PUBLIC HEALTH. The board may create a school of public health at the University of Wisconsin−Milwaukee.

(51) SCHOOL OF FRESHWATER SCIENCES. The board may create a school of freshwater sciences at the University of Wisconsin−Milwaukee.

(52) INCENTIVE GRANTS. (a) From the appropriation under s. 20.285 (1) (gb), the board shall allocate $11,250,000 in fiscal year 2013−14 and $11,250,000 in fiscal year 2014−15 to award grants to institutions and the extension to provide funding for the following programs:

1. Economic development programs, as defined in s. 36.11 (29r) (a).

2. Programs that have as their objective the development of an educated and skilled workforce, such as the following:

a. Increasing the number of bachelor's, master's, and doctoral degrees awarded in fields for which occupational demand is high or in fields that the board and the department of workforce development jointly determine to be high−demand fields.

b. Increasing the number of opportunities available to students to gain work experience in their fields through internships or cooperative work experiences.

c. Increasing or enhancing research and development.

3. Programs to improve the affordability of postsecondary education for resident undergraduates, including reducing the time required to obtain a degree, increasing the opportunities available for high school pupils to earn credit toward a postsecondary degree, and improving the transfer of credit between institutions of higher education.

(b) The board may award grants under par. (a) for the creation or expansion of programs, courses, or services for a period of up to 3 years.

(53) BUSINESS PLAN COMPETITION. The board shall support a business plan competition program existing on May 25, 2010, at institutions and college campuses other than the University of Wisconsin−Madison that makes entrepreneurial expertise available to students and that has ties to campus−based business plan contests and national organizations that foster student entrepreneurism. The board shall provide financial support of no more than $125,000 annually if the board receives matching funds for the same purpose from private contributions.

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); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 335, 353, 359; 1991 a. 32, 39, 167, 269; 1993 a. 16, 27, 399, 455; 1995 a. 27 ss. 1767 to 1775k, 9116 (5), 9126 (19), 9145 (1); 1995 a. 54, 101, 216, 225, 227, 378, 404, 417; 1997 a. 27 ss. 1163 to 1168k, 9456 (3m); 1997 a. 164, 178; 1997 a. 237 ss. 82v, 722s; 1997 a. 283; 1999 a. 9; 2001 a. 16, 103, 109; 2003 a. 33 ss. 933 to 935, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 61; 2003 a. 206 s. 23; 2005 a. 25 ss. 696, 697, 2493; 2005 a. 404; 2007 a. 20 ss. 732t, 732x, 9121 (6) (a); 2007 a. 208; 2009 a. 28, 180, 185, 265, 271; 2011 a. 10; 2011 a. 32; 2011 a. 260 s. 80; 2013 a. 20; 2015 a. 55.

36.27 Tuition. (1) BOARD OF REGENTS TO ESTABLISH. (a) Subject to par. (b), 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.

(b) The board shall permit a person who is 60 years of age or older to audit a course without paying an auditor's fee if the person is a resident of this state, as determined under sub. (2) (e), space is available in the course and the instructor approves.

(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 an institution.

2. Any minor student, if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at an institution.

3. Any adult student who is a dependent of his or her parents under 26 USC 152 (a), if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at an institution.

4. Any minor student 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 an institution.

5. Any minor student under guardianship in this state whose legal guardian has been a bona fide resident of this state for at least 12 months next preceding the beginning of any semester or session for which such student registers at an institution.

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 an institution, 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 an institution, 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 (5).

(am) Any person who is a refugee, as defined under 8 USC 1101 (a) (42), who moved to this state immediately upon arrival in the United States and who has resided in this state continuously since then is entitled to the exemption under par. (a) if he or she demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e).

(b) 1. Nonresident members of the armed forces and persons engaged in alternative service who are stationed in this state on active duty and their spouses and children are entitled to the exemption under par. (a) during the period that such persons are stationed in this state.

2. Members of the armed forces who reside in this state and are stationed at a federal military installation located within 90 miles of the borders of this state, and their spouses and children, are entitled to the exemption under par. (a).

3. Nonresident persons who served in active duty in the U.S. armed forces for at least 10 years, who were honorably discharged from such service within 4 years before applying at an institution, and who filed state income tax returns for at least 8 of the last 10 years of active duty in the U.S. armed forces, and their spouses and children are entitled to the exemption under par. (a).

4. A person who was a resident of this state at the time of entry into active duty, who is a resident of and living in this state at the time of registering at an institution, and who is a veteran, as defined in s. 45.01 (12) is entitled to the exemption under par. (a).

(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 an institution 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 in this state, who was relocated to this state by his or her current employer or who moved to this state for employment purposes and accepted his or her current employment before applying for admission to an institution and before moving, and the spouse and dependents of any such person, are 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). In this paragraph, "dependents" has the meaning given in 26 USC 152 (a).

(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 an institution, 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 demonstrated or disproved by factors including, but not limited to, timely filing of a Wisconsin income tax return of a type that only full−year Wisconsin residents may file, voter registration in Wisconsin, motor vehicle registration in Wisconsin, possession of a Wisconsin operator's license, place of employment, self−support, involvement in community activities in Wisconsin, physical presence in Wisconsin for at least 12 months preceding the beginning of the semester or session for which the student registers, and, if the student is not a U.S. citizen, possession of a visa that permits indefinite residence in the United States. 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.

Cross−reference: See also ch. UWS 20, Wis. adm. code.

(2m) APPEALS. Any body designated by the board to determine 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 eligibility for the exemption, the student's eligibility for a different exemption or the student's residency status.

(3) TUITION REMISSIONS. The board may remit nonresident tuition either in whole or in part at each institution, but not other fees:

(a) To nonresident students upon the basis of merit, to be shown by suitable tests, examinations, or scholastic records and continued high standards of scholastic attainment.

(b) To additional students who, in the judgment of the board, are deserving of relief from the assessment of nonresident tuition.

(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 and fees, in whole or part, to resident and nonresident graduate students who are fellows or who are employed within the system as faculty, instructional academic staff, or assistants with an appointment equal to at least 33 percent of a full−time equivalent position.

(3m) FEE REMISSIONS FOR SURVIVORS. (a) In this subsection:

1. "Correctional officer" has the meaning given in s. 102.475 (8) (a).

1g. "Emergency medical services technician" means an individual under s. 256.01 (5) or (9).

1m. "Fire fighter" means any person employed by this state or any political subdivision of this state as a member or officer of

a fire department whose duties include fire fighting or fire fighting training or a member of a volunteer fire department whose duties include fire fighting or fire fighting training.

2. "Law enforcement officer" has the meaning given in s. 165.85 (2) (c) and includes a person appointed as a conservation warden under s. 23.10.

(b) The board shall grant full remission of fees to any resident undergraduate student who is enrolled in a bachelor's degree program and who is any of the following:

1. The child of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was killed in the line of duty in this state or who qualified for a duty disability benefit, as defined in s. 40.65 (4), under the Wisconsin Retirement System, the Employees' Retirement System of the city of Milwaukee, or the Milwaukee County Employee's Retirement System and died as a result of the qualifying disability. The student must be the child of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was so killed or who died as a result of the qualifying disability when the child was under the age of 21 or before the child was born.

2. The surviving spouse of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was killed in the line of duty in this state or who qualified for a duty disability benefit, as defined in s. 40.65 (4), under the Wisconsin Retirement System, the Employees' Retirement System of the city of Milwaukee, or the Milwaukee County Employee's Retirement System and died as a result of the qualifying disability.

(c) The fee remission under par. (b) shall remain in effect until completion of a sufficient number of credits to be awarded a bachelor's degree in the student's major field of study, except that a student must be in good academic standing to receive the remission for the next semester and may not receive a remission for more than 5 consecutive years.

(3n) FEE REMISSION FOR SPOUSE, SURVIVING SPOUSE, AND CHILDREN OF CERTAIN VETERANS. (a) In this subsection:

1g. "Academic fees" means the amount charged to a resident student to enroll in a degree credit course, including the University of Wisconsin−Madison Executive MBA Program. In the case of a distance education, online, or other course for which the amount charged to enroll in the course equals at least 100 percent of the cost of offering the course, "academic fees" includes the regular fees charged to a resident student to enroll in the course and any additional fees charged to that student to enroll in that course, other than fees charged for books, supplies, meals, parking, travel, and other miscellaneous expenses incurred for attending the course.

1m. "Eligible veteran" means a person verified by the department of veterans affairs to be either of the following:

a. A person who has served on active duty under honorable conditions in the U.S. armed forces, in forces incorporated as part of the U.S. armed forces, in the national guard, or in a reserve component of the U.S. armed forces; who was a resident of this state at the time of entry into that service; and who, while a resident of this state, died on active duty, died as the result of a service−connected disability, or died in the line of duty while on active or inactive duty for training purposes.

b. A person who was a resident of this state at the time of entry into service described in subd. 1m. a. and who the U.S. department of veteran affairs has awarded at least a 30 percent service−connected disability rating under 38 USC 1114 or 1134.

(am) In determining a person's residency at the time of entry into service under par. (a) 1m. a. or b., the state from which the person entered service is irrelevant.

(b) Except as provided in par. (bg), the board shall grant full remission of academic fees and segregated fees for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees under s. 38.24 (7) and less the amount of any academic fees or segregated fees paid under 38 USC 3319, to any resident student who maintains a cumulative grade point average of at least 2.0 and is also any of the following:

1. A spouse of an eligible veteran.

2. An unremarried surviving spouse of an eligible veteran.

3. A child of an eligible veteran, if the child is at least 17 but not yet 26 years of age.

(bg) Before the Board of Regents may grant a remission of academic fees and segregated fees under par. (b), the Board of Regents shall require the resident student to apply to the payment of those fees all educational assistance to which the resident student is entitled under 38 USC 3319. If that educational assistance covers 100 percent of those fees for a credit or semester, that credit or semester shall not count against the 128 credit or 8 semester limit provided in par. (b). If that educational assistance covers less than 100 percent of those fees for a credit or semester and the remission under par. (b) covers the remainder of those fees, the credit or semester shall count against that limit in the proportion that the remission bears to the total academic fees and segregated fees charged for that credit or semester. This requirement applies notwithstanding the fact that the resident student may be entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 as well as under 38 USC 3319, unless the resident student has 12 months or less of eligibility remaining for educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566.

(bm) 1. For a resident student who is entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 and under 38 USC 3319, if the amount of educational assistance, not including educational assistance for tuition, to which the resident student is entitled under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 is greater than the amount of educational assistance, not including educational assistance for tuition, that the resident student received under 38 USC 3319, as determined by the higher educational aids board, in the academic year the higher educational aids board shall reimburse the resident student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the Board of Regents.

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all resident students who are eligible for that reimbursement, the higher educational aids board and the Board of Regents shall reimburse those resident students as provided in s. 39.50 (4).

(c) The higher educational aids board shall reimburse the board of regents for all academic fees and segregated fees remitted under par. (b) as provided in s. 39.50 (1) and (3m).

(3p) FEE REMISSION FOR VETERANS. (a) In this subsection:

1g. "Academic fees" has the meaning given in sub. (3n) (a) 1g.

1m. "Nonresident tuition" means the amount charged to a nonresident student to enroll in a degree credit course, including the University of Wisconsin−Madison Executive MBA Program. In the case of a distance education, online, or other course for which the amount charged to enroll in the course equals at least 100 percent of the cost of offering the course, "nonresident tuition" includes the regular fees charged to a nonresident student to enroll in the course and any additional fees charged to that student to enroll in that course, other than fees charged for books, supplies, meals, parking, travel, and other miscellaneous expenses incurred for attending the course.

1r. "Veteran" means a person who is verified by the department of veterans affairs as being a resident of this state for purposes of receiving benefits under ch. 45; as being a resident of this

state at the time of his or her entry into the U.S. armed forces or forces incorporated in the U.S. armed forces or as being a resident of this state for at least 5 consecutive years immediately preceding the beginning of any semester or session for which the person registers at an institution; and as meeting any of the following conditions:

a. The person has served on active duty for at least one qualifying term of service under subd. 1r. b. to d. under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces during a war period or in a crisis zone.

b. The person has served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces under honorable conditions, for 2 continuous years or more or for the full period of his or her initial service obligation, whichever is less.

c. The person has served on active duty for 90 days or more under honorable conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces during a war period or for any period of service under section 1 of executive order 10957 dated August 10, 1961.

d. The term of service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces under honorable conditions entitled the person to receive the Armed Forces Expeditionary Medal, established by executive order 10977 on December 4, 1961, the Vietnam Service Medal established by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, the Marine Corps Expeditionary Medal, or an equivalent expeditionary or service medal.

e. The person was honorably discharged from the U.S. armed forces or from forces incorporated in the U.S. armed forces for a service−connected disability, for a disability subsequently adjudicated to have been service connected, or for reasons of hardship.

f. The person was released under honorable conditions from the U.S. armed forces or from forces incorporated in the U.S. armed forces due to a reduction in the U.S. armed forces.

(am) In determining a person's residence at the time of entry into service under par. (a) 1r., the state from which the person entered service is irrelevant.

(b) Except as provided in par. (bg), the board shall grant full remission of nonresident tuition, academic fees, and segregated fees charged for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees under s. 38.24 (8) and less the amount of any academic fees or segregated fees paid under 10 USC 2107 (c), 38 USC 3104 (a) (7) (A), or 38 USC 3313, to any student who is a veteran and maintains a cumulative grade point average of at least 2.0.

(bg) Before the Board of Regents may grant a remission of nonresident tuition, academic fees, and segregated fees under par. (b), the board shall require the student to apply to the payment of that tuition and those fees all educational assistance to which the student is entitled under 38 USC 3313. If that educational assistance covers 100 percent of that tuition and those fees for a credit or semester, that credit or semester shall not count against the 128 credit or 8 semester limit provided in par. (b). If that educational assistance covers less than 100 percent of that tuition and those fees for a credit or semester and the remission under par. (b) covers the remainder of that tuition and those fees, the credit or semester shall count against that limit in the proportion that the remission bears to the total nonresident tuition, academic fees, and segregated fees charged for that credit or semester. This requirement applies notwithstanding the fact that the student may be entitled to educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 as well as under 38 USC 3313, unless the student has 12 months or less of eligibility remaining for educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036.

(bm) 1. For a student who is entitled to educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 and under 38 USC 3313, if the amount of educational assistance, not including educational assistance for tuition, to which the student is entitled under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 is greater than the amount of educational assistance, not including educational assistance for tuition, that the student received under 38 USC 3313, as determined by the higher educational aids board, in the academic year the higher educational aids board shall reimburse the student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the Board of Regents.

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all students who are eligible for that reimbursement, the higher educational aids board and the Board of Regents shall reimburse those students as provided in s. 39.50 (4).

(c) The higher educational aids board shall reimburse the board of regents for all nonresident tuition, academic fees, and segregated fees remitted under par. (b) as provided in s. 39.50 (1) and (3m).

(3r) FEE REMISSIONS FOR FUNERAL ASSISTANTS. The board shall grant a $25 remission of nonresident tuition or academic fees to any student enrolled in the system as an undergraduate for each valid voucher issued to the student under s. 45.60 (3).

(4) TUITION AWARD PROGRAM. (a) The board may annually exempt from nonresident tuition, but not from incidental or other fees, up to 300 students enrolled at the University of Wisconsin−Parkside as juniors or seniors in programs identified by that institution as having surplus capacity and up to 225 students enrolled at the University of Wisconsin−Superior in programs identified by that institution as having surplus capacity.

(d) The University of Wisconsin−Parkside and the University of Wisconsin−Superior shall give preference in admissions to residents of this state over nonresidents who would be exempt from nonresident tuition under par. (a).

(5) FEE STATEMENT. (a) In this subsection, "state funds" means the total amount of general purpose revenue appropriated under s. 20.285 in any fiscal year.

(b) 1. The board shall ensure that every student's bill for academic fees or nonresident tuition includes the following statement: "The legislature and the governor have authorized $.... in state funds for the University of Wisconsin System during the .... academic year. This amount represents an average subsidy of $.... from the taxpayers of Wisconsin for each student enrolled in the University of Wisconsin System."

2. The board shall calculate the average subsidy for the purpose of the fee statement under subd. 1. by dividing state funds in the appropriate fiscal year by the number of full−time equivalent students enrolled in the system in the most recent fall semester.

(d) 1. The board shall ensure that the segregated fees applicable at each institution and college campus are posted on the Internet Web site of the institution or college campus. The board shall also ensure that detailed information on the organizations and activities for which allocable segregated fees are expended at each institution and college campus are posted on the Internet Web site of the institution or college campus.

2. The board shall ensure that each student's bill for academic fees or nonresident tuition for a semester or session includes each of the following:

a. The total amount of academic fees or nonresident tuition assessed on the student, which shall be listed separately from the amount specified in subd. 2. b.

b. The total amount of segregated fees assessed on the student, which shall be listed separately from the amount specified in subd. 2. a.

c. The Internet Web site address specified in subd. 1. for the institution or college campus at which the student is enrolled.

(6) SEGREGATED FEES. (a) The board shall ensure that segregated fees are used only for the purpose for which they are charged.

(b) The board may provide students with the opportunity to pay an additional fee to support an inter−institutional student government organization. The board may not require students to pay the fee.

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; 1987 a. 399; 1989 a. 31 ss. 709p to 710, 2908; 1989 a. 67, 181, 359; 1991 a. 39, 168, 169; 1993 a. 16; 1995 a. 27, 228; 1997 a. 27, 163, 237; 1999 a. 9, 130, 154, 186; 2001 a. 16, 38; 2003 a. 33 ss. 936, 9160; 2003 a. 42, 185, 320; 2005 a. 22, 25, 320, 387, 404, 468; 2007 a. 20, 130; 2009 a. 28; 2011 a. 32; 2013 a. 20, 173; 2015 a. 55.

A student who challenges his or her nonresident status unsuccessfully must reapply before the beginning of any new semester when he or she claims that status has changed. Hancock v. Regents of UW, 61 Wis. 2d 484, 213 N.W.2d 45 (1973).

The 11th amendment to the U.S. constitution, which bars private litigants' suits against nonconsenting states in federal courts barred a nonresident student's action asserting that the University violated his constitutional rights to equal protection by charging him out−of−state tuition. Joseph v. Board of Regents of the University of Wisconsin System., 432 F.3d 746 (2005).

36.29 Gifts; golf course. (1) All gifts, grants, and bequests 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 as otherwise provided in this subsection 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. No investment of the funds of such gifts, grants, or bequests shall knowingly be made in any company, corporation, subsidiary, or affiliate that 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 85 percent of trust funds held and administered by the board in common stocks. This subsection does not apply to a gift, grant, or bequest that the board declines to accept or that the board is not authorized to accept under this section.

(2) All gifts, grants, or bequests under sub. (1) 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 personal representative, 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) (a) Except as provided in par. (b), 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.

(b) Notwithstanding s. 20.924 (1), the board may accept a gift of a golf course for the University of Wisconsin−Madison if no general purpose revenues are used in the acquisition, development or operation of that golf course.

(6) The board may not accept any gift, grant or bequest of real property with a value in excess of $150,000 except as provided in s. 13.48 (2) (b) 1m.

(7) The board may not accept any gift, grant or bequest of a building or structure that is constructed for the benefit of the system or any institution unless acceptance is first approved by the building commission, or unless the plans and specifications for the building or structure are reviewed and approved by the department of administration and the building or structure is inspected as provided in s. 16.85 (12).

(8) This section does not apply to a private gift or grant made to the office of educational opportunity.

History: 1973 c. 335; 1983 a. 27, 192; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1995 a. 243; 2001 a. 102; 2003 a. 264; 2011 a. 32; 2015 a. 55.

The university cannot accept trust funds that are for an unlawful purpose, and the expenditure of trust funds must comply with special and general laws. Execution of a trust, whether restricted or unrestricted funds are involved, must be in a lawful manner not in conflict with other express statutes. 62 Atty. Gen. 4.

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 that 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 employees 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; 1997 a. 237; 2011 a. 32; 2013 a. 20 ss. 2365m, 9448.

36.31 Coordination with other educational agencies. (1) The board shall not, without the approval of the technical college system board, 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 technical college system board shall not, without the approval of the board of regents, broaden its system's collegiate transfer program offerings beyond those in existence during the 1972−73 academic year. In this section, "collegiate transfer program" has the meaning given in s. 38.01 (3).

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

(2m) (a) In this subsection:

1. "Association" means the Wisconsin Association of Independent Colleges and Universities.

2. "Core general education courses" means courses generally required for an undergraduate degree that are prerequisite or otherwise in addition to the courses required for an undergraduate degree in a specific course of study.

3. "Private college" means a private, nonprofit institution of higher education that is a member of the association.

(b) Notwithstanding s. 36.09 (3) (a), the Board of Regents and the technical college system board shall, and the governing boards of tribally controlled colleges in this state and the association, on behalf of private colleges, may, enter into and implement an agreement that identifies core general education courses totaling not fewer than 30 credits and establishes policies for ensuring that, beginning in the 2014−15 academic year, credits for completing the courses are transferable and would satisfy general education requirements at the receiving institution or college, between and within each institution, college campus, and technical college, and

each tribally controlled college and private college that elects to participate in the agreement.

(c) The Board of Regents and the technical college system board shall ensure that the governing bodies of tribally controlled colleges and the association, on behalf of private colleges, have an opportunity to elect to participate in the agreement specified in par. (b).

History: 1973 c. 335; 1977 c. 29; 1979 c. 34; 1991 a. 39; 1993 a. 399; 2013 a. 20; 2013 a. 168 s. 21; 2015 a. 55.

36.32 Student identification numbers. (1) In this section, "institution of higher education" means an institution within the system or a private educational institution located in this state that awards a bachelor's or higher degree or provides a program that is acceptable toward such a degree.

(2) An institution of higher education may assign to each student enrolled in the institution a unique identification number. An institution of higher education shall not assign to any student an identification number that is identical to or incorporates the student's social security number. This subsection does not prohibit an institution of higher education from requiring a student to disclose his or her social security number, nor from using a student's social security number if such use is required by a federal or state agency or private organization in order for the institution or the student to participate in a particular program.

History: 2003 a. 282 ss. 1 to 3.

36.33 Agricultural lands. (1) LEGISLATIVE INTENT. The legislature finds and determines that, because of the problems resulting from the development of cities, villages, towns, and counties 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, lease, or exchange, in whole or in part, the agricultural lands and improvements thereon owned by the board and used by the University of Wisconsin−Madison for the purpose of agricultural instruction and research and to purchase or otherwise acquire other agricultural lands or other lands intended to be used by the University of Wisconsin−Madison for the purpose of agricultural instruction and research. The foregoing policy determination is made without reference to or intention of limiting the powers which the board may otherwise have. The purchase or acquisition of lands or interests therein under this subsection is exempt from s. 20.914 (1).

(2) METHOD OF SALE OR LEASE; ASSESSMENTS. (a) The board, in selling or leasing any part of the agricultural lands and improvements thereon under sub. (1), shall sell or lease on the basis of either of the following:

1. Public bids, with the board reserving the right to reject any or all bids in the best interest of the state.

2. Negotiated prices.

(b) Notwithstanding any provisions of law to the contrary, the lands sold, leased, or exchanged under sub. (1) shall be subject to special assessments for public improvements by cities, villages, and towns, in the same manner and to the same extent as privately owned lands, if the public improvements are of direct and substantial benefit to the lands that have been platted for sale.

(3m) EXCHANGE. The board may exchange under sub. (1) part or all of any parcel of agricultural land for any other land of approximately equal value if all of the following are satisfied:

(a) The lands exchanged are of a like kind.

(b) The board determines that the exchange contributes to the consolidation or completion of a block of land, enhances the conservation of agricultural lands, or is otherwise in the public interest.

(4) PROCEEDS. The net proceeds from the sale, lease, exchange, purchase, or other acquisition of agricultural lands and improvements under sub. (1) shall be deposited into a nonlapsible fund for the purpose of purchasing additional land under sub. (1) or erecting facilities for research and instruction in animal husbandry, agricultural engineering, and agricultural and life sciences at the University of Wisconsin−Madison. Such funds shall become available only upon consent and recommendation of the board and, if used for the erection of facilities, upon authorization by the building commission. Authorization of the building commission is not required to make such funds available for the purchase of land.

History: 1973 c. 335; 1977 c. 418; 1983 a. 36 s. 96 (4); 1995 a. 225; 2001 a. 103; 2013 a. 20; 2015 a. 230.

36.335 Sale of other land; buildings and structures. If the board sells any real property under its jurisdiction, the board shall credit the net proceeds of the sale to the appropriation account under s. 20.285 (1) (gb) except that if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold, the board shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt. If the property was acquired, constructed, or improved with federal financial assistance, the board shall pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or acquired with gift or grant funds, the board shall adhere to any restriction governing use of the proceeds.

History: 2009 a. 28 s. 3407; Stats. 2009 s. 36.335; 2011 a. 32; 2015 a. 230.

36.34 Minority student programs. (1) BEN R. LAWTON MINORITY UNDERGRADUATE GRANT PROGRAM. (a) In this subsection "minority undergraduate" means an undergraduate student who:

1. Is a Black American.

2. Is an American Indian.

3. Is a Hispanic, as defined in s. 16.287 (1) (d).

4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(b) The board shall establish a grant program for minority undergraduates enrolled in the system. The board shall designate all grants under this subsection as Lawton grants. The board may not make a grant under this subsection to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

History: 1985 a. 29; 1987 a. 27 ss. 666g, 666i, 670 to 673, 675; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 404; 1999 a. 9; 2001 a. 109; 2003 a. 33; 2005 a. 25, 254; 2009 a. 28; 2011 a. 32.

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. Subject to sub. (4), 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, employees, 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 that person 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.

(4) UNDERAGE ALCOHOL VIOLATIONS. The board or an institution or college campus may not impose any of the following disciplinary sanctions against a student for the student's violation of s. 125.07 (4) (a) or (b), if the student is exempt under s. 125.07 (5) from issuance of a citation for, or conviction of, the violation:

(a) Removal from a course in progress.

(b) Enrollment restrictions on a course or program.

(c) Suspension or expulsion.

(d) Exclusion from student housing.

History: 1973 c. 335; 1985 a. 332 s. 251 (1); 1991 a. 316; 2015 a. 279.
Cross−reference: See also chs. UWS 14 and 17, Wis. adm. code.

36.36 Grants for study abroad. The board may award a grant of up to $2,000 to a resident undergraduate student to assist in paying the costs associated with the student's study abroad if the student satisfies all of the following criteria:

(1) The student demonstrates financial need for the grant, as determined by the board.

(2) The student is enrolled full−time in the system in the semester preceding the student's study abroad.

(3) The student is enrolled in a program leading to an associate or bachelor's degree.

History: 1999 a. 9, 152; 2011 a. 32.

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 21.4337 acres located on the campus of the University of Wisconsin−Milwaukee, and divided into 5 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.

(e) Park and woodland areas, consisting of 2.6287 acres, which may be subject to limited modifications, such as landscaping and utility lines.

(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. The chancellor of the University of Wisconsin−Milwaukee, through the University of Wisconsin−Milwaukee Field Station, shall prepare and implement a Downer Woods natural area management and restoration plan to ensure that the conservation area is managed properly as a natural area.

(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 except for the purpose of constructing an addition and providing service to Sandburg Hall, which may not exceed 0.75 acres. The board shall grant a temporary easement sufficient to facilitate the construction of the addition, and whenever necessary to facilitate the maintenance of Sandburg Hall, conditioned upon the ecological restoration of the area within the easement.

(c) Those portions of Downer Woods designated as park and woodland areas under sub. (3) (c) and (e) may be used by the University of Wisconsin−Milwaukee as recreational and aesthetic corridors. Any modifications made to such portions of the woods under sub. (3) (c) and (e) may not significantly alter the present character of such land, and any disparate uses to or encroachments upon such land are 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; 1997 a. 226.

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.

36.43 Accommodation of religious beliefs. The board shall promulgate rules providing for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements. The rules shall include all of the following:

(1) Written and timely notification of all students and instructors of the rules and complaint process.

(2) A means by which a student can conveniently and confidentially notify an instructor of potential conflicts.

(3) A means by which a student is permitted to make up an examination or academic requirement at another time or by an alternative means without any prejudicial effect.

(4) A procedure for handling and resolving complaints within each institution.

History: 1991 a. 227; 1997 a. 237.
Cross−reference: See also ch. UWS 22, Wis. adm. code.

36.44 License plate scholarship programs. The board shall establish a scholarship program at each of the institutions specified in s. 341.14 (6r) (f) 35. to 47. The program at each insti-

tution shall be funded by the fees collected under s. 341.14 (6r) (b) 4. for that institution and the scholarships shall be awarded by the chancellor of each institution according to criteria developed by the chancellor.

History: 1989 a. 31; 2015 a. 55.

36.45 Research funding. (3) By September 1, 1992, and biennially thereafter by September 1, the board shall report to the governor and the joint committee on finance the purpose, duration, cost and anticipated completion date of all research and public service projects for which the board is expending general purpose revenue.

(4) The board shall report annually by September 1 to the joint committee on finance the number of research contracts considered under processes established under s. 36.11 (55m) (e) and the outcome of those contracts.

History: 1991 a. 39; 2013 a. 289; 2015 a. 55.

36.48 Alcohol and other drug abuse prevention and intervention programs. The board shall appoint alcohol and other drug abuse prevention and intervention program counselors for the University of Wisconsin−Madison and the University of Wisconsin−Milwaukee. The counselors shall develop alcohol and other drug abuse prevention and intervention programs and train faculty, academic staff and university staff in the prevention of and early intervention in alcohol and other drug abuse.

History: 1989 a. 31; 2015 a. 55.

36.49 Environmental program grants and scholarships. From the appropriation under s. 20.285 (1) (rm), the board shall annually do the following:

(1) Make need−based grants totaling $100,000 to students who are members of underrepresented groups and who are enrolled in a program leading to a certificate or a bachelor's degree from the Nelson Institute for Environmental Studies at the University of Wisconsin−Madison.

(2) Provide annual scholarships totaling $100,000 to students enrolled in the sustainable management degree program through the University of Wisconsin−Extension.

(3) Award the balance to the University of Wisconsin−Stevens Point for environmental programs.

History: 2009 a. 28; 2011 a. 32.

36.51 Nutritional improvement for elderly. (1) In this section:

(a) "Authorized elderly person" means any resident of this state who is 60 years of age or older, and the spouse of any such person.

(b) "Institution" includes any private institution of higher education.

(2) Any college campus or institution approved by the board may establish a system to provide the opportunity for authorized elderly persons to participate in its meal program. If a college campus or institution desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the board. Annually, the board shall notify the department of public instruction of the approved college campuses and institutions.

(3) Each plan shall provide at least one meal per day for each day that school is in regular session. The college campus or institution may provide additional service at other times in its discretion, if the number of eligible persons in the area is of sufficient size, in the opinion of the board, so that unwarranted production expense is not incurred.

(4) Any college campus or institution that operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every facility that provides hot food service to its students. Upon application, the board may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood.

(5) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The board may require consolidation of programs between college campuses and institutions and between schools if such a procedure will be convenient and economical.

(6) The college campus or institution may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15 percent of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the secretary of administration shall pay the claim from the appropriation under s. 20.255 (2) (cn).

(7) All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the state superintendent of public instruction under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no college campus or institution may be required to provide special foods for individual persons with allergies or medical disorders.

(8) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the board. The board may issue identification cards to such persons if necessary. A college campus or institution may admit nonresidents who would otherwise qualify into its program, but no state funds under this section may be used to subsidize any portion of the meals served to such persons.

(9) The board shall adopt reasonable rules necessary to implement this section.

History: 1989 a. 269, 359; 1995 a. 27 ss. 1800, 9145 (1); 1997 a. 27, 237; 2003 a. 33.

36.52 Reimbursement of pay supplements. Whenever moneys become available from the federal government to finance the cost of pay and related adjustments for employees of the system whose positions are wholly or partly funded from federal revenue under 7 USC 343 that have been paid from the appropriation under s. 20.865 (1) (cj) during the same fiscal year in which moneys are expended from that appropriation, the board shall reimburse the general fund for any expenditures made under s. 20.865 (1) (cj) from the appropriate appropriation to the board made from federal revenues.

History: 1991 a. 39; 2011 a. 32; 2013 a. 20 ss. 2365m, 9448.

36.54 Environmental education board and grants. (1) (a) The environmental education board shall consult with the state superintendent of public instruction in identifying needs and establishing priorities for environmental education in public schools, including needs for teacher training, curriculum development and the development and dissemination of curriculum materials. The state superintendent of public instruction shall seek the advice of the environmental education board in carrying out these activities.

(b) The environmental education board shall consult with other state agencies, including the University of Wisconsin−Extension, conservation and environmental groups, youth organizations and nature and environmental centers in identifying needs and establishing priorities for environmental education.

(2) (a) In this subsection:

1. "Corporation" means a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

1m. "Lake sanitary district" has the meaning given in s. 30.50 (4q).

2. "Public agency" means a county, city, village, town, public inland lake protection and rehabilitation district, lake sanitary district or school district or an agency of this state or of a county, city, village, town, public inland lake protection and rehabilitation district, lake sanitary district or school district.

(b) From the appropriations under s. 20.285 (1) (ge), (r), and (rc), the environmental education board shall award grants to corporations and public agencies for the development, dissemination and presentation of environmental education programs. Programs shall be funded on an 18−month basis. The environmental education board may not award a grant unless the grant recipient matches at least 25 percent of the amount of the grant. Private funds and in−kind contributions may be applied to meet the matching requirement. Grants under this paragraph may not be used to replace funding available from other sources.

(c) The environmental education board shall promulgate rules establishing the criteria and procedures for the awarding of grants for programs and projects under par. (b). The environmental education board shall use the priorities established under sub. (1) for awarding grants if the amount in the appropriations under s. 20.285 (1) (ge), (r), and (rc) in any fiscal year is insufficient to fund all applications under this subsection.

(d) The environmental education board shall seek private funds for the purpose of the grants under this subsection.

(e) No more than one−third of the total amount awarded in grants under par. (b) in any fiscal year may be awarded to state agencies.

(f) The environmental education board may use up to 5 percent of the amount appropriated under s. 20.285 (1) (rc) to administer the grants under this subsection.

NOTE: This section is repealed eff. 7−1−17 by 2015 Wis. Act 55.

History: 1989 a. 299; 1991 a. 39; 1993 a. 16, 458; 1995 a. 27 ss. 3878m to 3880 and 9145 (1); 1995 a. 349; 1997 a. 27 s. 2745g; Stats. 1997 s. 36.54; 1997 a. 79, 237; 2005 a. 25; 2011 a. 32; 2013 a. 166 s. 77; 2015 a. 55.

Cross−reference: See also ch. EEB 2, Wis. adm. code.

36.55 Reporting employment harassment and discrimination claims. By September 1 of each even−numbered year, the president shall submit a report to the chief clerk of each house for distribution to the legislature under s. 13.172 (2) that contains a description of each employment harassment or discrimination claim filed against the board or an employee of the board and resolved in favor of the claimant, the amount of any settlement paid to or judgment entered for the claimant and a description of any discipline of board employees resulting from the resolution of the claim.

History: 1999 a. 9.

36.56 Grants for forestry cooperatives. (1) From the appropriation under s. 20.285 (1) (qm), the center for cooperatives under s. 36.11 (40) may award grants to persons to form forestry cooperatives under ch. 185 or 193 that consist primarily of private, nonindustrial owners of woodland. A grant recipient shall provide matching funds equal to 50 percent of the grant amount awarded. The match may be in the form of money or in−kind services or both, but may not include money received from the state.

(2) In each fiscal year, the center for cooperatives may not encumber funds from the appropriation under s. 20.285 (1) (qm) for administrative expenses if the amounts encumbered in that fiscal year for administrative expenses exceed 5 percent of the total expenditures from the appropriation for the fiscal year.

History: 1999 a. 9; 2005 a. 441.

36.58 Veterinary diagnostic laboratory. (1) DUTIES OF THE VETERINARY DIAGNOSTIC LABORATORY BOARD. The veterinary diagnostic laboratory board shall do all of the following:

(a) Prescribe policies for the operation of the veterinary diagnostic laboratory.

(b) Develop biennial budget requests for the veterinary diagnostic laboratory.

(c) In accordance with sub. (3), set fees for services provided by the veterinary diagnostic laboratory.

(2) DUTIES OF THE VETERINARY DIAGNOSTIC LABORATORY. The veterinary diagnostic laboratory shall do all of the following:

(a) Operate a laboratory that does all of the following:

1. Provides testing and diagnostic services for all types of animals, including fish, in this state, with emphasis on services for farm animals.

2. Provides the diagnostic services necessary to meet the requirements for accreditation by the American Association of Veterinary Laboratory Diagnosticians.

3. Provides the testing and diagnostic services needed by the department of agriculture, trade and consumer protection to discharge the department's responsibilities related to disease control and animal health.

(b) Maintain a regional laboratory in the city of Barron.

(c) In cooperation with the school of veterinary medicine and the department of agriculture, trade and consumer protection, participate in research and in the provision of field services, consultation services and education as determined to be appropriate by the veterinary diagnostic laboratory board.

(3) FEES. (a) Except as provided in pars. (b) and (c), the veterinary diagnostic laboratory shall charge fees for testing and diagnostic services.

(b) The veterinary diagnostic laboratory may not charge a fee for any testing or diagnostic service conducted for the subunit of the department of agriculture, trade and consumer protection that is responsible for animal health or for the subunit of the federal department of agriculture that is responsible for animal health.

(c) The veterinary diagnostic laboratory board may identify services that are necessary to protect human health and safety for which the veterinary diagnostic laboratory may not charge fees.

(3m) APPOINTMENT OF DIRECTOR. After consultation with the veterinary diagnostic laboratory board, the chancellor of the University of Wisconsin−Madison shall appoint an individual who has received the degree of doctor of veterinary medicine as the director of the veterinary diagnostic laboratory.

(4) SUBMISSION OF BUDGET. Notwithstanding s. 15.03, the board of regents of the University of Wisconsin System shall process and forward to the department of administration all personnel and biennial budget requests of the veterinary diagnostic laboratory board without change.

(6) CONFIDENTIALITY OF PARATUBERCULOSIS RECORDS. Any information kept by the veterinary diagnostic laboratory that identifies the owners of livestock herds infected, or suspected of being infected, with paratuberculosis is not subject to inspection or copying under s. 19.35 except as the veterinary diagnostic laboratory determines is necessary to protect the public health, safety or welfare.

(7) CONFIDENTIALITY OF RECORDS RELATING TO AQUACULTURE. Any information kept by the veterinary diagnostic laboratory that identifies the owners of farm−raised fish, as defined in s. 95.001 (1) (ah), and that relates to testing results or diagnosis is not subject to inspection or copying under s. 19.35 except as the veterinary diagnostic laboratory determines is necessary to protect the public health, safety, or welfare.

History: 1999 a. 107; 2011 a. 32, 207; 2013 a. 20 ss. 2365m, 9448.

36.585 Telecommunications and information technology services. (1) In this section:

(ag) "Interconnection" means linking with a third−party network for the mutual exchange of traffic.

(ar) "Telecommunications services" includes data and voice over Internet protocol services, Internet protocol services, broadband access and transport, information technology services, Internet access services, and unlit fiber.

(b) "Third−party entity" means a company, corporation, nonprofit association, joint venture, cooperative, partnership, or consortium.

(2) The board may use telecommunications services procured by the board only for the purpose of carrying out its mission. Except as provided in sub. (3m), the board shall not offer, resell, or provide telecommunications services, that are available from a private telecommunications carrier to the general public or to any other public or private entity.

(3) Except as provided in sub. (3m), beginning July 1, 2013, the board may not be, and shall ensure that no institution or college campus is and that the extension is not, a member, shareholder, or partner in or with any third−party entity or other person that offers, resells, or provides telecommunications services to the general public or to any public or private entity unless at least one of the following applies:

(a) The third−party entity or other person does not offer, resell, or provide telecommunications services that it did not offer, resell, or provide on June 15, 2011, and the third−party entity or other person does not offer, resell, or provide telecommunications services to a private entity, to the general public, or to a public entity other than a university or a university−affiliated research facility or a facility approved by the joint committee on finance under sub. (4), that the third−party entity was not serving on June 15, 2011.

(b) The third−party entity or other person is comprised entirely of universities and university−affiliated research facilities.

(3m) (a) In this subsection, "third−party entity" includes the Broadband Optical Research, Education and Sciences Network, Internet2, and the Northern Tier Network Consortium, and does not include WiscNet or its affiliates, successors, or assigns.

(b) The board, an institution or college campus, or the extension may serve as a member, shareholder, or partner in or with a third−party entity that satisfies either of the following:

1. The primary purpose of the third−party entity is to advance academic research of higher education establishments and the board, institution, college campus, or extension served as a member, shareholder, or partner in or with the third−party entity on February 1, 2013.

2. Prior to service as a member, shareholder, or partner, the secretary of administration issues a determination to the board, institution, college campus, or extension that the primary purpose of the third−party entity is to advance academic research of higher education establishments.

(c) The board, an institution or college campus, or the extension may use the services of a third−party entity that satisfies par. (b) 1. or 2.

(d) The board, an institution or college campus, or the extension may participate in the operations of, provide telecommunications services for the purpose of interconnection to, or provide technical support services to, a third−party entity that satisfies par. (b) 1. or 2., but only in connection with the use of services under par. (c).

(3r) Beginning on January 1, 2014, the board may not do any of the following:

(a) Employ any individual who is also employed by WiscNet or its affiliates, successors, or assigns.

(b) Allow WiscNet or its affiliates, successors, or assigns to occupy any facilities owned or leased by the board.

(c) Jointly own any assets or property with WiscNet or its affiliates, successors, or assigns.

(4) Beginning June 15, 2011, the board may not commit, and shall ensure that no institution or college campus or the extension, commits, any funds received from the National Telecommunications and Information Administration in the federal department of commerce related to the Building Community Capacity Through Broadband Project grant awarded to the extension to any facilities to which such funds were not committed prior to June 15, 2011, without the approval of the joint committee on finance.

History: 2011 a. 32 ss. 970d, 1015x; 2013 a. 20.

36.59 Information technology. (1) STRATEGIC PLAN. (a) The Board of Regents shall require the system and each institution and college campus to adopt and submit to the board, in a form specified by the board, no later than March 1 of each year, a strategic plan for the utilization of information technology to carry out the functions of the system, institution, or college campus in the succeeding fiscal year for review and approval under par. (b).

(b) 1. As a part of each proposed strategic plan submitted under par. (a), the Board of Regents shall require the system and each institution and college campus to address the business needs of the system, institution, or college campus and to identify all proposed information technology development projects that serve those business needs, the priority for undertaking such projects, and the justification for each project, including the anticipated benefits of the project. Each proposed plan shall identify any changes in the functioning of the system, institution, or college campus under the plan.

2. Each proposed strategic plan shall separately identify the initiatives that the system, institution, or college campus plans to undertake from resources available to the system, institution, or college campus at the time that the plan is submitted and initiatives that the system, institution, or college campus proposes to undertake that would require additional resources.

3. Following receipt of a proposed strategic plan from the system or an institution or college campus, the Board of Regents shall, before June 1, notify the system, institution, or college campus of any concerns that the Board of Regents may have regarding the plan and provide the system, institution, or college campus with its recommendations regarding the proposed plan. The Board of Regents may also submit any concerns or recommendations regarding any proposed plan to the department of administration for its consideration. The department of administration shall then consider the proposed plan and provide the Board of Regents with its recommendations regarding the plan. The system, institution, or college campus may submit modifications to its proposed plan in response to any recommendations.

4. Before June 15, the Board of Regents shall consider any recommendations provided by the department of administration under subd. 3. and shall then approve or disapprove the proposed plan in whole or in part.

5. The system or an institution or college campus may not implement a new or revised information technology development project authorized under a strategic plan until the implementation is approved by the Board of Regents in accordance with procedures prescribed by the board.

6. The Board of Regents shall consult with the joint committee on information policy and technology in providing guidance for planning by the system and institutions and college campuses.

(c) The Board of Regents shall develop and adopt the following written policies for information technology development projects included in the strategic plan required of the system and each institution and college campus under par. (a) and that either exceed $1,000,000 or that are vital to the functions of the system, institution, or college campus:

1. A standardized reporting format.

2. A requirement that both proposed and ongoing information technology development projects be included.

(d) The Board of Regents shall submit for approval by the joint committee on information policy and technology any proposed

policies required under par. (c) and any proposed revisions to the policies.

(2) LARGE, HIGH−RISK PROJECTS. The Board of Regents shall promulgate:

(a) A definition of and methodology for identifying large, high−risk information technology projects.

(b) Standardized, quantifiable project performance measures for evaluating large, high−risk information technology projects.

(c) Policies and procedures for routine monitoring of large, high−risk information technology projects.

(d) A formal process for modifying information technology project specifications when necessary to address changes in program requirements.

(e) Requirements for reporting changes in estimates of cost or completion date to the board and the joint committee on information policy and technology.

(f) Methods for discontinuing projects or modifying projects that are failing to meet performance measures in such a way to correct the performance problems.

(g) Policies and procedures for the use of master leases under s. 16.76 (4) to finance new large, high−risk information technology system costs and maintain current large, high−risk information technology systems.

(h) A standardized progress point in the execution of large, high−risk information technology projects at which time the estimated costs and date of completion of the project is reported to the board and the joint committee on information policy and technology.

(3) COMMERCIALLY AVAILABLE PRODUCTS. The Board of Regents shall promulgate:

(a) A requirement that the system and each institution and college campus review commercially available information technology products prior to initiating work on a customized information technology development project to determine whether any commercially available product could meet the information technology needs of the system, institution, or college campus.

(b) Procedures and criteria to determine when a commercially available information technology product must be used and when the system or an institution or college campus may consider the modification or creation of a customized information technology product.

(c) A requirement that the system and each institution and college campus submit for approval by the board and prior to initiating work on a customized information technology product a justification for the modification or creation by the system, institution, or college campus of a customized information technology product.

(4) MASTER LEASES. (a) In this subsection, "master lease" has the meaning given under s. 16.76 (4).

(b) Annually, no later than October 1, the Board of Regents shall submit to the governor and the members of the joint committee on information policy and technology a report documenting the use by the system and each institution and college campus of master leases to fund information technology projects in the previous fiscal year. The report shall contain all of the following information:

1. The total amount paid under master leases towards information technology projects in the previous fiscal year.

2. The master lease payment amounts approved to be applied to information technology projects in future years.

3. The total amount paid by the system and each institution and college campus on each information technology project for which debt is outstanding, as compared to the total financing amount originally approved for that information technology project.

4. A summary of repayments made towards any master lease in the previous fiscal year.

(5) HIGH−COST PROJECTS. (a) Except as provided in par. (b), the Board of Regents shall include in each contract with a vendor of information technology that involves a large, high−risk information technology project under sub. (2) or that has a projected cost greater than $1,000,000, and require the system and each institution and college campus that enters into a contract for materials, supplies, equipment, or contractual services relating to information technology to include in each contract with a vendor of information technology that involves a large, high−risk information technology project under sub. (2) or that has a projected cost greater than $1,000,000 a stipulation requiring the vendor to submit to the board for approval any order or amendment that would change the scope of the contract and have the effect of increasing the contract price. The stipulation shall authorize the board to review the original contract and the order or amendment to determine all of the following and, if necessary, to negotiate with the vendor regarding any change to the original contract price:

1. Whether the work proposed in the order or amendment is within the scope of the original contract.

2. Whether the work proposed in the order or amendment is necessary.

(b) The Board of Regents may exclude from a contract described in par. (a) the stipulation required under par. (a) if all of the following conditions are satisfied:

1. Including such a stipulation would negatively impact contract negotiations or significantly reduce the number of bidders on the contract.

2. If the exclusion is sought by the system or an institution or college campus, the system or that institution or college campus submits to the board a plain−language explanation of the reasons the stipulation was excluded and the alternative provisions the system, institution, or college campus will include in the contract to ensure that the contract will be completed on time and within the contract budget.

3. The board submits for approval by the joint committee on information policy and technology any explanation and alternative contract provisions required under subd. 2. If, within 14 working days after the date that the board submits any explanation and alternative contract provisions required under this subdivision, the joint committee on information policy and technology does not contact the board, the explanation and alternative contract provisions shall be deemed approved.

(6) OPEN−ENDED CONTRACTS. (a) The Board of Regents shall require the system and each institution and college campus that has entered into an open−ended contract for the development of information technology to submit to the board quarterly reports documenting the amount expended on the information technology development project. In this subsection, "open−ended contract" means a contract for information technology that includes one or both of the following:

1. Stipulations that provide that the contract vendor will deliver information technology products or services but that do not specify a maximum payment amount.

2. Stipulations that provide that the contract vendor shall be paid an hourly wage but that do not set a maximum limit on the number of hours required to complete the information technology project.

(b) Compile and annually submit to the joint committee on information technology the reports required under par. (a).

(7) REPORTS. No later than March 1 and September 1 of each year, the Board of Regents shall submit to the joint committee on information policy and technology a report that documents for each information technology project within the system with an actual or projected cost greater than $1,000,000 or that the board has identified as a large, high−risk information technology project under sub. (2) (a) all of the following:

(a) Original and updated project cost projections.

(b) Original and updated completion dates for the project and any stage of the project.

(c) An explanation for any variation between the original and updated costs and completion dates under pars. (a) and (b).

(d) A copy of any contract entered into by the board for the project and not provided in a previous report.

(e) All sources of funding for the project.

(f) The amount of any funding provided for the project through a master lease under s. 16.76 (4).

(g) Information about the status of the project, including any portion of the project that has been completed.

(h) Any other information about the project, or related information technology projects, requested by the joint committee on information policy and technology.

(7m) INFORMATION TECHNOLOGY REPORTS. The Board of Regents shall prepare and submit reports to the joint committee on information policy and technology upon request of the committee under s. 13.58 (5) (b) 3.

(8) COMPUTER SERVICES DATA COLLECTION. The Board of Regents shall collect and maintain data necessary to calculate numerical measures of the efficiency and effectiveness of the mainframe computer services provided by the board at the University of Wisconsin−Madison.

History: 2007 a. 20 ss. 731m, 731p, 736x; 2009 a. 180; 2015 a. 55.

36.60 Physician and dentist loan assistance program.

(1) DEFINITIONS. In this section:

(ac) "Clinic hours" means hours spent working with patients in a clinic.

(ad) "Dental health shortage area" means an area that is designated by the federal department of health and human services under 42 CFR part 5, appendix B, as having a shortage of dental professionals.

(ae) "Dentist" means a dentist, as defined in s. 447.01 (7), who is licensed under ch. 447 and who practices general or pediatric dentistry.

(ag) "Eligible practice area" means a primary care shortage area, a mental health shortage area, an American Indian reservation or trust lands of an American Indian tribe.

(aj) "Health professional shortage area" means an area that is designated by the federal department of health and human services under 42 CFR part 5, appendix A, as having a shortage of medical care professionals.

(ap) "Mental health shortage area" means an area that is designated by the federal department of health and human services under 42 CFR part 5, appendix C, as having a shortage of psychiatric professionals, excluding a state or federal prison and a state or county mental hospital.

(b) "Physician" means a physician, as defined in s. 448.01 (5), who specializes in family practice, general internal medicine, general pediatrics, obstetrics and gynecology, or psychiatry.

(cm) "Primary care shortage area" means an area that is in a primary care health professional shortage area as determined by the federal department of health and human services under 42 CFR part 5, appendix A, excluding a state or federal prison.

(d) "Rural area" has the meaning given in s. 36.63 (1) (c).

(2) ELIGIBILITY. (a) 1. Except as provided in subd. 2., the board may repay, on behalf of a physician or dentist, up to $50,000 in educational loans obtained by the physician or dentist from a public or private lending institution for education in an accredited school of medicine or dentistry or for postgraduate medical or dental training.

2. The board may repay, on behalf of a physician who agrees under sub. (3) to practice in a rural area, up to $100,000 in educational loans obtained by the physician from a public or private lending institution for education in an accredited school of medicine or for postgraduate medical training.

(b) A physician or dentist who is a participant in the national health service corps scholarship program under 42 USC 254n, or a physician or dentist who was a participant in that program and who failed to carry out his or her obligations under that program, is not eligible for loan repayment under this section.

(3) AGREEMENT. (a) The board shall enter into a written agreement with the physician, in which the physician agrees to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state or in a rural area, except that a physician specializing in psychiatry may only agree to practice psychiatry in a mental health shortage area or in a rural area and a physician in the expanded loan assistance program under sub. (9) may only agree to practice at a public or private nonprofit entity in a health professional shortage area. The physician shall also agree to care for patients who are insured or for whom health benefits are payable under medicare, medical assistance, or any other governmental program.

(am) The board shall enter into a written agreement with the dentist, in which the dentist agrees to practice at least 32 clinic hours per week for 3 years in one or more dental health shortage areas in this state or in a rural area. The dentist shall also agree to care for patients who are insured or for whom dental health benefits are payable under medicare, medical assistance, or any other governmental program.

(b) The agreement shall specify that the responsibility of the board to make the payments under the agreement is subject to the amount of funds transferred to the board under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the appropriation under s. 20.285 (1) (qj).

(4) LOAN REPAYMENT. Except as provided in sub. (4m), principal and interest due on loans, exclusive of any penalties, may be repaid by the board at the following rate:

(a) Up to 40 percent of the principal of the loan or $20,000, whichever is less, during the first year of participation in the program under this section.

(b) Up to an additional 40 percent of the principal of the loan or $20,000, whichever is less, during the 2nd year of participation in the program under this section.

(c) Up to an additional 20 percent of the principal of the loan or $10,000, whichever is less, during the 3rd year of participation in the program under this section.

(4m) LOAN REPAYMENT; RURAL PHYSICIANS. If a physician agrees under sub. (3) to practice in a rural area, principal and interest due on the loan, exclusive of any penalties, may be repaid by the board at the following rate:

(a) Up to 40 percent of the principal of the loan or $40,000, whichever is less, during the first year of participation in the program under this section.

(b) Up to an additional 40 percent of the principal of the loan or $40,000, whichever is less, during the 2nd year of participation in the program under this section.

(c) Up to an additional 20 percent of the principal of the loan or $20,000, whichever is less, during the 3rd year of participation in the program under this section.

(5) AVAILABILITY OF FUNDS; RIGHT OF ACTION AGAINST STATE. (a) The obligation of the board to make payments under an agreement entered into under sub. (3) (b) is subject to the amount of funds transferred to the board under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the appropriation under s. 20.285 (1) (qj).

(b) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, exceeds the total amount of funds transferred to the board under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the appropriation under s. 20.285 (1) (qj), the board shall establish priorities among the eligible applicants based upon the following considerations:

1. The degree to which there is an extremely high need for medical care in the eligible practice area, health professional shortage area, or rural area in which a physician desires to practice and the degree to which there is an extremely high need for dental care in the dental health shortage area or rural area in which a dentist desires to practice.

2. The likelihood that a physician will remain in the eligible practice area, health professional shortage area, or rural area, and that a dentist will remain in the dental health shortage area or rural area, in which he or she desires to practice after the loan repayment period.

3. The per capita income of the eligible practice area, health professional shortage area, or rural area in which a physician desires to practice and of the dental health shortage area or rural area in which a dentist desires to practice.

4. The financial or other support for physician recruitment and retention provided by individuals, organizations, or local governments in the eligible practice area, health professional shortage area, or rural area in which a physician desires to practice and for dentist recruitment and retention provided by individuals, organizations, or local governments in the dental health shortage area or rural area in which a dentist desires to practice.

5. The geographic distribution of the physicians and dentists who have entered into loan repayment agreements under this section and the geographic distribution of the eligible practice areas, health professional shortage areas, dental health shortage areas, and rural areas in which the eligible applicants desire to practice.

6. Other considerations that the board may specify by rule.

(d) An agreement under sub. (3) does not create a right of action against the state on the part of the physician, dentist, or lending institution for failure to make the payments specified in the agreement.

(6) LOCAL PARTICIPATION. The board shall encourage contributions to the program under this section by counties, cities, villages, and towns.

(6m) PENALTIES. The board shall, by rule, establish penalties to be assessed by the board against physicians and dentists who breach agreements entered into under sub. (3). The rules shall do all of the following:

(a) Specify what actions constitute a breach of the agreement.

(b) Provide specific penalty amounts for specific breaches.

(c) Provide exceptions for certain actions, including breaches resulting from death or disability.

(8) ADMINISTRATION. The board shall do all of the following:

(b) Identify eligible practice areas and rural areas with an extremely high need for medical care and dental health shortage areas and rural areas with an extremely high need for dental care.

(d) Publicize the program under this section to physicians, dentists, and eligible communities.

(e) Assist physicians and dentists who are interested in applying for the program under this section.

(f) Assist communities in obtaining physicians' and dentists' services through the program under this section.

(g) Make recommendations to the governor on all of the following:

1. Ways to improve the delivery of health care to persons living in rural areas of the state that constitute shortage areas.

2. Ways to help communities evaluate and utilize the linkage between rural health facilities and economic development.

3. Coordination of state and federal programs available to assist rural health care service delivery.

4. Strengthening coordination and maintenance of rural services and the delivery system.

5. Development of mechanisms to reduce shortages of health care providers in rural areas.

(h) Notwithstanding subs. (3) (b) and (5) (a) and (b), ensure that moneys appropriated under s. 20.285 (1) (qj) are used under this section only to repay loans on behalf of physicians and dentists who agree to practice in a rural area.

(9) EXPANDED LOAN ASSISTANCE PROGRAM. The board may agree to repay loans as provided under this section on behalf of a physician or dentist under an expanded physician and dentist loan assistance program that is funded through federal funds in addition to state matching funds. To be eligible for loan repayment under the expanded physician and dentist loan assistance program, a physician or dentist must fulfill all of the requirements for loan repayment under this section, as well as all of the following:

(a) The physician or dentist must be a U.S. citizen.

(b) The physician or dentist may not have a judgment lien against his or her property for a debt to the United States.

(c) The physician or dentist must agree to do all of the following:

1. Accept medicare assignment as payment in full for services or articles provided.

2. Use a sliding fee scale or a comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the physician's or dentist's services.

3. Practice at a public or private nonprofit entity in a health professional shortage area, if a physician, or in a dental health shortage area, if a dentist.

History: 2009 a. 28 ss. 747s, 3035 to 3045; Stats. 2009 s. 36.60; 2009 a. 190, 276; 2011 a. 32.

Cross−reference: See also ch. UWS 23, Wis. adm. code.

36.61 Health care provider loan assistance program.

(1) DEFINITIONS. In this section:

(ac) "Clinic hours" has the meaning given in s. 36.60 (1) (ac).

(ad) "Council" means the rural health development council.

(ag) "Dental health shortage area" has the meaning given in s. 36.60 (1) (ad).

(aj) "Dental hygienist" means an individual licensed under s. 447.04 (2).

(am) "Eligible practice area" means a primary care shortage area, an American Indian reservation, or trust lands of an American Indian tribe, except that with respect to a dental hygienist "eligible practice area" means a dental health shortage area.

(b) "Health care provider" means a dental hygienist, physician assistant, nurse−midwife, or nurse practitioner.

(bp) "Health professional shortage area" has the meaning given in s. 36.60 (1) (aj).

(d) "Primary care shortage area" has the meaning given in s. 36.60 (1) (cm).

(e) "Rural area" has the meaning given in s. 36.63 (1) (c).

(2) ELIGIBILITY. The board may repay, on behalf of a health care provider, up to $25,000 in educational loans obtained by the health care provider from a public or private lending institution for education related to the health care provider's field of practice, as determined by the board with the advice of the council.

(3) AGREEMENT. (a) The board shall enter into a written agreement with the health care provider. In the agreement, the health care provider shall agree to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state or in a rural area, except that a health care provider in the expanded loan assistance program under sub. (8) who is not a dental hygienist may only agree to practice at a public or private nonprofit entity in a health professional shortage area.

(b) The agreement shall specify that the responsibility of the board to make the payments under the agreement is subject to the amount of funds transferred to the board under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the appropriation under s. 20.285 (1) (qj).

(4) LOAN REPAYMENT. Principal and interest due on loans, exclusive of any penalties, may be repaid by the board at the following rate:

(a) Up to 40 percent of the principal of the loan or $10,000, whichever is less, during the first year of participation in the program under this section.

(b) Up to an additional 40 percent of the principal of the loan or $10,000, whichever is less, during the 2nd year of participation in the program under this section.

(c) Up to an additional 20 percent of the principal of the loan or $5,000, whichever is less, during the 3rd year of participation in the program under this section.

(5) AVAILABILITY OF FUNDS; RIGHT OF ACTION AGAINST STATE. (a) The obligation of the board to make payments under an agreement entered into under sub. (3) is subject to the amount of funds transferred to the board under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the appropriation under s. 20.285 (1) (qj).

(b) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, exceeds the total amount of funds transferred to the board under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the appropriation under s. 20.285 (1) (qj), the board shall establish priorities among the eligible applicants based upon the following considerations:

1. The degree to which there is an extremely high need for medical care in the eligible practice area, health professional shortage area, or rural area in which an eligible applicant who is not a dental hygienist desires to practice and the degree to which there is an extremely high need for dental care in the dental health shortage area or rural area in which an eligible applicant who is a dental hygienist desires to practice.

2. The likelihood that an eligible applicant will remain in the eligible practice area, health professional shortage area, or rural area in which he or she desires to practice after the loan repayment period.

3. The per capita income of the eligible practice area, health professional shortage area, or rural area in which an eligible applicant desires to practice.

4. The financial or other support for health care provider recruitment and retention provided by individuals, organizations or local governments in the eligible practice area, health professional shortage area, or rural area in which an eligible applicant desires to practice.

5. The geographic distribution of the health care providers who have entered into loan repayment agreements under this section and the geographic location of the eligible practice area, health professional shortage area, or rural area in which an eligible applicant desires to practice.

6. Other considerations that the board may specify by rule.

(c) An agreement under sub. (3) does not create a right of action against the state on the part of the health care provider or the lending institution for failure to make the payments specified in the agreement.

(6) LOCAL PARTICIPATION. The board shall encourage contributions to the program under this section by counties, cities, villages and towns.

(6m) PENALTIES. The board shall, by rule, establish penalties to be assessed by the board against health care providers who breach an agreement entered into under sub. (3) (a). The rules shall do all of the following:

(a) Specify what actions constitute a breach of the agreement.

(b) Provide specific penalty amounts for specific breaches.

(c) Provide exceptions for certain actions, including breaches resulting from death or disability.

(7) ADMINISTRATION. The board shall do all of the following:

(a) Identify communities with an extremely high need for health care, including dental health care.

(b) Publicize the program under this section to health care providers and eligible communities.

(c) Assist health care providers who are interested in applying for the program under this section.

(d) Assist communities in obtaining the services of health care providers through the program under this section.

(e) Notwithstanding subs. (3) (b) and (5) (a) and (b), ensure that moneys appropriated under s. 20.285 (1) (qj) are used under this section only to repay loans on behalf of health care providers who agree to practice in a rural area.

(8) EXPANDED LOAN ASSISTANCE PROGRAM. The board may agree to repay loans as provided under this section on behalf of a health care provider under an expanded health care provider loan assistance program that is funded through federal funds in addition to state matching funds. To be eligible for loan repayment under the expanded health care provider loan assistance program, a health care provider must fulfill all of the requirements for loan repayment under this section, as well as all of the following:

(a) The health care provider must be a U.S. citizen.

(b) The health care provider may not have a judgment lien against his or her property for a debt to the United States.

(c) The health care provider must agree to do all of the following:

1. Accept medicare assignment as payment in full for services or articles provided.

2. Use a sliding fee scale or a comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the health care provider's services.

3. Practice at a public or private nonprofit entity in a health professional shortage area, if the health care provider is not a dental hygienist, or in a dental health shortage area, if the health care provider is a dental hygienist.

History: 2009 a. 28 ss. 3046 to 3056; Stats. 2009 s. 36.61; 2009 a. 190, 276; 2011 a. 32.

Cross−reference: See also ch. UWS 24, Wis. adm. code.

36.62 Rural health development council. The rural health development council created under s. 15.917 (1) shall do all of the following:

(1) Advise the board on matters related to the physician and dentist loan assistance program under s. 36.60 and the health care provider loan assistance program under s. 36.61.

(2) Advise the board on the amount, up to $25,000, to be repaid on behalf of each health care provider who participates in the health care provider loan assistance program under s. 36.61.

History: 2009 a. 28 s. 3057; Stats. 2009 s. 36.62.

36.63 Rural physician residency assistance program. **(1)** In this section:

(a) "Department" means the department of family medicine in the University of Wisconsin School of Medicine and Public Health.

(b) "Physician" means a physician, as defined in s. 448.01 (5), who specializes in family practice, general surgery, internal medicine, obstetrics, pediatrics or psychiatry.

(c) "Rural area" means any of the following:

1. A city, town, or village in this state that has a population of less than 20,000 and that is at least 15 miles from any city, town, or village that has a population of at least 20,000.

2. An area in this state that is not an urbanized area, as defined by the federal bureau of the census.

(2) (a) The department shall establish and support physician residency positions to which one of the following applies:

1. The residency position is in a hospital that is located in a rural area or in a clinic staffed by physicians who admit patients to a hospital located in a rural area.

2. The residency position includes a rural rotation, begun after June 30, 2010, which consists of at least 8 weeks of training experience in a hospital that is located in a rural area or in a clinic staffed by physicians who admit patients to a hospital located in a rural area.

(b) In establishing and supporting residency positions under par. (a), the department shall give preference to residency programs that actively recruit graduates of the University of Wisconsin School of Medicine and Public Health and the Medical College of Wisconsin.

(3) Annually by December 1, the department shall submit a plan for increasing the number of physician residency programs that include a majority of training experience in a rural area to the Rural Wisconsin Health Cooperative, the Wisconsin Hospital Association, and the Wisconsin Medical Society. The plan shall include a detailed proposed budget for expending the moneys appropriated to the board under s. 20.285 (1) (qe) and demonstrate that the moneys do not supplant existing funding. The department shall consider comments made by the organizations in formulating its final budget.

(4) Annually by December 1, the department shall submit to the joint committee on finance a report that includes all of the following:

(a) The number of physician residency positions that existed in the 2009−10 fiscal year, and in each fiscal year beginning after July 1, 2010, that included a majority of training experience in a rural area.

(b) 1. The number of such physician residency positions funded in whole or in part under this section in the previous fiscal year.

2. The eligibility criteria met by each such residency position and the hospital or clinic with which the position is affiliated.

3. The medical school attended by the physician filling each such residency position.

4. The year the Accreditation Council for Graduate Medical Education certified the residency position.

5. The reason the residency position had not been funded.

History: 2009 a. 190.

36.64 Office of educational opportunity. (1) The board shall create the office of educational opportunity within the system.

(2) The office of educational opportunity shall evaluate proposals for contracts under s. 118.40 (2x), monitor pupil academic performance at charter schools authorized under s. 118.40 (2x), and monitor the overall operations of charter schools authorized under s. 118.40 (2x).

(3) The director of the office of educational opportunity is the special assistant to the president appointed under s. 36.09 (2) (c).

(4) The director of the office of educational opportunity may do any of the following:

(a) Appoint up to 2 associate directors.

(b) Form advisory councils to make recommendations related to authorizing charter schools under s. 118.40 (2x).

(c) Collaborate with chancellors, faculty, academic staff, and students within the system.

(d) Solicit private gifts and grants for charter schools established under s. 118.40 (2x).

(5) (a) The director of the office of educational opportunity shall report to the board any private gift or grant received by the office of educational opportunity and how the director intends to use the private gift or grant.

(b) If the office of educational opportunity receives a private gift or grant, the director shall use the gift or grant, or invest the same in the case of moneys, as the donor or grantor specifies. In the absence of any specific direction as to the use of the gift or grant, the director may, in his or her sole discretion, determine the use or investment of the gift or grant to support the office or any charter school established under s. 118.40 (2x). The board may not exercise control over a private gift or grant received by the office of educational opportunity.

History: 2015 a. 55.

36.65 Annual reports. (1) DEFINITION. In this section, "chancellor" means the chancellor of the University of Wisconsin−Madison.

(2) REPORTS. Annually, the board and the chancellor shall each submit an accountability report to the governor and to the legislature under s. 13.172 (2). The reports shall include all of the following information, the board's report with respect to the system other than the University of Wisconsin−Madison, and the chancellor's report with respect to the University of Wisconsin−Madison:

(a) *Performance.* The graduation rate, the total number of graduates, the time needed to graduate, the number of credits needed to obtain a degree, the number of degrees awarded in fields specified in s. 36.25 (52) (a) 2. a., retention rates, placement of graduates, and the percentage of residents and nonresidents who reside in this state 10 years after graduation.

(b) *Financial.* Financial reports from each institution and each college campus, prepared using generally accepted accounting principles.

(c) *Access and affordability.* A profile of enrolled students, including mean per capita family income, the percentage of resident and nonresident students who are low−income, the percentage of resident and nonresident students who are members of minority groups, the number of transfers from other institutions and other colleges within this state, a description of any improvements made in the transfer of credit between institutions of higher education, the number of high school pupils who have earned credit, the published cost for resident students and the actual cost for resident students once financial aid is subtracted, and increases in available institutional financial aid for students with a demonstrated need.

(d) *Undergraduate education.* The extent of access to required courses and to popular majors, the majors offered, improvements in overall student experience, efforts to close the achievement gap between majority and underrepresented minority students, the number of undergraduate students participating in internships or cooperative work experiences, and post−graduation success.

(e) *Graduate and professional education.* The number of graduate degrees awarded; the number of professional graduates in key areas, including physicians, nurses, business, engineers, pharmacists, veterinarians, and lawyers; the number of graduate students participating in internships or cooperative work experiences; and incentives provided for remaining in this state after graduation.

(f) *Faculty.* A profile of the faculty, including faculty teaching loads, success or failure in recruiting and retaining scholars, and teachers who are rated at the top of their fields.

(g) *Economic development.* The amount and source of research funds and other new revenue brought into the state, the number of government contracts received, the number of research projects in progress or completed, the number of patents and licenses for system inventions, the number of new businesses created or spun off, the number of secondary businesses affiliated with the system or system−sponsored research projects, support provided to existing industries throughout the state, job growth from support to existing industries and new businesses, the number of jobs created in campus areas, the number of jobs created statewide, a comparison of economic indicators for campus and

other areas, and a description of the economic development programs, as defined in s. 36.11 (29r) (a), that have been undertaken.

(h) *Collaboration.* Partnerships and collaborative relationships with system administration and institutions.

(i) *Incentive grants.* The goals, results, and budget for each program for which the board awarded a grant under s. 36.25 (52) and a summary of this information.

(3) CORE GENERAL EDUCATION CREDIT TRANSFERS. The board shall include in the report required under sub. (2) a description of the agreement entered into under s. 36.31 (2m) and a summary of the board's implementation of the agreement. This subsection first applies to the report required under sub. (2) that applies to the 2014−15 academic year.

(4) FEES. Annually by October 15, the board shall submit a report to the joint committee on finance and the joint legislative audit committee that lists all fees, including academic fees, tuition, segregated fees, and any other fees, that are charged to students at each institution and college campus and the amount by which the fees have increased in each of the preceding 5 years.

(5) REMEDIAL COURSE REPORTS. (a) In this subsection:

1. "High school" means a school in this state in which the high school grades are taught, including a school classified as a senior high school under s. 115.01 (2).

2. "Placement test" means an English or mathematics placement test that is required upon a student's admission to the system.

3. "School" means a public school, including a charter school, as defined in s. 115.001 (1), and a private school, as defined in s. 115.001 (3r).

4. "Student" means a student who is admitted to the system immediately following high school graduation.

(b) By September 1 of each year, the system administration shall do all of the following:

1. Determine the high schools with more than 6 students who, based on their performance on placement tests in the preceding 12 months, are required to take remedial courses in English or mathematics.

2. Submit a report to the appropriate standing committees of the legislature under s. 13.172 (3) and state superintendent of public instruction that identifies the high schools determined under subd. 1. and, for each high school so identified, the number of students who, based on their performance on placement tests in the preceding 12 months, are required to take remedial courses in English or mathematics. The system administration may not disclose in the report the identity of any student who is required to take a remedial course.

(c) Upon receipt of a report submitted under par. (b) 2., the state superintendent of public instruction shall provide a copy of the report to each school board.

History: 2011 a. 32; 2013 a. 20; 2015 a. 28.

36.66 Grants to meet emergency financial need. (1) In this section:

(a) "Eligible student" means a student enrolled in a college campus whose expected family contribution, as defined in s. 39.437 (3) (a), is less than $5,000.

(b) "Financial emergency" means an unplanned event causing an unanticipated expense, such as charges for medical treatment or vehicle repair, that would cause an eligible student to not complete that term if a grant were not available to cover the expense, but does not include such expenses as those for tuition, textbooks, student fees, alcohol or tobacco, groceries, entertainment, legal services, or fines or forfeitures resulting from legal violations.

(2) From the appropriation under s. 20.285 (1) (e), no later than September 1, 2016, and by September 1 of each year thereafter, the board shall distribute funds to the college campuses for payment of grants under this section. These funds may not be used by the college campuses for any other purpose. The amount distributed by the board to each college campus shall be determined by the board based on the anticipated need and demand for grants at each college campus.

(3) (a) Subject to pars. (b) to (d), each college campus may award grants to eligible students to pay the student's expense resulting from a financial emergency. In evaluating a grant application, the college campus shall, in its discretion and based on its best judgment, determine whether the student has incurred a legitimate financial emergency.

(b) No grant may be awarded to a student unless the student has submitted with the grant application written proof, such as a bill, identifying the nature and amount of the expense and the 3rd party to whom this amount is owed.

(c) A college campus may not award more than 2 grants under this section to the same student in any academic year. The total of all grants made to a student under this section in the same academic year may not exceed $500.

(d) A grant under this section may not be disbursed in cash. The grant funds shall be disbursed in any of the following ways:

1. By check made payable to the student and delivered to the student.

2. By check made payable to the 3rd party identified under par. (b) and delivered to the 3rd party or to the student.

3. By electronic fund transfer or other electronic deposit to an account maintained by the student at a financial institution.

(4) Each college campus shall create or adopt a brief application process and designate an employee with the authority to disburse the grant funds to eligible students. A decision on a grant application, and disbursement of grant funds to a student if a grant is awarded, shall be made within 5 business days of the student's application.

(5) If a student applies for a 2nd grant under this section within the same academic year, a college campus shall require the student to undergo a financial counseling session with a financial aid professional before the grant may be awarded.

(6) (a) Each college campus shall collect, for each academic year, the following information related to the grant program under this section:

1. The number of grants awarded.

2. The number of grant requests denied.

3. The number of students receiving grants.

4. The total amount of grant money awarded.

5. The total amount of grant money available but not awarded.

6. The number of students who received a grant and completed their degree or credential.

7. The number of students who received a grant and transferred to another postsecondary institution.

8. The number of students who received a grant and did not complete the term in which the grant was awarded.

9. The types of expenses for which students requested grants.

(b) By June 30, 2017, and by June 30 of each year thereafter, each college campus shall report to the board the information collected under par. (a), for the academic year ending in that calendar year, and the board shall submit a report of this information to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3) having jurisdiction over matters relating to colleges and universities.

History: 2015 a. 282.