



2021 ASSEMBLY BILL 362

May 27, 2021 - Introduced by Representatives HESSELBEIN, STUBBS, EMERSON, SHELTON, HONG, BROSTOFF, CONLEY, HEBL, ANDERSON, SNODGRASS, NEUBAUER, DOYLE, SUBECK, POPE, SHANKLAND, SPREITZER, BILLINGS, BALDEH, SINICKI, HINTZ, CABRERA and VINING, cosponsored by Senators SMITH, ROYS, JOHNSON, WIRCH, RINGHAND, LARSON and ERPENBACH. Referred to Committee on Colleges and Universities.

1 **AN ACT** *to repeal* 36.09 (3m); and *to amend* 36.09 (4), 36.09 (4m) and 36.09 (5)
2 of the statutes; **relating to:** shared governance at University of Wisconsin
3 System institutions.

Analysis by the Legislative Reference Bureau

This bill modifies statutory provisions relating to shared governance at University of Wisconsin System institutions to restore these provisions to their form just prior to enactment of the 2015-17 biennial budget act (2015 Act 55).

Current law, after 2015 Act 55, specifies the division of responsibilities at UW System institutions as follows: 1) the chancellors are the executive heads and are vested with the responsibility of administering the policies of the Board of Regents and, in consultation with the faculty, carrying out other policy-related responsibilities such as designing curricula, setting degree requirements, determining academic standards, establishing standards for faculty appointment and promotion, and administering institutional funds; 2) the faculty of each institution has the primary responsibility for advising the chancellor regarding academic and educational activities and faculty personnel matters; 3) the academic staff of each institution has the primary responsibility for advising the chancellor regarding the formulation and review, and must be represented in the development, of policies and procedures concerning academic staff, including academic staff personnel matters; and 4) the students of each institution have primary responsibility for advising the chancellor regarding the formulation and review of policies concerning student life, services, and interests. However, this authority of

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the faculty, academic staff, and students is subordinate to the authority of the Board of Regents, the UW System president, and the chancellor, and the authority of the academic staff and students is further subordinate to the authority of the faculty. Although faculty have the right to determine their own organizational structure and to select their representatives in institutional governance, they must ensure that faculty in academic disciplines related to science, technology, engineering, and mathematics, STEM, are adequately represented in the faculty organizational structure.

Before 2015 Act 55, the division of responsibilities applicable to faculty, academic staff, and students at UW System institutions was characterized as follows: 1) the faculty was vested with responsibility for the immediate governance of the institution and had to actively participate in institutional policy development, and as such had the primary responsibility for academic and educational activities and faculty personnel matters; 2) the academic staff had to be active participants in the immediate governance of and policy development for the institution and had the primary responsibility for the formulation and review, and had to be represented in the development, of all policies and procedures concerning academic staff members, including academic staff personnel matters; and 3) the students had to be active participants in the immediate governance of and policy development for the institution and, as such, had primary responsibility for the formulation and review of policies concerning student life, services and interests. However, these responsibilities of the faculty, academic staff, and students were subject to the responsibilities and powers of the Board of Regents, the UW System president, and the chancellor, and the responsibilities of the academic staff and students were further subject to the responsibilities of the faculty. In addition, prior to 2015 Act 55, there was no statutory requirement that STEM faculty be adequately represented in the faculty organizational structure.

This bill restores provisions relating to shared governance at UW System institutions to the form in which they existed just prior to enactment of 2015 Act 55.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.09 (3m) of the statutes is repealed.

2 **SECTION 2.** 36.09 (4) of the statutes is amended to read:

3 **36.09 (4) FACULTY.** The faculty of each institution, subject to the responsibilities
4 and powers of the board, the president, and the chancellor of such institution, shall
5 be vested with responsibility for the immediate governance of such institution and
6 shall actively participate in institutional policy development. As such, the faculty

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1 shall have the primary responsibility for ~~advising the chancellor regarding~~ academic
2 and educational activities and faculty personnel matters. The faculty of each
3 institution shall have the right to determine their own faculty organizational
4 structure and to select representatives to participate in institutional governance,
5 ~~except that the faculty of each institution shall ensure that faculty in academic~~
6 ~~disciplines related to science, technology, engineering, and mathematics are~~
7 ~~adequately represented in the faculty organizational structure.~~

8 **SECTION 3.** 36.09 (4m) of the statutes is amended to read:

9 36.09 (4m) ACADEMIC STAFF. The academic staff members of each institution,
10 subject to the responsibilities and powers of the board, the president, the chancellor,
11 and the faculty of the institution, shall be active participants in the immediate
12 governance of and policy development for the institution. The academic staff
13 members have the primary responsibility for ~~advising the chancellor regarding~~ the
14 formulation and review, and shall be represented in the development, of all policies
15 and procedures concerning academic staff members, including academic staff
16 personnel matters. The academic staff members of each institution shall have the
17 right to organize themselves in a manner they determine and to select their
18 representatives to participate in institutional governance.

19 **SECTION 4.** 36.09 (5) of the statutes is amended to read:

20 36.09 (5) STUDENTS. The students of each institution or campus subject to the
21 responsibilities and powers of the board, the president, the chancellor, and the
22 faculty shall be active participants in the immediate governance of and policy
23 development for such institutions. As such, students shall have primary
24 responsibility for ~~advising the chancellor regarding~~ the formulation and review of
25 policies concerning student life, services, and interests. Students in consultation

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1 with the chancellor and subject to the final confirmation of the board shall have the
2 responsibility for the disposition of those student fees which constitute substantial
3 support for campus student activities. The students of each institution or campus
4 shall have the right to organize themselves in a manner they determine and to select
5 their representatives to participate in institutional governance.

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(END)