

## CHAPTER 37

## STATE UNIVERSITIES

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**37.01 Definition.** In this chapter "board of regents" means the board of regents of the university of Wisconsin system.

**History:** 1971 c 100 s. 23.

**37.02 Powers of board of regents.** (1) The board of regents and their successors in office are constituted a body corporate by the name of "The Board of Regents of the University of Wisconsin System"; and may purchase, as provided by law, have, hold, control, possess and enjoy, in trust for the state, for educational purposes solely, any lands, tenements, hereditaments, goods and chattels of any nature which may be necessary and required for the purposes, objects and uses of the state universities authorized by law and none other. The board of regents shall have full power to sell or dispose of such property as provided by law, or any part thereof when in its judgment it is for the interest of the state, except that sales of real property shall be subject to the approval of the building commission. The board of regents shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The proceeds of the sale of any real or personal estate shall be paid by the board of regents into the state treasury, and shall become a part of the income of the normal school fund.

(2) Said board of regents may acquire by condemnation proceedings in the manner provided by ch. 32 such parcels of land as it deems necessary for the use of any institution under its control whenever the board of regents 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.

(3) Section 36.06 (6) shall apply to the state universities, and the board of regents of the university of Wisconsin system shall have all of the

powers and duties enumerated in s. 36.06 (6), and the power to enter into leases or contracts with local units of government for the purposes mentioned therein as the board of regents deems for the best interests of the state universities.

(4) The board of regents may procure liability insurance covering the employees and staff members of the state universities.

(5) The board of regents of the university of Wisconsin system may establish branch campuses offering the first 2 years of academic work offered in the state universities in communities approved by the coordinating council for higher education and not otherwise provided with degree-granting public institutions of higher learning and enter into arrangements with one or more counties or other units of government for the establishment and maintenance of the necessary physical facilities in connection therewith. The rates of tuition charged to students at any such branch campus shall be no higher than the rates of tuition charged for such courses at the state universities. Any such branch campus shall be administered by one of the state universities, with appropriate instructional support from other state universities as may be required. The board of regents shall have general supervision over the branch campuses.

(6) Preference as to rooming, boarding and apartment facilities in the use of living units owned or operated by the state universities shall, for the following school year, be given to students who are legal residents of this state and who apply before March 15, unless a later date is set by the board of regents. Such preference shall be granted in accordance with categories of priority established by the board of regents. Leases or other agreements of occupancy of such living units shall not exceed a term of one calendar year. The board of regents may prescribe rules for the execution of this subsection.

**History:** 1971 c 100 s. 23.

**37.03 Treasurer.** The state treasurer shall be, ex officio, the treasurer of the board of regents, but the board of regents may appoint suitable persons to receive any tuition fees or other moneys that may be due from any student or other person, and pay the same to the treasurer.

**37.05 Board meetings public.** The meetings of the board of regents of the university of Wisconsin system shall be open to the public and the press and all records of such meetings and of all proceedings of such board of regents shall be open to inspection by the public and the press at any reasonable hours thereafter; provided, that said board of regents may hold executive sessions, the findings of said executive sessions to be made a part of the records of the proceedings of said board of regents.

**History:** 1971 c. 100 s. 23.

**37.055 Advisory housing committees.** On each state university campus, an advisory committee is created to consider and advise on all phases of student housing, including without limitation because of enumeration recommendations and policies of the board of regents, leases, contracts, building plans, grievances and standards of operation. The committee shall consist of 3 representatives each of the administration, the student body and the faculty, to be appointed for 3-year terms by the president of the university or the executive head of each branch campus, or his designated representative. Three members of the committee, representing the governing body of the municipality or political subdivision which includes the site of the university or branch campus and 3 members representing the owners of private housing shall be appointed for 3-year terms by the head of the local governing body. The committee shall prepare and submit an annual report to the president or executive head and to the governing body of the municipality at the beginning of each fall semester and may make additional reports at any time.

**37.06 Disqualification of officers, etc.** No regent or officer, trustee or person appointed or employed in any position or capacity connected with state universities shall at any time act as agent of any author or publisher of or dealer in school books, maps or charts, school library books or school furniture or apparatus, or become interested directly or indirectly in the publication, manufacture or sale of any such as agent or otherwise, except solely as author or inventor. For a violation of this section any regent shall be expelled from the board of regents

by a majority vote of the board of regents. The purchase and use of books and appliances written or invented by persons connected with a state university is not prohibited.

**37.07 State universities preaudit; payments.** Unless otherwise provided by law, no bills shall be incurred in the management of state universities nor be paid until they have been audited by the board of regents of the university of Wisconsin system under the supervision of the department of administration. All payments shall be made on the warrant of the department of administration drawn in accordance with the certificate of the proper designated officer or officers of the board of regents. All claims and accounts, before being certified to the department of administration shall be verified and approved in the same manner as provided in s. 36.10 (2).

**History:** 1971 c. 100 s. 23.

**37.08 State universities' accounts.** (1) **EXAMINATION.** The board of regents shall cause all of the financial transactions and accounts of or relating to the several state universities under its supervision at the close of each fiscal year to be fully and thoroughly examined subject to ch. 16. The cost of such audit shall be paid from and charged against the proper appropriation for the board of regents.

(2) **WHEN MADE.** Such examination shall be commenced immediately after the close of the fiscal year and be completed as soon as practicable.

(3) **REPORT.** Upon the completion of such examination a full and detailed report thereof shall be made by such auditor to the governor.

**37.09 Objects of state universities.** The primary purposes and objects of each state university shall be the instruction and training of students in the theory and art of teaching, and in all various branches that pertain to a good common school education, and in all subjects needful to qualify for teaching in the public schools, also to give instruction in the fundamental laws of the United States and of this state in what regards the rights and duties of citizens.

**37.10 Model schools; department for teachers of deaf.** (1) (a) The board of regents may also establish a model school for practice in connection with each state university, except Stout state university, and shall make all the rules necessary to govern and support the same; and may admit pupils to such model schools free of charge of tuition.

(b) The board of regents may enter into a contract with the school board of any district or with the handicapped children's education board of any county whereby children selected from the school district or handicapped children selected from the county may be pupils in such model school for the practical demonstration of methods of teaching and the instruction of the students enrolled in any state university. The board of regents may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the school district or county.

(c) The school district or handicapped children's education board shall receive aid on account of transportation to and from the model school under subch. II of ch. 121 for all pupils so transported.

(2) The board of regents shall establish and maintain in one of the state universities of the state, located in a city maintaining a graded school for the deaf, a normal training department for oral teachers of the deaf. Candidates for admission to this course shall have completed at least one year of the advanced course in a state university or its equivalent. Graduates from said course shall be granted a diploma by the board of regents that will serve as a basis for an unlimited state certificate, qualifying the holder to teach in any day school for the deaf in this state, or in any public school of the state, below high school grade.

**37.11 Powers of board as to state universities.** The board of regents shall have the government and control of all the state universities, and may:

(1) Make rules, regulations and bylaws for the good government and management of the state universities and each department thereof, and adopt such designation for said institutions as in the judgment of the board of regents best fits their functions and purposes as institutions offering the liberal arts degree while maintaining a strong teachers' training program.

(2) Appoint a president and assistants and such other teachers and officers and employ such persons as may be required for each of said state universities; and prescribe their several duties.

(3) Remove at pleasure any president, assistant or other officer or person from any office or employment in connection with any such state university, but discharges of teachers shall be governed by s. 37.31.

(4) Purchase within the amount appropriated for such purposes any needful and proper apparatus, books or articles to assist in instruction,

and provide for all necessary fuel and supplies for the conduct of such state universities.

(5) Prescribe the courses of study and the various books or works to be used in such courses and, upon completion of a curriculum for the bachelor of arts, bachelor of science, master of arts, master of science and specialist or professional degrees in education, may confer degrees and award diplomas in testimony thereof as are usual in colleges and universities.

(6) Cause notice to be given of the opening of such state universities and the several terms thereof.

(7) Prescribe rules for the admission of students; but every applicant for admission shall undergo an examination to be prescribed by the board of regents, and shall be rejected if it appears that he is not of good moral character.

(8) (a) Require any applicant for admission, who has not been exempted by this section, to pay or to secure to be paid such fees for tuition as the board of regents deems proper and reasonable. The board of regents may also charge any student laboratory fees, book rents, fees for special departments or any incidental fee covering all such special costs. Any adult student who has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student registers at the state universities, or any minor student whose parents have been bona fide residents of the state for one year next preceding the beginning of any semester for which such student registers at the state universities, or any minor student whose natural parents are divorced or legally separated who has resided substantially in this state during his years of minority and at least one year next preceding the beginning of any semester for which such student registers at the state universities or whose mother or father has been a bona fide resident for one year next preceding the beginning of any semester for which such student registers at the state universities, or any minor student who is an orphan and who has resided substantially in this state during his years of minority and at least one year next preceding the beginning of any semester for which such student registers at the state universities or whose legal guardian has been a bona fide resident for one year next preceding the beginning of any semester for which such student registers at the state universities, or any minor student under guardianship in this state pursuant to ch. 48 or 880 who has resided substantially in this state during his years of minority and at least one year next preceding the beginning of any semester for which such student registers at the state universities or whose legal guardian if a person who

has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student registers at the state universities, shall while he continues a resident of the state be entitled to exemption from non-resident tuition, but not from incidental or other fees and tuition in the state universities.

(ab) Nonresident members of the armed forces who are stationed in the state and their wives and children shall be entitled to the exemptions provided in par. (a) during the period that such member of the armed forces is stationed in the state.

(ac) Any female student who attended the state university as a minor student exempt from the fees for nonresident tuition, and, who would continue to be entitled to the exemptions provided in par. (a) except for having married a nonresident, shall continue to be entitled to such exemptions.

(ad) Any female who marries a bona fide resident shall be entitled to the exemptions provided in par. (a) effective the semester following her marriage and while continuing to reside in this state.

(ak) Any student who is a graduate of a Wisconsin high school and whose parents are bona fide residents of this state for one year next preceding the beginning of any semester for which the student registers at a state university or whose last surviving parent was a bona fide resident of this state for the year preceding his death is entitled to the exemptions provided in par. (a).

(b) Any student who has not been a resident of the state for one year next preceding the beginning of any semester for which such student registers at the state universities, except as above provided, shall not be exempt from the payment of the nonresident tuition fees.

(8a) In determining bona fide residence, filing of state income tax returns in Wisconsin, eligibility for voting in this state, motor vehicle registration in Wisconsin, and employment in Wisconsin shall be considered. A student from another state who is in this state principally to obtain an education will not be considered to have established a residence in Wisconsin by virtue of attendance at educational institutions.

(9) Cause lectures on any art, science or branch of literature to be delivered in any such state universities on such terms and conditions as they may prescribe.

(10) Confer by bylaws upon the presidents of the several state universities the power to suspend or expel pupils for misconduct or other cause prescribed in such bylaws.

(11) The board of regents shall provide a definite course in the theory and art of physical education, and instruction in games and playground management, to be taught in every state university. Examination in this branch shall be required of all candidates for state university diplomas and certificates.

(12) Grant scholarships to bona fide residents of the state who, during their high school or college courses, were good students, are in financial need and possess qualifications for leadership. The monetary value of scholarships granted shall vary with the recipient's financial need. A scholarship granted an individual by the board of regents under this section shall not exceed an amount equal to 67% of the financial need of the individual student as determined by the institution in conformance with procedures established by the higher educational aids board.

(14) The board of regents of state universities may grant scholarships equivalent in value to the payment of incidental fees to disabled bona fide residents of the state who are recommended and supervised by the department of health and social services under ch. 55.

(15) Grant scholarships equivalent in value to the payment of incidental fees and nonresident tuition fees to foreign students and to students who are U.S. citizens but whose residence is not in the continental United States, who are good students, are in financial need and possess qualifications for leadership. The number of such scholarships which may be granted in any school year in any state university shall not exceed one per cent of the total full-time enrollment of students in such state university for the preceding year.

(16) (a) Make rules regulating the parking of motor vehicles on property under its jurisdiction. Such rules shall not be subject to ch. 227.

(b) Any person who violates any rule made under par. (a) shall be fined not more than \$10. The several state universities are authorized to collect such fines together with moneys collected from sale of parking permits and other fees established as provided in accordance with par. (a) and such moneys shall be paid into the state treasury and credited to s. 20.265 (1) (h), to be used for the purpose of developing and operating parking facilities at the several state universities and enforcing parking rules as provided in par. (a).

(c) The board of regents shall have concurrent police supervision over all property under its jurisdiction. The duly appointed agents of the board of regents may arrest, with or without warrant, any person on such property violating a state law or a rule made under this subsection,

deliver such person to any court having jurisdiction over such violation, and execute a complaint charging such person with such violation.

(d) This subsection does not impair the duty of county or municipal police officers within their jurisdictions to arrest and take before the proper court persons found in a state of intoxication, engaged in any disturbance of the peace or violating any state law on any property under the jurisdiction of the board of regents.

(17) Remit either in whole or in part tuition, but not other fees, to a number of needy and worthy nonresident students at each state university not exceeding 8% of the number of nonresident students registered in the preceding year at such state university, upon the basis of merit, to be shown by suitable tests, examinations or scholastic records and continued high standards of scholastic attainment. The board of regents may remit nonresident tuition in whole or in part, but no other fees, to additional individual students at the state universities not exceeding 2% of the number of nonresident students registered in the preceding year who, in the judgment of the board of regents, are deserving of relief from the assessment of nonresident tuition because of extraordinary circumstances.

(18) (a) The board of regents may obtain injunctive relief to enforce this chapter or any rules promulgated thereunder.

(b) The board of regents may adopt such rules under ch. 227 as are necessary or proper to protect the lives, health and safety of persons on property under its jurisdiction, to protect such property and to prevent obstruction of the functions of the state universities. The penalty for violation of any rule created under this subsection is a fine of not more than \$500 or imprisonment of not more than 90 days or both.

(c) The board of regents may prescribe rules and regulations 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 state universities in any or all of their authorized activities and in any or all of their branches with forfeitures for their violations, which may be sued for and collected in the name of the board of regents before any court having jurisdiction of such action. Any rule, the forfeiture for violation of which exceeds \$25, shall be subject to ch. 227. Forfeitures shall not exceed \$500.

(d) All fines imposed and collected hereunder shall be transmitted to the county treasurer for disposition in accordance with s. 59.20 (5) and (8). All forfeitures, including forfeitures of posted bail if any, imposed and collected hereunder shall be deemed collected in favor of the state

and shall be transmitted to the county treasurer for disposition in accordance with ss. 288.13 to 288.17.

History: 1971 c. 41 s. 12; 1971 c. 90, 125, 211.

Note: Chap. 125, laws of 1971, which repealed 37.11 (8) (am), also provided:

"Section 528 (3) TUITION STATUS CHANGE. The treatment of ss. 36.16 (1) (e) and 37.11 (8) (am) of the statutes by this act, relating to repeal of the statutory provision providing residency status to persons covered by income tax reciprocity, shall not apply to persons enrolled at university of Wisconsin or state university campuses for the first semester of the 1971-72 academic year. Such persons, if they are freshmen, shall be entitled to 8 semesters of resident status; if they are sophomores, 6 semesters; if they are juniors, 4 semesters; and if they are seniors, 2 semesters. If they are master's degree candidates or the equivalent, they shall be entitled to a maximum of 4 semesters of residency status, beginning with the first semester of the 1971-72 academic year. Eligibility shall terminate upon granting the master's degree or its equivalent. If the students are doctoral candidates or the equivalent, they shall be entitled to 8 semesters of eligibility, beginning with the first semester of the 1971-72 academic year. Eligibility shall terminate upon granting the doctoral degree or its equivalent".

**37.115 Gifts.** (1) Notwithstanding any other statutes to the contrary, all gifts, grants, bequests and devises for the benefit of any or all of the state universities or any of their programs, courses, schools or institutions, or to provide any means of instruction or knowledge in connection therewith, whether made to trustees or otherwise, shall be legal and valid. Provisions of any instrument making same, including all directions for accumulation of income of any fund or rents and profits of any real estate, shall be executed without being subject to the restrictions provided by law in other cases except that no accumulation shall be allowed to produce a fund more than 20 times as great as that originally given. When such gifts include investments not authorized by ch. 881, the board of regents of the university of Wisconsin system may hold such investments, or exchange the funds therein or reinvest in similar types of investments without being subject to the restrictions provided by law in other cases. Except as otherwise provided in this section, the board of regents may invest not to exceed 75% of trust funds held and administered by it in common stocks, the limitation of 50% in s. 881.01 (2) to the contrary notwithstanding.

(2) All such gifts, grants, devises or bequests may be made to the board of regents of the university of Wisconsin system or the president or any officer thereof, or to any person or persons as trustees, or may be charged upon any executor, trustee, heir, devisee or legatee, or made in any other manner indicating an intention to create a trust, and may be made for the benefit of any or all of the state universities or any of their programs, courses, schools or institutions or to provide any means of instruction or

knowledge in connection therewith, or for the benefit of any class of students at any or all of the state universities through scholarships or fellowships or to benefit students in any course, program or school or division of study, experiment, research, observation or travel in any way connected with any or all of the state universities, or to provide for the voluntary retirement of any of their faculty.

(3) In case of any such gift, grant, devise or bequest to a class, group or nationality of students intended to be the beneficiaries, it is sufficient to describe the class or group in general terms without particularity or exactness. The board of regents shall divide the students at any or all of the state universities into whatever divisions may be necessary to determine what persons are intended to benefit by such gift, grant, devise or bequest.

History: 1971 c. 41 s. 12; 1971 c. 100 s. 23.

**37.12 Stout state university; and division of technology.** (1) The board of regents shall maintain the necessary courses for the thorough instruction and training of teachers in the principles and practice of the industrial arts and of home economics and household arts at the Stout state university.

(2) The board of regents shall maintain a division of technology at Platteville which shall be an integral part of the Wisconsin state university-Platteville at which a course of instruction shall be provided which shall give students a knowledge of the science, art and practice of professional engineering with special emphasis on mining and civil engineering leading to appropriate degrees. The board of regents shall maintain a complete collection of the minerals of the lead and zinc region of Wisconsin at such division of technology.

**37.13 Diplomas; certificates.** Said board of regents may grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted until such graduate shall have passed a thorough and satisfactory examination in the course of study prescribed by the board of regents. When any such graduate has, after receiving such diploma, taught a public school in this state 2 years, the state superintendent may, after such examination as to moral character, learning and ability to teach as to him may seem proper, issue to such teacher an unlimited state certificate, and thereafter such unlimited certificate shall be evidence of his qualification to teach in any common school the said board of regents may also, on such conditions as it may determine, grant a certificate of attendance certifying that the holder has

completed the elementary course in a state university and is qualified to teach a common school; and the said state superintendent may, upon conditions above prescribed respecting diplomas, issue a limited state certificate, and thereafter such certificate shall be evidence of his qualification to teach in any common school of the state. The said board of regents may also on such conditions as it may determine, grant a certificate, certifying that the holder has completed the course for teachers of country schools in a state university and is of good moral character. It shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the state university.

**37.29 Cooperative marketing and consumers' cooperatives.** The governing boards of the university of Wisconsin, state universities and county teachers colleges shall provide in their respective institutions adequate and essential instruction in cooperative marketing and consumers' cooperatives, and in conservation of natural resources.

**37.30 Agricultural economics.** Courses in agricultural economics shall be given (including the business principles involved in farming and marketing and in financing agriculture), in the several state universities and county teachers colleges, and shall be extended to schools in which agricultural subjects are taught, and to other schools as rapidly as practicable. The courses in agricultural economics to be given in the various schools shall be such as are prescribed by the state superintendent of public instruction, with the advice of the department of agriculture and the chairman of the department of agricultural economics of the university of Wisconsin.

**37.31 Teachers employed on probation; tenure; compulsory retirement.** (1) (a) All teachers in any state university shall initially be employed on probation. The employment shall be permanent, during efficiency and good behavior, after appointment and acceptance thereof for a 6th consecutive year in the state university system as a teacher. An official leave of absence, part-time or full time, or a teacher improvement assignment shall not constitute a break in continuous service, nor shall it count toward the time required to attain tenure.

(b) The employment of a teacher who has become permanently employed under this section may not be terminated involuntarily, except for cause upon written charges. Within 20 days of receiving the written notice that his employ-

ment has been terminated, such permanently employed teacher may appeal the termination to the board of regents by a written notice to the president of the board of regents. The board of regents shall hear the case and provide such teacher with a written statement as to its decision. The action and decision of the board of regents in the matter shall be final, subject to judicial review under ch. 227. The board of regents shall prescribe by rule, pursuant to ch. 227, dates on or before which teachers employed on probation shall be given written notice of reappointment or non-reappointment for another academic year, procedures to be followed with respect to the giving of notice and opportunity to be heard when the employment of a teacher who has become permanently employed is involuntarily terminated and notice and review of any such termination. The board of regents shall also prescribe by rule the procedure for giving a teacher who has not acquired tenure under this section an opportunity to be heard in case his employment is terminated or it is proposed to terminate his employment before the end of the period for which he has been employed, but the decision of the president of the university or the board of regents in such a case shall not be subject to judicial review.

(c) In this section "teachers" includes all persons engaged full time in teaching, as defined in s. 42.20 (21), as their principal occupation, excluding faculty assistants, but shall not include

any state university president or acting president in his capacity as president of any of the state universities.

(1m) A teacher shall lose tenure upon discharge or resignation from the state university system. A resignation withdrawn and the withdrawal accepted by the board of regents before the beginning of the next school semester, not including the summer session, shall not be considered as voiding tenure. A teacher losing tenure must upon re-employment serve another probation period.

(2) Compulsory retirement of each teacher covered by this section shall be automatic upon the June 30th next succeeding the 70th birthday of such teacher.

**37.36 Municipal agreements.** The board of regents may enter into agreements with any municipality, town, county or corporation established under s. 66.30 (2m) for the furnishing of maintenance services, utility services including heat, and supplies at any campus in the state. Beginning July 1, 1970, such agreements, whether entered into under this section or any other provision of law, shall be wholly financed at the expense of the board of regents and shall not include any provision for furnishing, at less than reasonable cost, services or supplies by the concerned municipality, town, county or corporation established under s. 66.30 (2m).