

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date November 18, 2019</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter UWS 17, Student Nonacademic Disciplinary Procedures, UWS 17.10, 17.11, and 17.12</p>	
<p>4. Subject Student nonacademic disciplinary procedures and mandatory discipline for certain offenses by students relating to the material and substantial disruption of the free speech rights of others.</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected None</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0.00</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule Material and substantial disruption by students of the free speech rights of others that is injurious to the free exchange of ideas and associated debate critical to the University's function.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. None</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. None</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) No economic and fiscal impact is anticipated.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule Providing mandatory disciplinary penalties is intended to deter students from inappropriately disrupting the free speech rights of others. An alternative approach would be to provide these disciplinary penalties as recommended penalties rather than mandatory penalties, but that approach does not appear to be sufficient to address this concern. Another alternative is not changing current disciplinary processes and penalties for students in this area, however current processes and penalties have not been deemed to be sufficiently effective.</p>	
<p>16. Long Range Implications of Implementing the Rule The availability and enforcement of mandatory disciplinary penalties leading to enhanced deterrence of material and substantial disruption of speakers and events by students.</p>	
<p>17. Compare With Approaches Being Used by Federal Government The Federal government, on information and belief, has not legislated or regulated on this issue. The Federal Executive Order on Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities issued on March 21,</p>	

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

2019, is tangentially related to this issue.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Public universities in these neighboring states have individual nonacademic student disciplinary policies and procedures. On information and belief, these universities do not have mandatory student disciplinary penalties relating to disruption of free speech similar to those proposed in this rule.

19. Contact Name	20. Contact Phone Number
Tomas L. Stafford, UW System, Senior System Legal Counsel	608-265-5319

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-