

MINUTES OF THE REGULAR MEETING

of the

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

Madison, Wisconsin

March 6, 1992

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MINUTES OF THE REGULAR MEETING  
of the  
BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

Madison, Wisconsin

Held in Room 1820 Van Hise Hall  
Friday, March 6, 1992  
8:30 a.m.

-President Lyon presiding-

PRESENT: Regents Barry, Clusen, Davis, Dreyfus, Flores, Gelatt, Grebe,  
Grover, Hirsch, Krutsch, Lubar, Lyon, Nicholas, Schilling, and Steil

ABSENT: Regents Gundersen and Vattendahl

Approval of Minutes

Upon motion by Regent Lubar, seconded by Regent Steil, the minutes of the meeting of the Board held on February 7, 1992, were approved as distributed.

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REPORT OF THE PRESIDENT OF THE BOARD

Congratulations to UW-Green Bay Student Athlete

Regent President Lyon congratulated Tony Bennet, a student athlete at UW-Green Bay, who had been just designated player of the year on the GTE Academic All-America team.

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Report on Presidential Search

Regent Lyon, Chair of the Presidential Search Committee, reported that the Committee met on February 12, 1992, to continue reviewing credentials of possible candidates for the UW System presidency.

The deadline date for receipt of applications and nominations for the position was March 5, 1992, and the names of all applicants and nominees are publicly available on March 9, 1992.

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### Report on Legislative Matters

Acting Vice President Ward reported on a budget amendment which would prohibit starting of classes before Labor Day. Acting President Lyall had communicated to the State Senate the problems this amendment would cause concerning the length of the first semester.

Concurring with the concern about this amendment, Regent Grover commented that the number of faculty-student contact days in an academic year should be increased to return the length of year to the level of the 1960. The ability to consider that option is inhibited by limitations on the beginning of the first semester.

### Governor's Signing of Faculty Tenure Bill

Governor Thompson made a special appearance at the Board meeting to sign AB 561, legislation to revise the faculty tenure process. He was joined by Representative Barbara Notestein, the chief legislative sponsor of the bill. In signing the bill, the Governor remarked that it provides an avenue of appeal needed to ensure equity in tenure decisions.

### Memorial Resolution for Joyce Erdman

Introducing the memorial resolution, Regent President Lyon stated that, with Joyce Erdman's untimely death, the UW System lost a true friend and loyal supporter. She was a vigorous advocate for the UW System, serving as Regent President from 1980 to 1982--the first and only woman to hold that position. Her active sponsorship of community improvement projects, including the Madison Art Center, the Wisconsin Ice Age Trails project, and the programs of the Wisconsin Academy of Sciences, Arts and Letters, are illustrative of the many civic contributions she made to better the quality of life in the state.

One of those projects was the establishment of a Regents Professorship Program supported by contributions of sitting and emeritus Regents. The program brought distinguished academics and practitioners to UW campuses to share their knowledge with the students, faculty, and the public through seminars and public lectures.

Just before her death, Joyce Erdman had proposed that this fund be used to support a series of Regents Teaching Excellence Awards. The first of these awards, to be given in May 1992, will be named in memory of Joyce Erdman, who has set a high standard for all advocates of higher education.

Regent Grover presented the following resolution and moved its adoption by the Board of Regents. The motion was seconded by Regent Lubar and carried unanimously.

Resolution 6028: Whereas, throughout a lifetime of public service, Joyce M. Erdman has been recognized as a highly respected leader whose exceptional ability and energy greatly benefited the community, the university and the state; and

Whereas, her devotion to the University of Wisconsin System is exemplified by her outstanding service as a member of the Board of Regents for seven years and by her dynamic leadership as President of the Board; and

Whereas, her tenure as a Regent was marked by her firm commitment to educational excellence and strong support for top-quality programs; and

Whereas, with her death on February 11, 1992, the University of Wisconsin System has lost a very good friend and mentor, whose unwavering support over the years has been highly valued;

Therefore, be it resolved that the Board of Regents extends deepest sympathy to Marshall Erdman and to the entire Erdman family; and

Be it further resolved that, in appreciation for the exceptional contributions made by Joyce Erdman to the University of Wisconsin System, the Board of Regents hereby names for the 1992 year the newly created Teaching Excellence Awards that were established at her initiative and with her leadership, the Joyce Erdman Teaching Excellence Awards.

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#### UW System 1992-93 Budget Status

In a statement on the status of the 1992-93 budget, Regent President Lyon commented that recent amendments would have a seriously detrimental impact on instructional activities. Actions of the Joint Finance Committee not only doubled the supplies and expense reductions in the Governor's budget, but also would convert them from one-time lapses to permanent base cuts. Those cuts would require a ten percent reduction in the supplies and expense funds spent on instruction and student services, thus wiping out all improvements made in this important category since 1988. In addition, more than \$2 million of federal indirect cost funds that reimburse UW institutions for costs already incurred would be taken to support state general funds.

Perhaps more disturbing, learning technology and supplies and expense funding approved by the Legislature last year as a match to student fees paid this year would be rescinded by this action. If passed as it now stands, the UW System budget increase for 1992-93 would contain \$6.6 million in student fees but only \$.6 million general purpose revenues. This action would not keep faith with the students or with the state's obligation to support the University System.

The Board of Regents, the administration and the UW institutions, Regent Lyon stated, have worked hard to set priorities, to prune requests, and to manage and focus existing resources through the quality reinvestment plan. A \$9 million base cut on top of this would mean serious and permanent reductions in services to students.

In light of the severe consequences of these budget actions, President Lyon asked System Administration, the UW institutions and the Regents to work vigorously to preserve the UW System base budget for 1992-93 by ensuring that decision makers have a clear understanding of the serious impacts the proposed cuts would have on service to students and on the economic impact of university research and outreach.

In addition, he asked System Administration, in consultation with the chancellors and student government representatives, to explore alternative revenue sources consistent with the Board's 1991-93 budget request, including the possibility of a modest tuition surcharge, if necessary, to ensure that current levels of instructional support are maintained.

While all appreciate that times are tough, he stated, the Regents must also recognize that they are stewards of a statewide asset that holds the key to much of the economic future for the people of the state. As responsible stewards, the Board must work very hard to prevent erosion of this asset.

Stating his support for President Lyon's statement, Regent Flores urged that the Legislature and its leaders be clearly informed of the consequences of these cuts and the impact on students.

As Co-Chair with Regent Steil of the Supplies and Expense Task Force, Regent Gelatt noted that the Committee had received much information about serious problems before these cuts, resulting from inadequate supplies and expense funds--such as classrooms with out-of-date maps and computers that do not work because there is no money for maintenance. As a result of the study, the biennial budget included a request for increased supplies and expense money to focus on instructional needs important to the educational mission of the institution. In the quality reinvestment program, he noted, several campuses gave supplies and expense funds equal priority with salary needs. This reduction, he stated, would not cut fat, but instead would cut muscle and bone.

Regent Steil stated agreement with Regent Gelatt's comments.

Regent Lyon noted that these cuts remove any opportunity to put in place the policy recommended by the Supplies and Expense Task.

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## REPORT OF THE ACTING PRESIDENT OF THE SYSTEM

### Report of Nonpersonnel Actions

Upon motion by Regent Gelatt, seconded by Regent Hirsch, Resolution 6029 was adopted unanimously by the Board.

Resolution 6029: That the report of nonpersonnel actions by administrative officers to the Board of Regents and information items reported for the record (copy on file

with the papers of this meeting) be received for the record; and that actions included in the report be approved, ratified and confirmed.

#### Death of Former Regent President Joyce Erdman

Acting President Lyall stated that, with the passing of Joyce Erdman, the UW System has lost a good and valued friend. As President of the Board, she served as a role model and a visible symbol of the opportunities that the UW System affords women across the state. Fittingly, her tenure as a Regent coincided with the period of greatest growth in the number of women students in the UW System. During that time, overall enrollment grew 11 percent, but the number of women students increased 21 percent, exceeding half of the student body for the first time during her last year as a Regent. Since her presidency, the UW System has benefited from the professional contributions of women in visible leadership positions, including four chancellorships, six vice chancellorships, and a System Executive Vice President.

The new Regents Teaching Excellence Awards, Acting President Lyall stated, are a fitting tribute to her values and to her life of civic commitment.

#### Report on UW System 1992-93 Budget

Reporting on the status of the 1992-93 budget, Acting President Lyall noted that, as passed last spring, the UW System budget for 1992-93 was scheduled for a \$13 million increase composed equally of GPR and fees. The Governor's revised budget, proposed in January, called for a 5 percent S & E lapse (about \$3.2 million) and a \$2.4 million lapse in federal indirect cost reimbursement funds. These were proposed as one-time lapses, not as base budget cuts.

Last week the Joint Finance Committee decreased the UW budget further by doubling the supplies and expense lapse to 10 percent and making both it and the federal indirect reimbursement reductions into permanent base cuts. In addition, the Committee rejected the Governor's proposal to allow future increased expenses of the Academic Scholarship Program to be met from tuition waivers. The result is a 1992-93 GPR base budget reduction of \$9.2 million and unfunded enrollment budget items of another \$4.3 million. This is especially damaging because, if the Joint Finance Committee cuts stand, the 1992-93 supplies and expense funds will actually be \$2.2 million below the 1988-89 level not including any inflationary effects.

This means that students will have fewer class materials; there will be a reduction in computer equipment contracts, forcing the use of valuable faculty time for maintenance and repair; there will be a shortage of laboratory materials and supplies used in science and other courses; there will be less software, less audiovisual equipment, and fewer field trips for the instructional mission.

This also means that it will not be possible to implement the recommendations of the Supplies and Expense Task Force to invest 40 percent of supplies and expense increments in classroom instructional needs. Because the Joint Finance Committee action protects libraries and laboratories from the cut, instruction and student services will suffer a disproportionate reduction of 10 percent or more in supplies and expense funds.

Stating that the cuts should be restored from General Purpose Revenue so that the student share of cost can remain at 31 percent, Acting President Lyall reported that her testimony to the Joint Committee on Finance had pointed out that the proposed learning technologies and S & E lapses would break faith with the Legislature's promise of last year that if student fees paid for the first year of the biennium, GPR would pay for the second year. If passed as it stands, the proposed UW budget for 1992-93 would be even more heavily dependent on fees in 1992-93 than in 1991-92.

Noting that UW tuition is among the lowest in the Big Ten, she said that, although low tuition is a point of pride, maintaining quality education is the highest priority commitment. If the state is unable to sustain basic supplies and expense funding for instruction and student services, it will be necessary to consider whether a tuition surcharge is needed to maintain the commitment to quality education.

The administration was working with student leadership to bring the message to the Legislature on these points, and to make clear that these are matters of importance to students.

#### UW-Whitewater Economics Entrepreneurship Program

Acting President Lyall announced that on February 12, 1992, the College of Business and Economics at UW-Whitewater, opened the nation's first student-based business incubator facility in conjunction with its program in entrepreneurship. The facility will provide low-cost space for student business ventures and a means for student entrepreneurs to apply principles learned in the classroom to real life markets and competition.

#### UW-Stout Presentation on Manufacturing Technology Transfer

Acting President Lyall introduced UW-Stout Vice Chancellor George DePuy, who noted that Menomonie is claiming a minor economic miracle: they have attracted five new companies which created over 1,000 new jobs in the past two years. Four of these five companies are manufacturing firms. One of the reasons companies want to locate in Menomonee, he said, is to be close to UW-Stout, which has a culture of interacting with industry that is unmatched by many American institutions. The UW-Stout program that best typifies this culture is the Manufacturing Technology Transfer program which has won two national awards for helping Wisconsin companies transfer manufacturing knowledge from the university laboratory to the manufacturing floor.

Mr. Larry Schneider, Director of UW-Stout's Manufacturing Technology Transfer program, explained that the program received a first-place award in 1991 from the National Association of Management and Technical Assistance Centers. Technology transfer and the whole issue of global competition is



very much in the public eye, and an article in *Corporate Report Wisconsin* stated that when industry indicates a need for assistance, academia is quick to respond. An article in *The Milwaukee Sentinel* further affirmed UW-Stout's stance in technology transfer. Mr. Schneider cited specific Wisconsin companies that are benefiting from UW-Stout's knowledge of technology transfer.

Displaying slides, Mr. Schneider explained what UW-Stout views as the role of technology transfer and how it exercises differentiation between technology transfer and the on-going educational efforts of the University System. To aid in this industrial problem, the UW System is constantly involved in developing a knowledge data base. An industry basically is in the business of making a profit that allows it to stay in business, but it lags in its knowledge base and internalizes implementation of available expertise, knowledge and technology.

The Technology Transfer Institute involves several programs, one of which is funded primarily by the UW-Extension's involvement through the Office of Continuing Education. Various departments and programs at the university allow daily interaction with both faculty and students. They report to the School of Industry and Technology and, in turn, to the Extension Chancellor's office.

Technology transfer is education or information uniquely packaged. It has a different format from the traditional on-going educational system that is state supported. What makes technology transfer work is a direct timely interaction, on-site presence at the company, and follow-up--follow-up beyond the point of recommendations and assessment. A technology transfer program interfaces or connects clients to business and industry who have needs, and they offer resources which go to the university itself--faculty, staff and facilities. The faculty, staff and students are valuable to the industry; and the industry provides student interaction through direct involvement in real-life problems. The program holds those needs together by coordinating proposals and identifying projects. It can move industries from traditional manufacturing to a more integrated computer-controlled program which evolves through a multi-staged process. In recognition of this, UW-Stout has developed a three-phased approach to interact with industry: first, to perform an on-site assessment; second, to work with the company to develop a specific manufacturing strategy; and third, and most important, to outline implementation of that strategy.

Significant networking takes place with these companies, which has an impact on the economic development in the State of Wisconsin, and the industry, State of Wisconsin and university all benefit. The program provides valuable and timely engineering assistance; the state gains high-paying manufacturing jobs; faculty have the opportunity to be involved in development of expertise and skills; and students obtain real-life laboratory experience. These experiences with industries are rolled back into instructional programs, which aids in making the instructional programs unique and very valuable to the State of Wisconsin, demonstrating the university's capacity and willingness to provide direct assistance to Wisconsin's small and medium-sized manufacturers.

Regent Steil stated that he was impressed with the program but wondered if it was competing with the private sector in doing this work for what Mr. Schneider described as medium-sized industries.

Mr. Schneider responded that in his opinion most of the companies they are working with are usually looking for a unique package of assistance that is not available on a consultative basis, nor are they in a position to use and coordinate individual consultants. In most cases, however, the Transfer Program backs out after working with a company to help in development of a long-range plan and its implementation. The company then generally aggressively interacts with private consultants and other industry experts. That same type of catalytic action given to the company also helps the consulting business industry.

In answer to a question by Regent Clusen on how client companies are found, Mr. Schneider said that they do not initiate the contact and, in fact, companies are on a waiting list for their help. A Board of Directors screens applicant companies and makes the determination of which companies can be helped in the appropriate time frame.

President Lyon stated the Board's appreciation for the informative presentation.

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#### REPORT OF THE EDUCATION COMMITTEE

Regent Grover, Chair, presented the report.

##### Consent Agenda Items

Regent Grover presented Resolutions 6030-6039, which had been approved unanimously by the Education Committee, and moved their adoption by the Board of Regents as consent agenda items. The motion was seconded by Regent Davis and carried unanimously.

##### Report on Strategic Planning in Student Affairs

Resolution 6030: That, upon recommendation of the Acting President of the University of Wisconsin System, the Board of Regents receives the Report of the Steering Committee for Strategic Planning in Student Affairs in the University of Wisconsin System and accepts the proposed guidelines for implementation of the recommendations.

##### New Program Authorization: Ph.D., Developmental Biology, UW-Madison (second review)

Resolution 6031: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the Acting President of the University of Wisconsin System, the Chancellor be authorized to implement the Ph.D. in Developmental Biology.

Review of Recurring Reports

Resolution 6032: Be it resolved, that the Board of Regents accepts the recommendations for disposition of recurring reports required to be submitted to the Education Committee, and instructs the Secretary of the Board to request changes in statutory language, where indicated, and to request the appropriate state committee or agency to discontinue or change the report requirements, where indicated.

Report on Advanced Opportunity Program

Resolution 6033: That, upon recommendation of the Acting President of the University of Wisconsin System, the Board of Regents accepts the Status Report on the Advanced Opportunity Program for submission to the Governor and the Joint Committee on Finance, pursuant to 1991 Wisconsin ACT 39 [s. 9157 (3j)].

Report on Strategic Planning for Libraries

Resolution 6034: That, upon recommendation of the Acting President of the University of Wisconsin System, the Board of Regents receives the Report of the Steering Committee for Strategic Planning in Libraries in the University of Wisconsin System and accepts the proposed guidelines for implementation of the recommendations.

Authorization to Recruit: Associate Dean, Cooperative Extension, UW-Extension

Resolution 6035: That, upon recommendation of the Chancellor of the University of Wisconsin-Extension and the Acting President of the University of Wisconsin System, the Chancellor be authorized to recruit for an Associate Dean of Cooperative Extension.

Authorization to Recruit: Associate Professor or Professor and Chair, Department of Pathology and Laboratory Medicine, Medical School, UW-Madison

Resolution 6036: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the Acting President of the University of Wisconsin System, the Chancellor be authorized to recruit for an Associate Professor or Professor and Chair, Department of Pathology and Laboratory Medicine, Medical School, University of Wisconsin-Madison, at a recommended salary range that exceeds the Executive Salary Group 6 maximum.

Authorization to Recruit: Associate Professor or Professor, Business Ethics and Social Issues, School of Business, UW-Madison

Resolution 6037: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the Acting President of the University of Wisconsin System, the Chancellor be authorized to recruit for an Associate Professor or Professor, Business Ethics and Social Issues, School of Business, University of Wisconsin-Madison, at a recommended salary range that exceeds the Executive Salary Group 6 maximum.

Authorization to Recruit: Head Basketball Coach, UW-Madison

Resolution 6038: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the Acting President of the University of Wisconsin System, the Chancellor be authorized to recruit for a Head Basketball Coach, University of Wisconsin-Madison.

Distinguished Professor of English and Comparative Literature, College of Letters and Science, UW-Milwaukee

Resolution 6039: That, upon recommendation of the Chancellor of the University of Wisconsin-Milwaukee and the Acting President of the University of Wisconsin System, the status of Jane Gallop be changed from Professor, Department of English and Comparative Literature, College of Letters and Science, to Distinguished Professor of English and Comparative Literature, College of Letters and Science, University of Wisconsin-Milwaukee, effective the 1992-93 academic year.

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Discussion of Proposal to Redraft UWS 17.06(2)

Regent Grover moved adoption by the Board of Regents of Resolution 6040, which had been approved at a session of the Education Committee to which all Regents were invited. The motion was seconded by Regent Schilling.

Resolution 6040: That UW System Administration staff be directed to prepare in proper form, and submit to the Legislative Council Rules Clearinghouse for review, proposed amendments to s. UWS 17.06(2), Wisconsin Administrative Code, concerning discriminatory harassment by students; and further

That the Secretary of the Board of Regents be directed to file a notice of hearing with the Revisor of Statutes for inclusion in the Wisconsin Administrative Register, the purpose of the hearing being to consider the amendment of s. UWS 17.06(2), Wisconsin Administrative Code, concerning discriminatory harassment by students, said hearing to be held May 7, 1992 in Milwaukee, Wisconsin at 10:00 a.m.

Regent Barry moved to amend the language of the proposed rule by adding the following sentence to the last paragraph: "If disciplinary proceedings are thereafter instituted, and a violation is found, the proposed disciplinary sanction shall also be reviewed by the President's designee to assure that it is appropriate to the offense and comparable to sanctions that have been imposed for similar violations." The motion was seconded by Regent Schilling.

In response to a question by Regent Grebe, Acting President Lyall indicated her intention to designate the Office of the General Counsel to make the determinations required by that section.

Put to the vote, the amendment was adopted.

The proposed rule as amended is attached to these minutes as EXHIBIT A.

President Lyon read a message from Regent Vattendahl, who could not attend the meeting, stating his support for the proposed rule.

Regent Hirsch distributed resolutions, adopted by the UW-River Falls and UW-Whitewater student governments in opposition to redrafting the rule. He quoted from the UW-River Falls resolution which stated that only through knowledge, education and experience will bigotry be eliminated. It was his view that banning objectionable speech would only drive bigotry underground, rather than openly confronting the problem and dealing with it. For that reason, he was opposed to the resolution.

Regent Steil stated his belief that the proposed rule is an exercise in futility and would certainly be challenged on constitutional grounds. While he supported the amendment which had been passed, he also thought it unlikely that the rule would be enforced, given recognition of the university's burden of proof and need to protect due process rights. When these factors are weighed in conjunction with the cost of litigation and chances for success, he thought legal counsel would decide against proceeding with enforcement actions. He intended to vote against the resolution on that basis, although he fully supported the basic principles set forth in Resolution 6041.

Regent Krutsch expressed her concern about unintended consequences of this type of rule. While the intention had been for the original rule to be enforced narrowly, so that it would not infringe on First Amendment rights, it was not until the court overturned the rule that those responsible for administering the code expressed any displeasure with the way it was being enforced. She had been appalled by some of the sanctions applied under the original code and was concerned that officials who had been comfortable with such actions also would be enforcing the redrafted code. That price, she concluded, is not worth paying.

Regent Lubar stated that he would vote for the resolution because he considered the proposed rule ethically and morally correct. He did not think it would infringe on the First Amendment rights any more than would banning pornography. Above all, he felt the rule sends the sort of message that should be sent in times like these.

Regent Dreyfus commented that, under law, 18-year-olds are full citizens and adults. He was opposed to placing more restrictions on the speech of citizens who choose to become students than on citizens who are not students. In addition, he felt a narrow vote to send the rule forward would convey a message that should not be sent, particularly when there could be unanimous support for Resolution 6041.

Regent Schilling illustrated his support for the rule by relating an incident described in the 1989 hearing on the original rule. In that incident, which took place in a university library, some white men had harassed minority women by using epithets to describe why the women should not be attending the university. Without a rule against such speech, the librarians were powerless to stop the abuse. If the same situation had occurred among employees in the workplace, the men could have been disciplined.

Regent Dreyfus felt the chancellors are capable of handling such situations under existing rules.

Regent Nicholas considered the proposed rule unfair and aimed primarily at protecting minorities but not other people. He also believed the language to be vague, causing uncertainty about interpretation and enforcement. Above all, he believed free speech is paramount. While he hated epithets, he considered the proposed cure to be worse than the disease. Instead, he believed the problem should be addressed through the educational process, existing rules, common sense and decency.

Regent Flores disagreed with the notion that racial epithets should be considered speech protected by the constitution. Such epithets, he stated, are not protected speech and add nothing to the exchange of ideas at the university.

Regent Clusen pointed out that the proposed code not only would address racism but also harassment of women.

Regent Davis commented that, while the media and others have portrayed this as simply a free speech issue, the real issue is the responsibility of the Board of Regents to assure every student the opportunity to get an education without being verbally assaulted. Noting the Board's responsibility for the university environment, he disagreed that the rule would create two classes--those who have a right to speak and those who do not. Without the rule, he thought the two classes being created would be those who enjoy their college experience and those who suffer through it and are told it is a small price to pay for a college education. Pointing out that students are paying customers, he did not believe they are paying to hear that the Board cannot do anything about conduct in the university setting. Enrollments at historically black colleges and universities are at all-time high levels, meaning that students of color are voting with their feet because they are increasingly unwilling to pay that "small price" for their education.

He concurred that the Board also has the responsibility to maintain the free flow of ideas, open debate and intelligent discourse. The airing of any ideas, including demeaning ideas, are specifically allowed under the proposed rule. The rule only prohibits verbally assaulting people in a manner that would invoke a violent response. To him, the choice was for the Board either to permit, and thus condone, harassment of children of color and women, or not to permit such harassment; either to deny children of color the right to go to school in peace or not to deny them that right. Courts and lawyers, he said, will tell the Board if it has gone too far, but children of color and women are telling the Board it has not gone far enough.

While he had come to the 1989 debate opposed to the original rule, he had changed his position as he listened to students describe hostile and demeaning environments on UW campuses. He was struck particularly by the testimony of

an Hispanic student who stated that he did not want to stifle any debate and did not want any special treatment. He just wanted to go to class without being subjected to racial slurs. He just wanted the same positive experiences that the average student expects and demands.

It is the Board's responsibility, Regent Davis stated, to use every tool at its disposal to provide an environment conducive to a positive educational experience. Therefore, he intended to vote for the rule and urged his colleagues to do likewise.

Regent Dreyfus commented that to view students as children would be paternalistic. With respect to verbal discourse, he stated, the test of belief in free speech is the willingness to defend the right to hear those who have repugnant ideas. If there is any place where ignorance should be utterable, he said, it should be on a university campus. A campus should not be more restrictive than the general society.

Regent Krutsch rejected characterization of those opposed to the rule as condoning racist harassment. There was a unanimous vote in Committee, she pointed out, for Resolution 6041 which expressed abhorrence of such behavior.

Regent Davis commented that, if the Board permitted behavior when it had the ability to preclude the behavior, then it must accept that those who perpetrate acts do so with the full knowledge that the acts are permitted, and that their behavior, while being verbally chastised, is not being restricted by force of rule.

While he supported the airing of repugnant ideas, he said that is not the issue in this rule. Instead, the issue is verbal assault. Throughout the nation's history, he remarked, when threatened by some form of speech the majority has acted to restrict that speech. As examples, he cited the prohibition against crying "fire" in a crowded theater, against giving false information in a business transaction, against disturbing the peace, against threatening the nation's leaders, against speaking about defense secrets, and against speech which constitutes sexual harassment. Like "pure milk," he said, free speech had been altered to suit majority tastes and interests. It is in the interest of the state and the university to have a diverse student body, he stated. To be consistent with past behavior and to protect that majority interest, the rule against verbal assault should be adopted.

Regent Hirsch stated that, as one who had often experienced epithets and other harassment because he is Jewish, he has sympathy for those who support the rule, but knows from personal experience that the effective way to change such behavior is education and persuasion. Use of a rule to sanction such behavior, he felt, will only produce resentment and no change in attitude.

Put to a roll-call vote, Resolution 6040 was adopted with Regents Barry, Clusen, Davis, Flores, Gelatt, Grover, Lubar, Lyon, and Schilling (9) voting for the resolution, and Regents Dreyfus, Grebe, Hirsch, Krutsch, Nicholas and Steil (6) voting in opposition.

#### Statement of Basic Principles

Adoption by the Board of Regents of the following resolution was moved by Regent Grover and seconded by Regent Schilling:

True learning requires free and open debate, civil discourse, and tolerance of many different individuals and ideas. We are preparing our graduates to live and work in a world that speaks with many voices and from many cultures. Tolerance is not only essential to learning, it is an essential to be learned. The UW System is built upon these basic values and will act vigorously to defend them. Each UW institution will maintain an environment conducive to teaching and learning that is free from intimidation for all students.

The Board of Regents condemns discriminatory harassment in any form. It is the policy of the Board to pursue civil and criminal remedies and to apply appropriate provisions of UWS 17 to respond to the assaultive and violent conduct, physical threats and intimidation, and destruction of property that may be associated with discriminatory verbal harassment.

We call on all members of the university and the wider community to honor and embrace the spirit of this resolution. Further, we call on our institutions to actively promote through educational experiences the values of tolerance and diversity so essential to the free exchange of ideas and a productive learning environment.

Regent Dreyfus moved that the word "verbal" be stricken from the last line of the second paragraph, and the motion was seconded by Regent Gelatt.

Regent Flores remarked that, if the word were removed, the resolution might be viewed as not applying to verbal harassment and might weaken the intent of the proposed rule.

Regent Gelatt stated that he had seconded the motion with the intent of making the resolution a broader statement of principle. The proposed rule would have a narrow application, and he thought it important to make a broad statement that everything possible will be done to eliminate all forms of harassment from UW campuses.

Regent Lubar expressed support for the resolution in its current form.

Regent Barry agreed with Regent Gelatt and suggested there be unanimous consent to amend the resolution as suggested.

Regent Steil also believed that the amendment broadened the intent of the resolution.

Regent Grebe asked if use of the word "verbal" in the resolution and the proposed rule applies only to oral speech or to written speech as well. Senior Counsel Hodulik replied that it applies to both oral and written speech.

Regent Lubar stated his preference for a unanimous vote for the resolution.



Put to the vote, the amendment was adopted unanimously.

The question then was put on the resolution as amended, and it was adopted unanimously.

Resolution 6041: True learning requires free and open debate, civil discourse, and tolerance of many different individuals and ideas. We are preparing our graduates to live and work in a world that speaks with many voices and from many cultures. Tolerance is not only essential to learning, it is an essential to be learned. The UW System is built upon these basic values and will act vigorously to defend them. Each UW institution will maintain an environment conducive to teaching and learning that is free from intimidation for all students.

The Board of Regents condemns discriminatory harassment in any form. It is the policy of the Board to pursue civil and criminal remedies and to apply appropriate provisions of UWS 17 to respond to the assaultive and violent conduct, physical threats and intimidation, and destruction of property that may be associated with discriminatory harassment.

We call on all members of the university and the wider community to honor and embrace the spirit of this resolution. Further, we call on our institutions to actively promote through educational experiences the values of tolerance and diversity so essential to the free exchange of ideas and a productive learning environment.

#### Report of the Vice President

##### Introduction of UW-Extension Administrative Leadership Program Class

In his report to the Education Committee, Vice President Portch introduced the members of the first class of the UW-Extension Administrative Leadership Program. The program aims to strengthen the leadership of faculty and administration within UW-Extension.

##### American Chemical Society Awards

The Committee was informed that the American Chemical Society Committee on Chemical Education has designated 22 student affiliate chapters as outstanding for the 1990-91 academic year. Among those so designated are the student affiliate chapters at UW-Eau Claire and UW-Milwaukee.

Revision of Mission Statement: UW-Stout

The Committee discussed a proposed revision of mission statement for UW-Stout, which has made a request for entitlement to plan an undergraduate program in manufacturing engineering. However, the current select mission statement of UW-Stout does not include manufacturing engineering, and the Board would have to approve a change in the mission statement in order to allow the university to implement the program. Vice President Portch informed the Committee that, based on the report and recommendations of consultants, he has concluded that UW-Stout should be given an entitlement to plan a new B.S. in Manufacturing Engineering. The Committee agreed with this conclusion.

In discussion at the Board meeting, Regent Gelatt asked if revision of the mission statement would come to the Board for approval, and President Lyon replied that the proposed revision is expected to be brought to the Board in February 1993.

ORB 92/2: Trends in Degrees Conferred

The Committee discussed *Occasional Research Brief 92/2: Trends in Degrees Conferred*.

Undergraduate Teaching Improvement Awards

Undergraduate teaching improvement awards for 1992-93 were announced.

## REPORT OF THE BUSINESS AND FINANCE COMMITTEE

Consent Agenda Items

Regent Gelatt, Chair, reported for the Committee.

Regent Gelatt presented the following resolutions which were approved unanimously by the Business and Finance Committee, and moved their adoption as consent agenda items by the Board of Regents. The motion was seconded by Regent Nicholas and carried with Regent Davis abstaining on Resolution 6044.

Amendment of Authorization to Sign Documents

Resolution 6042: That, on the recommendation of the President of the University of Wisconsin System, Regent Resolution #5945 approved by the Board on November 8, 1991, be rescinded; and that the following revised resolution be approved effective immediately:

That any of the following corporate or administrative officers of the University of Wisconsin System -- Secretary, Associate Secretary, Assistant Secretary of

the Board, the President, any Vice President, and any administrative officer or administrative assistant designated by the President of the University of Wisconsin System -- is authorized to sign:

1. Proposals, agreements, contracts and contract supplements for research work or any other purposes upon approval of the project by the President or any Vice President of the University of Wisconsin System or the appropriate chancellor or designee with the following extramural entities:

United States Government, any of its agencies or departments, any state or municipality or any agency or department thereof, or any non-profit organization.

2. Certifications, releases, inventory reports, and other documents as required by the government in connection with the termination of the contracts with the federal government for research and educational services furnished by the University of Wisconsin System.
3. Applications, notices, bonds, and other instruments required by the federal government in connection with matters relating to federal laws and regulations for the purchase and use of tax-free alcohol in the laboratories of the University of Wisconsin System.
4. Purchase orders and other instruments required by the federal government for the procurement of narcotics for use in the laboratories of the University of Wisconsin System and in University Hospitals.
5. Grants, contracts, leases, and agreements with private-profit making organizations, with the understanding that those in excess of \$200,000 require formal acceptance by the Regents prior to execution.
6. Royalty agreements with the University of Wisconsin Press.
7. Transactions of the University of Wisconsin System's employee savings bonds accounts.

Grants, contracts, leases and agreements, including royalty agreements with the University of Wisconsin Press, will be reported to the Regents at each subsequent meeting.

Review of Recurring Reports

Resolution 6043: Whereas the Board of Regents, at its December 6, 1991 meeting unanimously adopted Resolution 5969 stating that all required reports to the Board are to be sunsetted effective July 1, 1992, with the proviso that, prior to that date, each Board Committee would provide an opportunity to consider requests for restoration of reports that have been required and are recommended for sunsetting, and

Whereas, at its February meeting, the Business and Finance Committee reviewed and discussed the recommendations of the Vice President for Business and Finance relating to the listed reports, and made its recommended changes,

Therefore, be it resolved that the federal, legislative/state and Committee or Board mandated reports be discontinued or recommended for continued submission, at the frequency indicated, until the committee and/or the Board shall otherwise determine.

SOURCE OF MANDATE	FREQUENCY	RECOMMENDATION
Federal:		
UW System financial audit (as required by OMB Circular A-133)	Biennially	Continue
Legislative/State:		
Compensation guidelines [s. 36.09(1)(J)]	Annually (Feb in even years, June in odd years)	Continue
Biennial compensation request	Biennially (Oct/Nov of even years)	Continue
Approval of biennial budget request	Biennially (Oct/Nov of even years)	Continue
Approval of final decision rules for annual operating budget allocation [s. 36.09(1)(h)]	Annually (June)	Continue
Approval of annual operating budget [s. 36.09(1)(h)]	Annually (July)	Continue
Salary adjustments due to competitive factors [s. 36.09(1)(j)]	Annually (Sept)	Continue

SOURCE OF MANDATE	FREQUENCY	RECOMMENDATION
Sick leave usage [s. 40.05(4)(bp)(2.c.)]	Annually (Sept)	Discontinue once all institutions are in compliance
Quality Reinvestment Program: Effect of enrollment reductions on the availability of resources [s. 36.47]	Annually through June 1994	Continue through 1993- 94 only
Board of Regents:		
Gifts and grants	Monthly	Continue
Bequests	As received	Continue
Financial status of UW System	Thrice yearly (Feb, May, Oct)	Change to semi-annual report in February and October
Investment performance	Quarterly (Feb, May, Sept, Nov)	Continue
Trust fund proxy report	Quarterly (Jan, April, Aug, Oct)	Discontinue
Informational report on unclassified pay plan and salary adjustments	Annually (September)	Continue
Academic staff salary grade and title structure	Annually (April)	Continue
Tax Sheltered Annuity program for employees	Annually (April)	Continue
UW-Madison Athletic Department financial status	Semi-annually (June and December)	Change to annual report in June until deficit has been eliminated and then discontinue.
Competition policy	As needed	
Trademark licensing	As needed	
Management Information Systems Strategic Planning	Annually (May/June)	Continue

SOURCE OF MANDATE	FREQUENCY	RECOMMENDATION
Supplies & Expense Task Force report	Annually (May/July)	Discontinue after July, 1993
Internal audit schedule	Annually (May)	Continue
Internal audit update including but not limited to: Response to Legislative Audit Bureau reports NCAA Division I audits (MIL,GBY)	Quarterly (Feb, April, July, Oct)	Continue

#### Approval of Gifts, Grants and Contracts

Resolution 6044: That, upon recommendation of the President of the University of Wisconsin System, the gifts, grants and contracts presented at this meeting (copy on file with the papers of this meeting) be accepted, approved, ratified and confirmed; and that, where signature authority has not been previously delegated, appropriate officers be authorized to sign agreements.

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#### Restructuring of University Hospital and Clinics

Restructuring of the University Hospital and Clinics was discussed in a Business and Finance Committee session to which all Regents were invited. Representatives from the various medical areas spoke in favor of the restructuring proposal. Regents asked a number of questions regarding the existing structure, the state's share of the funding of the current hospital facility and the amount of state support given to the operation of the hospital. Vice Chancellor Noren outlined the tentative timetable which begins with Regent support of the conceptual guidelines. More specific guidelines will be developed by July of this year. Subsequent to internal approval, the specific guidelines will be presented to the Board in September 1992. If approved by the Board, a request for legislative approval would follow during the biennial budget session early in 1993.

It was moved by Regent Gelatt, seconded by Regent Steil and carried unanimously that the following resolution be adopted by the Board of Regents.

Resolution 6045: That, upon the recommendation of the Acting President of the University of Wisconsin System and the Chancellor of the University of Wisconsin-Madison, the resolution approved by the Faculty Senate and endorsed by the Hospital Council of Trustees presented at this meeting be approved.

UW-Madison: McClimon Track

Regent Gelatt reported that the Business and Finance Committee, in conjunction with the Physical Planning and Development Committee, heard a presentation from the UW-Madison Athletic Department on reconfiguring the McClimon Track to include a soccer field. The 1992-93 Athletic Department budget, as approved by the Athletic Board, includes a \$65,000 payment for a 20-year period for debt service on this project. Any donations received for the project would be used to reduce the amount of bonding required. Because this project would delay reduction of the Department's deficit, Regents Gelatt and Hirsch voted against the resolution.

Regent Steil moved adoption by the Board of Regents of Resolution 6046 and the motion was seconded by Regent Nicholas.

Resolution 6046: That, upon recommendation of the University of Wisconsin-Madison Chancellor and the Acting President of the University of Wisconsin System, approval be granted for an annual expenditure not to exceed \$65,000 for twenty years for the payment of debt service on the McClimon Track and Soccer Field project beginning in 1992-93. The maximum debt which may be incurred for Phase 1 of the project is \$723,650. That maximum is to be reduced by the amount of donations given for this project at the time of bonding.

Regent Gelatt explained his opposition to the project as related to the slow progress being made by the Athletic Department to repay its deficit. When the Board of Regents approved the 1991-92 budget in July 1991, it was projected that the Athletic Department would pay off \$610,000 of the remaining \$1.9 million deficit in the current year. In November 1991, the Department requested to spend more money and to reduce the amount of the deficit paid this year to \$464,000. While the Board approved the additional authority, Regent Gelatt opposed the request on the basis that it is time to get the deficit paid and to ask for a date certain by which it will be paid. In the budget presented at this meeting, the Department projects a total repayment of only \$300,000 this year.

Regent Gelatt noted that an emergency was declared in 1989 because the deficit, which had been \$200,000 in 1985, had grown to \$1.3 million. A \$10 per-student, per-semester, segregated fee was put in place to pay for athletics along with a parking fee for faculty and staff. The total of those two amounts is in excess of \$1.2 million a year. The previous year's budget paid \$80,000 of the deficit. If the additional money provided to pay off the deficit is subtracted, the operating deficit for the year was \$1.2 million. Rather than being used to pay the deficit, the additional money has been used to pay for additional operating expenses to build the department.

It is important to make the point that no area of the university can conduct business as usual in this time of financial stress, Regent Gelatt stated.

The two objectives of the proposal are to resurface the track, which is already funded by a court settlement, and to provide a new soccer field. There has never been a competitive soccer field on the campus, he noted, but there have been a number of proposals over time to construct one. One of the most recent proposals was to convert intermural baseball playing fields into

soccer fields and to add lighting to other baseball diamonds so that they can be used more hours of the day. That was turned down at the time because of opposition to such lighting on campus. However, Resolution 6057, provides \$110,000 for lighting of the Natatorium East playing field for recreational sports--the same amount that was turned down when the attempt was made to build a soccer field.

Regent Gelatt, therefore, recommended tabling the resolution and asking the Athletic Department to review their options.

Athletic Director Pat Richter commented that the Department cannot stand still but must set priorities and make reinvestments. Noting that the reduction in revenue from football attendance alone from 1985 to 1989 totaled more than the accumulated deficit, he said the Department had moved in a short period of time to improve that program. It is his belief that the football program will provide the additional revenue that is needed to put the Department in sound fiscal condition. While the deficit had not been reduced on the most desirable timetable, he thought it important to take into account the inherent fluctuations in college athletics and the reliance on program revenue to sustain activities.

Successful programs, he noted, are the ones that attract the most contributions. The 1991-92 budget is not dependent on contributions for operating revenues. Instead, donations are being solicited for endowment purposes.

It is also important to recognize, Mr. Richter stated, that the deficit has not increased in a time when college athletics across the nation are under financial stress. Without the \$750,000 in segregated fees, the Department would be in a much worse position. While segregated fee support continues to be needed at this time, he hoped that would not be the case in the future.

Regent Flores asked if the Department's financial health hinges entirely on football attendance. Mr. Richter replied that revenue sources had been diversified but that the Department's financial well being does hinge on returning to prior football attendance levels. The budget projected a modest increase in football revenues for the coming year.

He viewed the track/soccer complex as a reinvestment in sports involving 20 percent of the Department's athletes. If nothing is done now, it will be necessary to defer the project for about ten years, until the track again needs resurfacing. Currently, the soccer teams are dependent on use of Breese Stevens Field, which is too heavily scheduled for use by other teams. Booster clubs have committed to paying half of the obligation, with the other half to be paid by the Department. The urgency in scheduling this project is due to terms of a settlement with the supplier of the track.

Regent Nicholas commented that, while he agreed with Regent Gelatt's concern about the financial situation, he believed Mr. Richter's explanation justified proceeding with the project. He felt the Athletic Department is making strong progress and noted it has a financial surplus and is not using tax dollars for its programs. He considered the timing appropriate because of the settlement and thought it desirable to bring the soccer games to the campus. While there is some risk, he thought the facility should be completed as soon as possible. He stated his strong support for the Athletic Department under the leadership of Mr. Richter and his belief that the Department is moving in the right directions.



In response to a question by Regent Davis, Regent Gelatt said the \$723,500 to be spent for the combined track and field was not projected at the time the plan for paying the deficit was formulated; nor was it projected at the time of the settlement in 1991.

In reply to a question by Regent Dreyfus, Mr. Richter explained that, in the worst case, if no money is donated for the project, the \$723,500 cost would be amortized over a 20-year period. The maximum expected payment from department dollars would be \$32,500, which he considered a good investment since it would benefit so many athletes.

Regent Dreyfus commented that the real decision is whether to expand facilities and, in doing so, make less progress in reducing the deficit.

Regent Grebe asked if the Athletic Department sees on the horizon any other special opportunities for reinvestment.

Mr. Richter replied there is a priority wrestling project and finishing of the McClain Athletic Facility, as well as continuing discussions about the Field House. At this point, they considered the track/soccer project to have the most immediacy. Others could not be financed without substantial funding.

Regent Lubar commented that the Athletic Department deficit is being resolved, with the primary solution being to increase football revenue. He felt it would be a mistake to lose the opportunity to build a soccer field for this popular sport in which both the women's and the men's teams excel.

Noting that five non-income sports had been terminated the previous year, Regent Lyon considered it beneficial that this proposal will reinvest in non-income sports. When the \$10 per semester segregated fee was instituted, it was generally thought to be in support of non-income sports. If that fee is to be maintained, he thought it important to reinvest in that area. He also agreed that soccer is a growing sport, and a good facility is needed in order to keep good athletes involved in it.

Regent Gelatt moved to table the resolution and ask the Athletic Department to bring proposals to the April meeting on alternatives for providing a competitive soccer field. The motion was seconded by Regent Schilling.

Put to a roll-call vote, the motion failed with Regents Clusen, Dreyfus, Gelatt, Grebe, Hirsch and Schilling voting in the affirmative (6) and Regents Barry, Davis, Flores, Grover, Krutsch, Lubar, Lyon, Nicholas and Steil voting in opposition (9).

Mr. Richter explained that delay would place the project in jeopardy because of the need to make a final determination in accord with the settlement.

Regent Krutsch asked if there are any other reasonable alternatives for a soccer field that would cost less than this proposal. Secondly, she asked about experience with the kind of donors who would likely contribute to a soccer and track facility.

Mr. Richter replied that the Department is targeting donors identified as soccer or track enthusiasts and that other funds that come to the Department will not be diverted for this project. With regard to alternatives, he

explained that the soccer team practices on the recreational sports field which is not self-contained and is not fenced to control access. If built inside the track, access control would be provided. Although the old baseball diamond would be a possible site, drainage on that area is a problem and a reconfiguration would be necessary. Even then, he considered it an undesirable alternative.

While he thought the project merited consideration, Regent Hirsch felt compelled to vote against it because of student concern about the segregated fee. When instituted, it was viewed as a temporary measure, but now is being built into the athletic budget for the undetermined future. Noting that the goal of the students and of the Athletic Department is to reduce the deficit, he recalled that in November 1991 Regent Gelatt asked if it could be expected that the deficit will be eliminated by June 1, 1995. The Athletic Department chose not to commit to that date and is now projecting a date of June 1, 1997. Students are concerned about whether the fee will be continued beyond the deficit reduction date and do not wish the fee to become a permanent budget addition.

Regent Nicholas commented that, while all are concerned about the Department's financial condition, there is great hope and much optimism about the future. Donations could improve considerably with more success in football and basketball and with a recovery in the economy. With increases in football attendance, the department's financial condition could be very strong in coming years. He urged the Board to support the Athletic Director's recommendation.

Regent Barry commented that one of the worst mistakes a business can make is not to look to the future during difficult times and to miss an opportunity which may not arise again. In this case, what would be lost is the opportunity to combine these sports. The ultimate result would be two separate sites on valuable land. Also lost would be the opportunity to increase soccer revenues. Therefore, he urged looking to the future and approving the project.

Regent Schilling asked how to escape the fact of spending money the Department does not have, when no other unit of the university would be able to do that.

Regent Nicholas replied that the budget would still be in surplus even with the \$65,000 expenditure to service the debt.

Regent Dreyfus challenged the notion that the decision must be made this month. While the time frame might be tight, he thought the project still could be done if the decision were made by the Board in April.

Duane Hickling, Director of UW-Madison Campus Planning, noted that, after Regent approval, authorization from the Building Commission is needed. The asphalt must be laid in May because it requires a 30- to 45-day curing time. That would allow reinstallation of the track early in September. If there is delay, the curing time would be delayed until late fall, which would jeopardize installation of the track. In that case, he felt, the project would have to be delayed until the next year.

Asked by Regent Dreyfus if he agreed with that assessment on timing, Vice President Brown said he did not think a month's delay would mean the project could not be done this year.

Put to the vote, the resolution was adopted, with Regents Gelatt, Schilling, Hirsch and Dreyfus voting in opposition.

#### Total Quality Management, UW-Madison

Regent Gelatt reported that Michael Williamson, special assistant to Chancellor Shalala, gave an interesting presentation on how UW-Madison has implemented the total quality management philosophy, with specific examples of success in the financial aid check distribution process and graduate school admissions process. Stating that this was a most impressive presentation, Regent Gelatt commented that if such success can be achieved by total quality management in other areas, it would be very much to the benefit of UW System.

#### Financial Status Report

Vice President Poellnitz reported to the Business and Finance Committee on the financial condition of the UW System for the six-month period ending December 31, 1991. Based upon the information presented, the institutions are operating within the intent of the annual budget as approved by the Board. Program revenue spending authority is being analyzed by System Administration and any needed increases to meet program demands will be submitted to the Department of Administration for approval. Based upon first semester projections of academic fees, collections will exceed budget estimates by \$2 million. Excess collections will be utilized to reduce future academic fee increases in accordance with Regent policy.

#### La Follette Institute

Regent Lubar asked about proposed legislation to eliminate the La Follette institute and was advised that the legislation had limited support. He requested System Administration to provide the Committee with information on the funding and position authorization for the Institute.

#### Class Audit Policy

Regent Nicholas asked about the status of the class audit policy and was informed that a working group had been established to prepare a comprehensive report. He and Regent Steil urged that the matter be expedited.

#### Audit Subcommittee

##### UW-Milwaukee Affirmative Action Audit

The Audit Subcommittee discussed the Legislative Audit Bureau's evaluation of UW-Milwaukee enforcement of affirmative action policies. Chancellor Schroeder stated that the LAB recommendations will be implemented.

Regent Steil asked that all staff at UW-Milwaukee be notified of the Board's position and informed of whom to contact with any complaints. Dr. Marian Swoboda, Assistant to the President for Equal Opportunity Programs, assured the Committee that sufficient Regent policies are in place and that her office will be reviewing each institution to ensure grievance and sexual harassment procedures are in place and are being followed.

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#### REPORT OF THE PHYSICAL PLANNING AND DEVELOPMENT COMMITTEE

Regent Dreyfus, Vice Chair, presented the report.

##### Consent Agenda Items

As consent agenda items, Regent Dreyfus presented Resolutions 6047-6060 and moved their adoption by the Board of Regents. The motion was seconded by Regent Barry.

Regent Davis asked if any written opposition was registered to the course of action proposed in Resolution 6060. Vice President Brown replied that there was some opposition from Channel 47 participating in the arrangement. There was no opposition, however, to building the tower.

Put to the vote, Resolutions 6047-6060 were adopted unanimously.

##### UW-Madison: Authority to Construct Charter Street Heating Plant Steam Pressure Reducer/Desuperheater Equipment Replacement Project

Resolution 6047: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to construct a Charter Street Heating Plant Steam Pressure Reducer/Desuperheater Equipment Replacement project for an estimated total project cost of \$250,000 of General Fund Supported Borrowing - Utilities Repair/Renovation Funds.

##### UW-Madison: Authority to Purchase a Warehouse and Land

Resolution 6048: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to purchase a warehouse and approximately 1.58 acres of land at 630 West Mifflin Street, at a cost of \$1,022,200 using Program Revenue Supported Borrowing.

##### UW-Madison: Approval to Increase Primate Center Annex Remodeling-- Phase III budget

Resolution 6049: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, approval be granted to increase by \$55,000 the Primate Center Annex Remodeling - Phase III budget, from \$1,616,500 to a revised total estimated

project cost of \$1,671,500 (\$1,344,600 Federal Funds and \$326,900 General Fund Supported Borrowing - All Agency Funds).

UW-Madison: Approval to Amend Lease of Space for UW Hospital and Clinics Sports Medicine Program

Resolution 6050: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, approval be granted to extend and amend the lease of approximately 16,129 square feet of space for the UW Hospital and Clinics Sports Medicine Program located at 3313 University Avenue.

Lessor: BDB Investors, A Wisconsin Partnership  
502 North Eau Claire Street  
Madison, Wisconsin 53705

The current lease of space for the University of Wisconsin Hospital and Clinics (UWHC) at 3313 University Avenue expires March 31, 1992, and will be extended and amended to provide for the continued use of 16,129 square feet (SF) of space for an 18-month period beginning April 1, 1992 through September 30, 1993. The amendment will also provide for three, six-month renewals from October 1, 1993, provided at least 120 days written notice is given by the Lessee. The lease may be further extended for two additional one-year periods.

The annual rental rate for the first year of the amended lease will reflect an increase of 4% over the current annual rental rate of \$132,795. That rate represents the average of differing costs per square foot for various types of space ranging from prime storefront areas to storage spaces. Each subsequent April 1 through 1996, the annual rental rate will reflect a 3% increase, in accordance with the following schedule:

<u>Lease Period</u>	<u>Term</u>	<u>Annual Cost</u>	<u>Cost/SF</u>
April 1, 1992 through March 31, 1993	] 18 months	\$138,107	\$8.56/SF
April 1, 1993 through September 30, 1993		\$142,250	\$8.82/SF
October 1, 1993 through March 31, 1994	6 months	\$142,250	\$8.82/SF
April 1, 1994 through September 30, 1994	6 months	\$146,518	\$9.08/SF
October 1, 1994 through March 31, 1995	6 months	\$146,518	\$9.08/SF
April 1, 1995 through March 31, 1996	12 months	\$150,913	\$9.36/SF
April 1, 1996 through March 31, 1997	12 months	\$155,441	\$9.64/SF

The amendment will also provide an option to lease an additional 1,130 square feet of space effective April 1, 1992, at a monthly rental rate of \$833.37 (\$8.85/SF) with annual 3% increases effective April 1, 1993 and each subsequent April 1 through 1996. Also, effective July 1, 1992, or earlier if vacated by the current

lessee, the University may occupy an additional 2,200 square feet at a monthly rental rate of \$2,200.00 (\$12/SF) with an annual 3% increase effective April 1, 1993 and each April 1 through 1996. This area has a higher per square foot cost due to its prime, store front location. Both options could provide space needed for expansion or further consolidation of other Sports Medicine programs, such as the Comprehensive Spine Center.

The University will continue to fund the cost of all utilities and services, which is estimated at \$4.55/SF. All other provisions of the base lease contract will be unchanged. Rental payments and the cost of utilities and services will be provided from University Hospital and Clinics' operating funds.

UW-Madison: Approval of Design Report and Authority to Construct Chamberlin Hall West Wing Facility Upgrade

Resolution 6051: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, the Design Report be approved and authority granted to construct the Chamberlin Hall West Wing Facility Upgrade - Phase I project, at an estimated total project cost of \$1,300,000, using General Fund Supported Borrowing - Health, Safety and Environment funds.

UW-Madison: Approval for Three-Building Roof Replacements

Resolution 6052: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to construct roof replacement projects on the following buildings on the campus at UW-Madison at a total cost of \$839,000 using \$664,000 of General Fund Supported Borrowing - Facilities Repair and Renovation Funds and \$175,000 Housing Division Program Revenue funds:

<u>Building</u>	<u>Roof Age/Priority</u>	<u>Budget</u>
a. Stovall Hall (Hygiene Lab)	19/1	\$ 134,000 (GPR)
b. Humanities Building	25/1	530,000 (GPR)
c. Ogg Hall	28/1	<u>175,000</u> (PR)
TOTAL:		\$ 839,000

UW-Madison: Approval to Construct Humanities Building and Elvehjem Museum of Art Deck Repair/Replacement Project

Resolution 6053: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to construct a Humanities Building and Elvehjem Museum of Art Ground Level Deck Repair/Replacement project, on the campus at UW-Madison, at an estimated cost of \$190,000 of General Fund Supported Borrowing - Facilities Repair and Renovation.

UW-Stevens Point: Authority to Complete Land Trade; Adjust Campus Boundary; Construct Parking Lot X Redevelopment and Expansion

Resolution 6054: That, upon the recommendation of the UW-Stevens Point Chancellor and the President of the University of Wisconsin System, authority be granted to:

- (a) complete a land trade between the City of Stevens Point, Saint Stanislaus Parish and the University;
- (b) adjust the campus boundary as a result of the land trades between the three parties; and
- (c) construct a Parking Lot X Redevelopment and Expansion project, at an estimated total project cost of \$210,000 of Program Revenue Supported Borrowing.

UW-Stevens Point: Approval to Name a Room

Resolution 6055: That, upon the recommendation of the UW-Stevens Point Chancellor and the President of the University of Wisconsin System, authority be granted to name Room 027 in the Health, Physical Education, Recreation and Athletic Building the "Brodhagen/Counsell Room."

UW-Whitewater: Approval of Budget Increase for Irvin L. Young Multi-Purpose Auditorium

Resolution 6056: That, upon the recommendation of the UW-Whitewater Chancellor and the President of the University of Wisconsin System, authority be granted to increase by \$342,519 the budget for the Irvin L. Young Multi-Purpose Auditorium, from \$9,000,000 to \$9,342,519 from Gift Funds.

UW-System: Approval of Minor Projects

Resolution 6057: That, upon the recommendation of the UW-Green Bay, LaCrosse and Madison Chancellors and the President of the University of Wisconsin System, authority be granted to construct the following projects, at the budgets and from the funding sources indicated, summarized as follow:

General Fund Supported Borrowing:

Facilities Repair and Renovation Funds	\$331,000
Utilities Repair and Renovation Funds	244,000
Program Revenue Funds	<u>110,000</u>
	\$685,000

- (a) UW-Green Bay: Cofrin Library Carpet Replacement project, \$220,000, General Fund Supported Borrowing - Facility Repair and Renovation Funds.

- (b) UW-Green Bay: Campus Walkway Lighting Replacement project, \$244,000, General Fund Supported Borrowing - Utilities Repair and Renovation Funds.
- (c) UW-LaCrosse: North Hall Window-Wall Restoration project, \$111,000, General Fund Supported Borrowing - Facility Repair and Renovation Funds.
- (d) UW-Madison: Natatorium-East Playfield Recreational Sports Lighting project, \$110,000, Program Revenue Funds.

#### Review of Recurring Reports

Resolution 6058: Whereas the Board of Regents, at its December 6, 1991 meeting unanimously adopted Resolution 5969 stating that all required reports to the Board are to be sunsetted effective July 1, 1992, with the provision that, prior to that date, each Board Committee would provide an opportunity to consider requests for restoration of reports that have been required and are recommended for sunsetting, and

Whereas, at its February meeting, the Physical Planning and Development Committee reviewed and discussed the recommendations of the Vice President for Physical Planning and Development relating to the listed reports, and

Whereas, neither the members of the Physical Planning and Development Committee nor other members of the Board have requested restoration of any report nor suggested the elimination of any additional reports,

Now, therefore, be it resolved that the legislatively mandated and Committee and/or Board-mandated reports listed below are recommended for continued submission, at the frequency indicated, until the Committee and/or the Board shall otherwise determine:

<u>Source of Mandate</u>	<u>Frequency/Recommendation</u>
<u>Federally Mandated</u>  There are no federally mandated reports submitted to the Committee	
<u>Legislatively Mandated</u>  Report to the Legislature Relating to Solid Waste Experiment Centers [1989 ACT 31m Sec. 36.25(3m)(e)]	Annually, in November, until the requirement is rescinded by the Legislature.



<u>Source of Mandate</u>	<u>Frequency/Recommendation</u>
Sale of Surplus Lands (1983 ACT 27) submitted to Joint Finance Committee and Building Commission	January 1, and biennially thereafter, until the requirement is rescinded by the Legislature.
Land Information Report (1989 ACT 31)	March 31, 1990 and biennially thereafter, directly to the Land Information Board, as authorized by the Board of Regents on 4-6-90.
UW System Land Holdings Report (includes annual report on System leased spaced, with total lease commitment exceeding \$100,000)	July 1 annually, with the report including leases with a total lease commitment exceeding \$200,000. This is consistent with the Board's action on 11/08/91 (Resolution 2781) relating to "Authorization to Sign Documents," which raised this threshold for contracts, leases and agreements from \$100,000 to \$200,000.
City/County Operating Budgets for UW Centers	Annually, in May
Report of Campus Security Night-Walk Inspections: to determine lighting and other improvements needed to increase campus security.	Annually, through 1996, then review to determine need to continue.
Special Reports Addressing Elements of Responsibility for PPD Committee: detailed information on the programs and operations under the purview of the Committee.	Monthly, at the request of the Chair, until all aspects of bylaws provisions have been addressed. Periodic special reports to be presented thereafter, as needed.
Report on UW-Madison University Research Park: update on activities at and plans for the Park.	Annually, in April--oral report only to be presented by the Chancellor or Park Director.
Reports of Construction Contracts and Change Orders Over \$25,000 signed for projects within Regent-approved budgets.	As needed, with dollar threshold increased to \$200,000, consistent with the earlier referenced November 1991 Board action relating to "Authorization to Sign Documents."

UW System Auxiliaries Infrastructure Task Force Report

Resolution 6059: That, upon the recommendation of the Chancellors and the President of the University of Wisconsin System, the "Auxiliaries Infrastructure Task Force Report," dated February 1992, is accepted and the recommendations embodied in the Report endorsed.

UW System: Granting of Authorizations Relating to WHA Candelabra Tower and Purchase of Channel 27 Property

Resolution 6060: That, upon the recommendation of the University of Wisconsin System President, the following authorizations relating to the WHA candelabra tower and purchase of the Channel 27 property be approved:

- (1) to construct the candelabra tower and related structures, at a cost of \$3,882,000, funded by Program Revenue Bonding Authority;
- (2) to request Department of Administration staff to negotiate a taxable bond/note for the amount;
- (3) to enter into a lease agreement with the Motorola Corporation for a period of 15 years, during which Motorola would retire the debt and assume ownership of the tower. The Board of Regents would retain ownership of the land. A provision of this lease/purchase would be that ECB and WHA be assured of occupancy on the tower as long as it exists;
- (4) to enable WHA to enter into a lease agreement for occupancy on the tower at an initial rate of \$60,000 per year;
- (5) to purchase the Channel 27 property at a cost of \$1.9 million using Program Revenue Bonding authority;
- (6) to enter into a lease with the University Research Park for the Channel 27 property for a period of 20 years, during which the University Research Park would retire the debt and assume ownership of the property;
- (7) to request DOA staff to negotiate a taxable bond/note for the amount.

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UW-Madison: McClimon Track

Upon motion by Regent Dreyfus, seconded by Regent Steil, the following resolution was adopted unanimously:

Resolution 6061: That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to construct a 1991-93 McClimon Running Track Replacement/Soccer Field Development - Phase 1 project, for a total cost of \$1,050,000 (\$723,500 Program Revenue Supported Borrowing and \$326,500 contractor/manufacture reimbursement). Gift Funds, as they become available, will be used to offset Program Revenue expenditures.

Campus Planning Reports

Chancellor Kuipers, UW-La Crosse, and Chancellor Thibodeau, UW-River Falls, described for the Physical Planning and Development Committee the positive results achieved by intensive campus planning efforts at their respective campuses.

Report on Construction Standards

This report to the Committee, requested by Regent Gundersen, showed that there is an extensive system for establishing and reviewing standards in construction, repair and remodeling of facilities.

Milwaukee-Civic Center Project

The Committee received a report on the Milwaukee Civic Center project. Its purpose was to provide Regents with a summary of background information previously conveyed in several separate reports.

1993-95 Capital Budget Guidelines

At the Committee's request, Robert Brandherm, Administrator of the Division of State Facilities Management, discussed budget guidelines for the 1993-95 capital budget, stating that funding will be limited and that emphasis must be placed on maintenance as opposed to new construction. Stating that the Committee was very pleased that Mr. Brandherm attended the meeting to share his views and opinions, Regent Dreyfus considered this a positive sign that communications with the Department of Administration are improving markedly.

At 12:00 noon, the following resolution, moved by Regent Davis, was adopted on a unanimous roll-call vote, with Regents Davis, Dreyfus, Gelatt, Grebe, Hirsch, Krutsch, Lubar, Lyon, Nicholas and Steil voting in the affirmative (10). There were no votes in opposition and no abstentions.

Resolution 6062: That the Board of Regents recess into closed session to consider employment matters, including annual evaluations, for permission to offer a salary above executive salary group six maximum, UW-Milwaukee, and for temporary base salary adjustment which exceeds executive salary group six maximum for an existing faculty member, UW-Madison, as permitted by s. 19.85(1)(c), *Wis. Stats.*; To consider personal histories concerning honorary degree nominations at UW-Oshkosh, UW-Parkside and UW-River Falls, as permitted by s. 19.85(1)(f), *Wis. Stats.*; and To confer with Legal Counsel, as permitted by s. 19.85(1)(g), *Wis. Stats.*

CLOSED SESSION ACTIONS

The Board arose from closed session at 2:00 p.m., at which time the following actions were announced:

Approval to Offer Salary above Executive Salary Group 6 Maximum,  
UW-Milwaukee

Resolution 6063: That, upon recommendation of the Chancellor of the University of Wisconsin-Milwaukee and the Acting President of the University of Wisconsin System, the chancellor be authorized to offer a salary above the Executive Salary Group Six maximum for Peter R. Garcia, M.D., University Physician, University of Wisconsin-Milwaukee.

Temporary Base Salary Adjustment above Group 6 Maximum, UW-Madison

Resolution 6064: That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the Acting President of the University of Wisconsin System, a temporary base salary adjustment of \$3,800, resulting in a new rate of C\$89,586, be approved for John R. Nevin, Grainger Wisconsin Distinguished Professor of Business, School of Business, University of Wisconsin-Madison, for Semester II, 1991-92.

Honorary Degree, UW-River Falls

Resolution 6065: That, upon the recommendation of the UW-River Falls Chancellor and the Acting President of the University of Wisconsin System, Professor Fang Lizhi be awarded the honorary degree of Doctor of Humane Letters at the University of Wisconsin River Falls, subject to acceptance by the nominee.

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The meeting was adjourned at 2:00 p.m.

  
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Judith A. Temby, Secretary

April 3, 1992

UWS 17.06(2)(a) REDRAFT

UWS 17.06 Offenses defined. The university may discipline a student in nonacademic matters in the following situations.

. . . .

(2)(a) For addressing directly to a specific member (or specific members) of the UW student body an epithet, as defined in subsection (b) below, that was

1. intended to demean the race, sex, religion, color, creed, disability, sexual orientation, national origin, ancestry or age of the person addressed, and

2. intended to make the environment at the UW hostile or threatening for the person addressed because of his or her race, sex, religion, color, creed, disability, sexual orientation, national origin, ancestry or age.

(b) An "epithet" is a word, phrase or symbol that reasonable persons recognize to grievously insult or threaten persons because of their race, sex, religion, color, creed, disability, sexual orientation, national origin, ancestry or age, and that

1. would make the educational environment hostile or threatening for a person to whom the word, phrase or symbol is directly addressed, and

2. without regard to the gender or other physical characteristics of the individuals involved, would tend to provoke an immediate violent response when addressed directly to a person of average sensibility who is a member of the group that the word, phrase or symbol insults or threatens.

(c) The use of epithets in statements addressed to a general audience rather than directly to a specific individual (or specific individuals) shall not be a violation of this rule even though the speaker's intent is to demean and create a hostile environment and even though a member or members of the group demeaned by the epithet constitute part of that audience.

(d) The intent of a person charged with violating this rule shall be determined by consideration of all relevant circumstances.

(e) No disciplinary action under this rule shall be instituted unless a person designated by the President of the University of Wisconsin System has determined that the conduct alleged to have occurred constitutes a violation of this rule. If disciplinary proceedings are thereafter instituted, and a violation is found, the proposed disciplinary sanction shall also be reviewed by the President's designee to assure that it is appropriate to the offense and comparable to sanctions that have been imposed for similar violations.