BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

I. All Regents
Thursday, December 5, 2019
1:15 p.m.

James R. Connor University Center
UC 275
228 Wyman Mall
Whitewater, Wisconsin

1. Calling of the roll

2. Updates and introductions

3. Opening remarks by UW System President Ray Cross: "The UW System is inspiring students to achieve and build better futures for their communities, for their families, and for themselves."

4. Host-campus presentation by UW-Whitewater Chancellor Dwight C. Watson: "Inspire. Engage. Transform: More than 150 years of regional impact"

5. <u>Closed Session – Room 275</u>
   Move into closed session to:
   A. consider a student request for review of a UW-Madison decision, as permitted by s. 19.85(1)(a), (f), and (g), Wis. Stats.;
   B. consider a student request for review of a UW-Oshkosh disciplinary decision, as permitted by s. 19.85(1)(a), (f), and (g), Wis. Stats.;
   C. consider personnel evaluations of chancellors, as permitted by s. 19.85(1)(c), Wis. Stats.;
   D. consider compensation adjustments for chancellors, as permitted by s. 19.85(1)(c), Wis. Stats.;
   E. consider compensation adjustments for individuals with salaries that exceed 75% of the UW System President's salary, as permitted by s. 19.85(1)(c), Wis. Stats.;
   F. consider four UW-Milwaukee honorary degree nominations, as permitted by s. 19.85(1)(f), Wis. Stats.;
   G. deliberate or negotiate the purchase of public property for UW-Stevens Point, as permitted by s. 19.85(1)(e), Wis. Stats.,
   H. confer with legal counsel regarding potential litigation in which it is likely to become involved regarding contracts, as permitted by s. 19.85(1)(g), Wis. Stats; and
   I. discuss ongoing personnel matters, as permitted by s. 19.85(1)(f), Wis. Stats.

The closed session agenda also may be considered on Friday, December 6, 2019, as the Board's needs may dictate. In addition, the Board may reconvene in open session regarding matters taken up in the closed session, including voting, where applicable.

HOST-CAMPUS PRESENTATION BY
UW-WHITEWATER CHANCELLOR DWIGHT C. WATSON:
"INSPIRE. ENGAGE. TRANSFORM: MORE THAN 150 YEARS OF REGIONAL IMPACT"

REQUESTED ACTION

Information only.

SUMMARY

For more than 150 years, the University of Wisconsin-Whitewater has inspired, engaged and transformed the lives of our students, faculty, staff and communities. The impact of the campus continues to grow with the addition of the Rock County campus. Chancellor Watson will discuss how both the Whitewater and Rock County campuses embraced the challenge of the restructuring process and put student success at the forefront of the decision-making process. Dr. Russ Kashian, co-director of the Fiscal and Economic Research Center, along with student research employee Kara Bennett, will present the findings of the most recent UW-Whitewater economic impact and the value of a UW-Whitewater degree studies. Additional departments will be highlighted to show the impact of UW-Whitewater on the community and region. Chancellor Watson will focus on the enrollment challenges that UW-Whitewater faces along with steps taken to meet those challenges.

Presenters:

- Chancellor Dwight C. Watson, UW-Whitewater
- Dr. Kenny Yarbrough, Chief Equity, Inclusion and Diversity Officer, UW-Whitewater
- Dr. Russ Kashian, co-director, Fiscal and Economic Research Center (FERC), UW-Whitewater
- Kara Bennett, student research employee, FERC, UW-Whitewater
- Dr. Robin Fox, interim dean, College of Education and Professional Studies, UW-Whitewater
- Dr. Tracey Scherr, professor of Psychology, College of Letters and Sciences, UW-Whitewater
- Principal Mary Kilar, Lincoln Elementary School, Whitewater Unified School district, two-time UW-Whitewater alumnus

- Dr. Todd Loushine, associate professor of Occupational Safety, College of Business and Economics, UW-Whitewater
- Chevon N. Cook, UW-Whitewater alumnus and Safety Manager, Wisconsin Safety Council
- Dr. Jolly Emrey, associate professor and chair of the Department of Political Science, UW-Whitewater
- Jenny Toone, a senior majoring in Communication Sciences and Disorders and a member of the UW-Whitewater forensics team

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

II. All Regents   James R. Connor University Center
Friday, December 6, 2019   UC 275
9:00 a.m.   228 Wyman Mall
                                                                    Whitewater, Wisconsin

1. Calling of the roll

2. Approval of the record of the November 7, 2019 Board of Regents meeting and the record of the November 26, 2019 Board of Regents meeting

3. Report of the President of the Board
   A. Report(s) of the Wisconsin Technical College System Board and the Higher Educational Aids Board
   B. Update on the UW-Stout and UW-Green Bay chancellor search processes
   C. Update on the search process for the UW System President
   D. All In Wisconsin

4. Report of the President of the System
   A. News around the System
   B. Student spotlight
   C. Legislative updates
   D. Winter commencements
   E. Tribal consultation

5. Report and approval of actions taken by the Capital Planning & Budget Committee

6. Report of the Research, Economic Development & Innovation Committee

7. Report and approval of actions taken by the Audit Committee

8. Report of the joint meeting of the Audit Committee and the Business & Finance Committee

9. Report and approval of actions taken by the Business & Finance Committee

10. Report and approval of actions taken by the Education Committee

11. Presentation and discussion: Trends and Strategies to Attract and Serve Nontraditional Students Throughout the UW System

12. Approval of Administrative Code Scope Statement for Proposed Changes to Chapter UWS 18

13. Resolution of appreciation to UW-Whitewater for hosting the December 2019 meeting

14. Regent communications, petitions, and memorials

15. Optional Closed Session

Adjourn

The closed session agenda for Thursday, December 5, 2019, may also be considered on Friday, December 6, 2019, as the Board's needs may dictate. In addition, the Board may reconvene in open session regarding matters taken up in the closed session, including voting, where applicable.

II. All Regents   Item 11.
Friday, December 6, 2019

TRENDS AND STRATEGIES TO ATTRACT AND SERVE NONTRADITIONAL STUDENTS THROUGHOUT THE UW SYSTEM

REQUESTED ACTION

For discussion only.

SUMMARY

A healthy Wisconsin economy and citizenry requires growing the number of people with quality postsecondary education. However, the declining number of traditional-age students graduating from high school and America's aging population are precipitously shrinking the proportion of traditional-age students entering and graduating from colleges and universities.

Meanwhile, the number of nontraditional students seeking higher education is growing rapidly. Universities – including the UW System – are shifting strategies to include approaches to attract and serve nontraditional students who are professionally-oriented, returning adults looking for online opportunities in innovative formats.[1]

Trends in Wisconsin are in line with national data. Approximately 21% of Wisconsin citizens age 25 and older have some college and no degree (about 815,000), with about 400,000 actively seeking options to pursue higher education.[2]

Nontraditional students are different in almost every way from traditional students. They seek continuing education for career advancement. They expect to be recognized and receive credit for what they already know. They expect to be "marketed to" and expect quick turnaround and customized attention as they make their educational choice. They seek quality education, primarily online, that is available on a 12-month, 24/7 basis. They expect to engage online with materials that are highly interactive and participatory. They want to "mix and match" among multiple educational delivery modes (face-to-face, online, competency based, prior learning assessment, etc.). Finally, they are savvy shoppers and

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[1] https://www.insidehighered.com/digital-learning/article/2018/01/05/new-us-data-show-continued-growth-college-students-studying

[2] Based on data from the U.S. Census Bureau, 2017. The estimate of 400,000 seeking higher education is from a July 2018 report, "*Wisconsin Adult Education Market 2017. Characteristics, Perceptions, and Preferences in Learning for Wisconsin Adults aged 24-54.*"

very price sensitive; the brand name is less important than confidence that their new degree or credential will teach them what they need in order to advance in their career.

The UW System is not a major player in online education within the six-state Midwest region. As part of the 2017 UW System restructure, UW System President Ray Cross created the *UW Extended Campus*, a separate programming and administrative unit dedicated to strategically grow and coordinate online and adult/professional education on behalf of all the UW System campuses.

UW Extended Campus (UWEX) builds on the work and resources of the former UW-Extension Division of Continuing Education, Outreach, and E-Learning (CEOEL). CEOEL had been focused for more than a decade on developing the resources to create educational opportunities and success for adult, professional, and other nontraditional students.

UWEX provides two functions on behalf of UW System. First, it distributes approximately $8.3 million of GPR to all campuses to oversee, coordinate, and support campus-based local and regional continuing and professional development, most of which is noncredit. This $8.3 million in state funding produces almost $48 million in revenues on the campuses.

Second, UWEX uses a *collaborative online program* model in cooperation with all UW System campuses. UWEX currently runs 24 such degree programs in both traditional semester-based formats and in the competency-based UW Flexible Option format. Most programs award bachelor's and master's degrees, but UWEX's portfolio also includes the UW Flex AAS, the new collaborative associate degree, and a handful of certificate programs.

All 13 UW System campuses are partnering on at least one of the UWEX programs, with three campuses partnering in 10 or more.

UWEX-managed programs build capacity among campus partners to attract and serve adult and nontraditional students. Enrollment in UWEX-managed programs has grown 54% over the past five years to over 4,800 students, during the same time that enrollments across the UW System has shrunk by about 2.3% overall. Retention rates for the UWEX collaborative programs are nearly twice as high as the national average[3] for comparable adult-serving online programs: for UWEX-managed online collaborative degrees, retention rates range from 61% to 88%. Average months to graduation for UW Flex students is 21 months (or about 3 months shorter than their comparable two-year degree-completion programs), and about 42 months in UWEX's traditional online semester-based programs (or about 6 months shorter than their comparable four-year degree programs).

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[3] US News & World Report is one of the few sources of reliable, national data on this topic as NCES does not track retention rates for online programs at the national level. In their 2010 surveys, USN&WR calculated a retention rate for first-time, part-time students at online institutions of 39%.

UWEX's collaborative programs are revenue generating. In FY19, they generated about $16.4 million in gross revenue, with about 70% of revenue transferring to campus partners.

UWEX's goal is to double online enrollments by adding two new programs in response to market needs per year through 2025. Each new program takes about 18-20 months to develop and is built to break even within 3-5 years. Each program requires about $1 million in seed funding before it breaks even. UWEX fronts 100% of these funds from its GPR and cash balances.

Marie Cini, President of CAEL (the Council for Adult and Experiential Learning) will provide national context with the presentation, "Serving Adult Learners: Wisconsin as a Microcosm of the Nation." She will present national trends in adult and professional education, describe the unique needs of professionally-oriented adults, and provide information on how some states are serving adult and professional students.[4]

Aaron Brower, Executive Director of UW Extended Campus, will present a brief overview of the collaborative educational model of UW Extended Campus. UW-Parkside Chancellor Debbie Ford, whose campus is currently partnering with UW Extended Campus on more than 10 programs, will share UW-Parkside's perspectives on the value of collaborative programs.

A two-minute video will showcase the adult student experience. As well, two returning adult students will share the impact of being able to return to a UW System institution and earn a degree.

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[4] Dr. Marie A. Cini is currently the president of the Council for Adult and Experiential Learning (CAEL). Over her 25-year career, she has extensive experience as an academic administrator in universities that predominantly serve adults. She served as Dean and then Provost at University of Maryland Global Campus (formerly UMUC), the largest public online university in the nation with over 85,000 students. Dr. Cini was inducted into the International Adult Continuing Education Hall of Fame in 2016. The Council for Adult and Experiential Learning (CAEL), a Strada Education Network affiliate, is a national, nonprofit organization dedicated to partnering with educators, employers, and workforce/economic developers to reimagine and create lifelong pathways for adults to integrate learning and work in support of talent pipelines and robust economic development.

Presenter(s)

- Marie Cini, President, Council for Adult and Experiential Learning

- Aaron Brower, Executive Director, UW Extended Campus, and Sr. Associate Vice President, UW System

- Debbie Ford, Chancellor, UW-Parkside

- Two adult/professional students

BACKGROUND

Session Goals

- To understand the impact on enrollments of a shrinking traditional-age population, and the need to grow enrollment and support to adult and professional nontraditional students.

- To understand the unique educational and support needs of this population.

- To learn about, and encourage, UW System's strategy for coordinated growth in online education for adult and professional students via UW Extended Campus, including UWEX's long-term plan for growth in this market.

- To hear from adult students themselves.

Enrollment for traditional-age students is declining across the country, including in Wisconsin, due largely to fewer high school graduates and an aging population nationwide. Demographers anticipate an "enrollment cliff" between 2025 and 2030 where the number of high school graduates will precipitously decrease by 8%.[5]
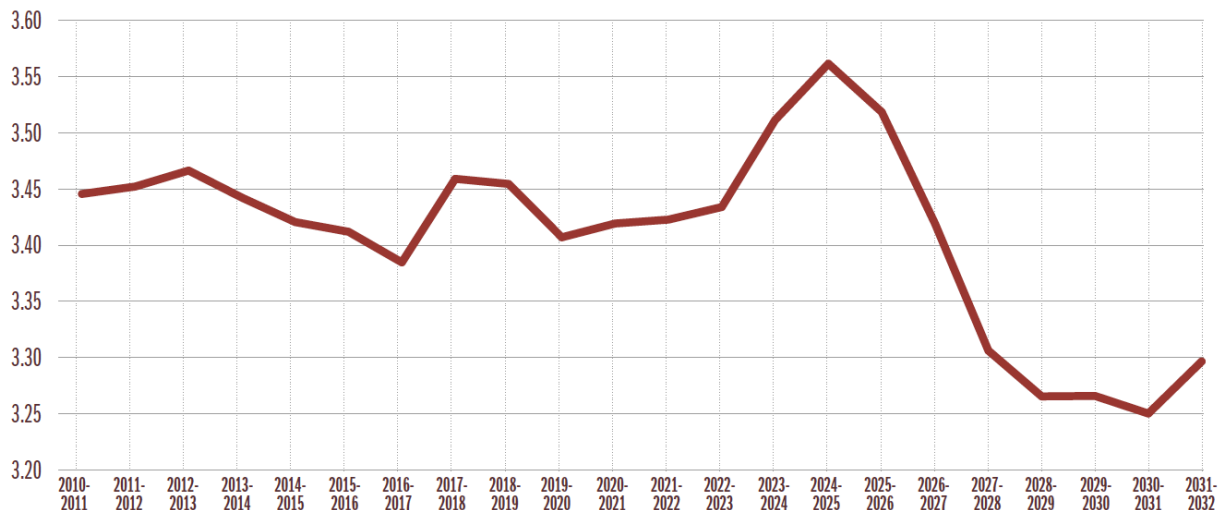
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[5] Bransberger, Peace. & Michelau, Demaree, K. "Knocking at the College Door: Projections of High School Graduates, December 2016," Western Interstate Commission for Higher Education
https://knocking.wiche.edu/nation-region-profile

HIGH SCHOOL GRADUATES IN THE U.S.

The number of new high-school graduates in the United States is expected to increase each year from 2020-21 through 2024-25. It will then fall each of the following four years, dropping by nearly 300,000 graduates from 2024-25 to 2028-29, a loss of more than 8 percent.

Projected change
in millions

Note: The number for 2010-11 is the reported count. Projections begin with 2011-12. Totals include graduates of both public and private high schools but exclude home-schooled students.
Source: Western Interstate Commission for Higher Education, *Knocking at the College Door:* Projections of High School Graduates, 2016, www.wiche.edu/knocking

At the same time, a healthy Wisconsin economy and citizenry requires growing the number of people with quality postsecondary education. Institutions of higher education, therefore, are shifting to include how best to attract and serve an increasing proportion of nontraditional or "new traditional" students who are professionally-oriented, returning adults looking for online opportunities in innovative formats.[6] Coincidentally, this is the largest segment of the state's population seeking higher education, estimated at over 400,000 people in Wisconsin alone.[7]

The Challenge

The UW System, as a whole, is not currently a significant player in online education. Table 1 shows that within the six-state Midwest region (Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin) – the region in which the UW should be strong – all UW System institutions combined award only 8% of all online bachelor's degrees and 3% of all online master's degrees. For online business and information technology degrees, the degrees in highest demand and needed for nine of the 10 fastest growing occupations (Tables 2 & 3), UW System's market share is even smaller: 7% of bachelor's and 3% of master's degrees.

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[6] https://www.insidehighered.com/digital-learning/article/2018/01/05/new-us-data-show-continued-growth-college-students-studying

[7] *"Wisconsin Adult Education Market 2017. Characteristics, Perceptions, and Preferences in Learning for Wisconsin Adults aged 24-54."* (July 2018).

In contrast, for-profit institutions award 20% of the online bachelor's degrees and 24% of the online master's degrees in business and information technology (Table 2). However, by and large, students have not been well served by for-profit providers. The State of Wisconsin's Education Approval Program reports that between 2012 and 2015, almost 69,000 Wisconsin residents enrolled in for-profit institutions. A staggering 40-50% of them drop out within their first two years.[8] Students at for-profit institutions are not only less likely to graduate, but are far more likely to experience negative financial burdens as a result of their educations. Only 35% will complete a degree within six years (compared to 65% attending public four-year institutions). On average, students at for-profits pay double the tuition and fees of a public university, and upon graduation, they are burdened with much more debt (compared even to graduates of private nonprofit colleges).[9]

Table 1
2017 & 2018 Degrees Conferred among Midwest Higher Ed Institutions Offering Bachelor's or Master's Programs <u>Both Online or Face-to-Face</u> [10]

Institutional Sector	Degrees Conferred in 2017 and 2018			
	Bachelor's Degree		Master's Degree	
	Count	Percentage	Count	Percentage
Private for-profit, 4-year or above	36,392	13%	44,785	26%
Private not-for-profit, 4-year or above	72,661	27%	60,501	36%
Public 4-year or above (less UW)	142,505	52%	59,013	35%
UW 4-year institutions	21,873	8%	5,073	3%
Total	*273,431*	*100%*	*169,372*	*100%*

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[8] "Wisconsin Postsecondary Education Focus – Student Outcomes: 2012-2015, An analysis of outcomes data collected to track student progress over a four-year period in EAP-approved schools, colleges and universities," State of Wisconsin, Educational Approval Program, 2017; reporting on the number of WI residents enrolled in for-profit colleges and universities, and the 2 year drop-out rates in the 2012, 2013, and 2014 cohorts.

[9] Center for the Analysis of Postsecondary Education and Employment: https://capseecenter.org/research/by-the-numbers/for-profit-college-infographic/

[10] Source: NCES IPEDS, 2017 and 2018 datasets; all 2-Digit CIP codes for degrees delivered <u>both</u> in "brick and mortar" and online from all Midwest region institutions (IL, IN, IA, MI, MN, WI), where at least one program at the bachelor's or master's degree level within each 2-Digit CIP code level is offered via distance education. First and second majors are included in counts.

Table 2
Degrees in Business and/or Information Technology Conferred in 2017 and 2018 among Midwest Higher Ed Institutions Offering an <u>Online</u> Option in Bachelor's or Master's Programs[11]

Institutional Sector	Degrees Conferred in 2017 and 2018			
	Bachelor's Degree		Master's Degree	
	Count	Percentage	Count	Percentage
Private for-profit, 4-year or above	9,460	20%	8,992	24%
Private not-for-profit, 4-year or above	18,408	39%	15,709	41%
Public 4-year or above (less UW)	16,518	35%	12,174	32%
UW 4-year institutions	3,249	7%	1,066	3%
Total	*47,635*	*100%*	*37,941*	*100%*

Table 3
Top 10 occupations in Wisconsin with highest predicted job growth that require a bachelor's degree, 2016 to 2026[12]

Rank	Description	2016 Jobs	2026 Jobs	Expected Increase
1	Registered Nurses	57,212	61,936	4,724
2	Software Developers, Applications	11,982	15,776	3,794
3	General and Operations Managers	36,585	40,116	3,531
4	Market Research Analysts and Marketing Specialist	12,118	15,113	2,995
5	Accountants and Auditors	23,451	26,439	2,988
6	Managers, All Other	19,807	22,390	2,583
7	Financial Managers	9,706	11,919	2,213
8	Computer Systems Analysts	15,232	17,195	1,963
9	Management Analysts	11,441	13,294	1,853
10	Business Operations Specialists, All Other	13,394	14,998	1,604

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[11] Source: NCES IPEDS, 2017 and 2018 datasets; all degrees with 6-digit CIP Codes in categories CIP 52 (Business) and CIP 11 (Information Technology) delivered <u>both</u> in "brick and mortar" and online from all Midwest region institutions (IL, IN, IA, MI, MN, WI), where at least one program at the bachelor's or master's degree level within each 6-Digit CIP code is offered via distance education. Counts include only First Majors.

[12] Source: State of Wisconsin, Department of Workforce Development, Occupational Employment Projections – Long Term: 2016-2026 Statewide (see: https://jobcenterofwisconsin.com/wisconomy/pub/occupation.htm#Viz; select "Long Term: 2016-2026 Statewide" under "Downloads & Links")

UW System's Response: Strategic Coordination via UW Extended Campus

As part of the 2017 UW System Restructure, UW System President Ray Cross created the *UW Extended Campus*, a new unit dedicated to strategically coordinate and grow online and adult/professional education on behalf of all the UW System campuses.

UW Extended Campus (UWEX) is not a physical or virtual campus. It is a separate programming and administrative entity that partners with all UW System institutions to provide professional and continuing education for adults, primarily online, and therefore extends the physical boundaries of each of the UW campuses to the borders of the state and beyond. UWEX reports into UW System Administration and is subject to its governance and policies, but it is a separate programming and administrative entity.

UWEX is a "spin off" organization created from the former UW-Extension Division of Continuing Education, Outreach, and E-Learning (CEOEL). CEOEL had been focused for more than a decade on developing the resources to create educational opportunities and success for adult, professional, and other nontraditional students. UWEX has now been given a more central and strategic role within the UW System: to grow and coordinate online and adult/professional education on behalf of all the UW campuses.

UWEX oversees and manages two vital operations with respect to adult and professional education.

First, it distributes approximately $8.3 million of GPR to all campuses to oversee, coordinate, and support campus-based local and regional continuing and professional development activities. Most of these continuing and professional development activities are noncredit, generally offered as face-to-face workshops and trainings (though can also be online), with much of the programming developed in cooperation with local businesses. This $8.3 million in state funding produces almost $48 million in revenues on the campuses.

Second, UWEX has developed a series of online programs that are run in collaboration with the UW System campuses. UWEX manages 24 such programs. The majority of programs award bachelor's and master's degrees, though UWEX also manages the UW Flex AAS, the new collaborative Associate's Degree, and a handful of certificate programs. These programs are offered both in traditional semester-based online formats and the competency-based UW Flexible Option format. As Table 4 shows, all 13 UW System campuses participate in at least one UWEX-managed collaborative online program, with three campuses participating in 10 or more. UW-Parkside partners on 12 collaborative programs.

Table 4

UW Campus Involvement in Collaborative Programs managed by UW Extended Campus

As of October 29, 2019

Programs	UW-Eau Claire	UW-Green Bay	UW-La Crosse	UW-Madison	UW-Milwaukee	UW-Oshkosh	UW-Parkside	UW-Platteville	UW-River Falls	UW-Stevens Point	UW-Stout	UW-Superior	UW-Whitewater	No. Partners per Program
Collaborative Degrees														
BS-Applied Computing					X	X		X	X	X				5
BSN@Home	X	X		X	X	X				X				6
BS-Health Info Mgmt & Tech		X	X				X			X				4
BS-Health & Wellness Mgmt			X						X	X		X		4
BS-Sustainable Mgmt							X		X		X	X		4
MS-Applied Biotechnology		X		X			X	X		X			X	7
MS-Cybersecurity		X	X				X	X	X	X		X		8
MS-Data Science	X	X	X			X				X		X		6
MS-Healthcare Administration			X				X	X		X	X			5
MS-Health & Wellness Mgmt		X					X		X	X		X		5
MS-Info Tech & Mgmt			X			X	X			X		X		5
MS-Sustainable Mgmt		X				X	X				X	X		5
Project Management							X							1
AAS-College Courses Online (19-20 year)					X	X				X			X	4
AS-Arts & Science (20-21)	X					X	X	X		X	X		X	7
Independent Learning	X			X		X						X		4
Competency-Based UW Flexible Option														
AAS					X									1
BS-Nursing					X									1
BS-Info Sciences & Tech					X									1
BS-Diagnostic Imaging					X									1
BS-Business Admin							X							1
NC-Bus & Tech Comm					X									1
NC-Project Management							X							1
NC-Substance Use & Disorders				X										1
Total Programs at each Campus	**4**	**7**	**6**	**4**	**9**	**10**	**12**	**4**	**6**	**12**	**3**	**8**	**3**	

UWEX's collaborative model has been extremely successful. Over the last five academic years (from 2014-15 through 2018-19), enrollments in the UWEX-managed online programs grew by 54% to over 4,800 students (see Table 5). In the same time period, UW online-only programs not offered in collaboration with UWEX grew by 16%. Further, at UW System's four-year institutions, enrollments shrank by 5% in degree programs offered in dual modality (both in online and face-to-face). UWEX's goals are to double online enrollments by adding two new programs in response to market needs per year through 2025.

Table 5
Unduplicated Student Headcount in Programs with Distance Delivery[13]

UW Institution/Organization	Modality of Program	2014-15	2015-16	2016-17	2017-18	2018-19	% Change 2014-15 to 2018-19
UW 4-Year Institutions	Distance Delivery Only	2,663	2,912	3,085	3,154	3,101	16%
UW Extended Campus	Distance Delivery Only	3,150	3,469	3,917	4,085	4,834	54%
UW 4-Year Institutions	Both Distance and Face-to-Face Delivery	23,573	23,107	23,189	23,057	22,496	-5%

Retention rates across UWEX's collaborative programs (including UW Flex) range from 61% to 88%. These rates are, on average, almost twice the national retention rate[14] for comparable, adult-serving online programs. Average months to graduation for UW Flex students is 21 months (or about 3 months shorter than their comparable two-year degree-completion programs), and about 42 months (or about 6 months shorter than their comparable four-year degree programs).

The UW Extended Campus's Collaborative Model

Because UWEX works on behalf of all campuses, its collaborative programs build capacities among campus partners to better attract and serve adult and nontraditional students. UWEX's collaborative model includes the following timeline:

- UWEX identifies which programs to develop based on market demand. UWEX looks for new program areas where the UW System can establish a niche, either due to program content or educational format (i.e., traditional online or competency-based).

- All campuses are invited to partner on recommended new programs. Campuses choosing to participate send faculty to a series of UWEX-led curriculum development workshops.

- During curriculum development, all campus partners approve materials through their standard faculty and curriculum approval processes.

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[13] From UW System's Office of Policy Analysis & Research. Does not include face-to-face-only programs.

[14] US News & World Report is one of the few sources of reliable, national data on this topic (Note: At the federal level, NCES does not track retention rates for online programs). In their 2010 surveys, US News & World Report focused on this issue and calculated a retention rate for first-time, part-time students at online institutions of 39%.

- A host campus works with UWEX to write the Notice of Intent and Authorization Document for Board of Regents approval.

- Once approved by the Board, UWEX leads the Higher Learning Commission (HLC) submission and accreditation process.

- UWEX supports campuses and their participating faculty in developing multimedia course materials and putting courses online.

- The development process, from initial invitation of campuses to enrollment of students, takes between 18-20 months.

- UWEX creates the business model for each program-revenue program, including enrollment and tuition targets to break even within 3-5 years.

- UWEX creates Memos of Understanding that identify partner roles and responsibilities, and how funds will flow between partners.

- UWEX serves as the fiscal agent for the collaborative programs.

    - UWEX reimburses campus direct expenses through its own funds (a combination of dedicated GPR and fund balances) until enrollments grow sufficiently to cover costs.

    - Each program requires about $1 million in seed funding before it breaks even. UWEX fronts 100% of these funds from its GPR and cash balances; no year-to-year losses are carried over or distributed to campuses.

    - Once revenues exceed expenses, net revenues are distributed equally among all partners, including UWEX as an equal partner. UWEX uses its share to replenish its development moneys.

In FY18-19, the UWEX collaborative programs enrolled a total of about 4800 unique students and generated about $16.4 million in gross revenue, with about 70% of that revenue transferring to campus partners.

UWEX employs about 150 people – enrollment advisors and student service specialists, proactive and wraparound student coaches, market researchers, marketers and communications specialists, instructional designers and multimedia specialists, program managers, specialized IT developers, budget and HR specialists – all dedicated specifically to adult, professional, and nontraditional students. UWEX has a total Redbook budget of about $63 million, which includes funds generated by campuses with UWEX's support.

APPROVAL OF ADMINISTRATIVE CODE SCOPE STATEMENT FOR CHAPTER UWS 18

REQUESTED ACTION

Adoption of Resolution II.12., approving the Administrative Code Scope Statement for Ch. UWS 18, Wis. Admin. Code, "Conduct on University Lands."

Resolution II.12. That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents approves the Administrative Code Scope Statement for Ch. UWS 18, Wis. Admin. Code, "Conduct on University Lands."

SUMMARY

UW institutions currently have authority to regulate conduct on University property, including authority to prohibit certain offenses against public peace and order. That authority includes imposing a fine on an individual that intentionally harasses another individual through electronic communications or telephone calls. The proposed rule modification would change the language regarding what constitutes an offense against peace and public order through email or other electronic communication or telephone use under UWS 18.11(1) and (3).

The proposed modification to UWS Chapter 18 would change the language in UWS 18.11(1) and (3), which generally prohibits a person from using email or other forms of electronic communications or phones to intentionally harass another person. This includes communications using obscene, lewd or profane language or suggesting any lewd or lascivious act sent with intent to harass; repeated communications sent with intent to harass; and anonymous communications sent with intent to harass. The current language prohibits such action when undertaken "with the intent to harass, annoy or offend another person." The proposed modification contemplated by the scope statement would eliminate references to the words "annoy" and "offend." Additionally, the scope statement contemplates expanding the prohibition of intentional harassment through electronic communications or telephone calls to include all electronic communications or telephone calls that use truly threatening or intimidating language. The prohibition on intentional harassment would not be limited to obscene, lewd or profane language or language suggesting any lewd or lascivious act.

The University's proposed scope statement for the amendment of Chapter UWS 18 has been approved by the Governor and the DOA Secretary. Additionally, pursuant to a directive by the State Legislature's Joint Committee for Review of

Administrative Rules (JCRAR), the University held a preliminary public hearing on the scope statement on November 15, 2019. Accordingly, the next step in the rulemaking process is Board of Regents' approval of the final scope statement.

If the Regents approve the final scope statement, representatives of the UW System can begin working on drafting the fiscal statement, proposed rule, and economic impact analysis.

BACKGROUND

The University of Wisconsin System (UW System) seeks to modify the administrative rule, known as Ch. UWS 18, Wis. Admin. Code, "Conduct on University Lands." All UW System institutions would be affected by the proposed rule revisions articulated in the scope statement.

The Board has statutory authority for Chapter UWS 18 under s. 36.09(1), Wis. Stats., which reads as follows: "The primary responsibility for governance of the system shall be vested in the board which shall enact policies and promulgate rules for governing the system." Additional statutory authority comes from s. 36.11(1)(a), Wis. Stats., which states "The board may promulgate rules under ch.227 to protect the lives, health and safety of persons on property under its jurisdiction and to protect such property and prevent obstruction of the functions of the system." The Board's statutory authority for Chapter UWS 18 also originates in s. 36.11(1)(b), Wis. Stats., which provides "The board may promulgate rules under ch.227 for the management of all property under its jurisdiction, for the care and preservation thereof and for the promotion and preservation of the orderly operation of system in any or all or its authorized activities and in any or all of its institutions…."

Previous Action or Discussion

On October 11, 2019, the Board approved the Notice of Preliminary Hearing on Administrative Code Scope Statement for Chapter UWS 18.

Related Policies

- Regent Policy Document 4-21, "Commitment to Academic Freedom and Freedom of Expression"

ATTACHMENTS

   A) Scope Statement
   B) Notice of Preliminary Hearing on Scope Statement
   C) Governor Approval of Scope Statement
   D) JCRAR Letter Directing Preliminary Public Hearing on Scope Statement
   E) Summary of Written Comments Received on Scope Statement

F) Audio Recording of Preliminary Hearing: https://bit.ly/35lZYJ0

STATEMENT OF SCOPE

Board of Regents of the University of Wisconsin System

Rule No.:   Chapter UWS 18

Relating to: Conduct on University Lands

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Board of Regents of the University of Wisconsin System (Board) has been a leader in its support of freedom of expression. On October 6, 2017, the Board approved Regent Policy Document 4-21 on *Commitment to Academic Freedom and Freedom of Expression*, setting forth the expectations of the Board regarding freedom of expression.

Chapter UWS 18, Conduct on University Lands, regulates conduct on lands subject to Board control. Sections of Chapter UWS 18 relating to computer and telephone use contain certain language that should be clarified related to freedom of expression. Therefore, the Board seeks to modify this section to clarify this language, while maintaining the protections provided by the section.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter UWS 18.11, Offenses Against Public Peace and Order, includes UWS 18.11(1), Computer Use. UWS 18.11(1) generally prohibits a person from using email or other means of electronic communication to intentionally harass another person. This includes electronic communications using obscene, lewd or profane language or suggesting any lewd or lascivious act sent with intent to harass, repeated communications sent with intent to harass, and anonymous communications sent with intent to harass. UWS 18.11(1) uses the terms "annoy" and "offend" in addition to "harass."

Chapter UWS 18.11 also includes UWS 18.11(3), Improper Use of Telephones. UWS 18.11(3) generally prohibits the use of a telephone to intentionally harass another person. The section uses the term "offend" in addition to "harass."

After careful consideration, the Board believes that the protections provided by UWS 18.11(1) and (3) would be maintained and enhanced by removing the references to "annoy" and "offend" and by expanding the prohibition of intentional harassment through electronic communications or telephone calls to include all electronic communications or telephone calls that use truly threatening or intimidating language. The prohibition on intentional harassment would not be limited to obscene, lewd or profane language or language suggesting any lewd or lascivious act.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Wisconsin Statute § 36.09(1) states: "The primary responsibility for governance of the system shall be vested in the board which shall enact policies and promulgate rules for governing the system." Wisconsin Statute § 36.11(1)(a) states: "The board may promulgate rules under ch.227 to protect the lives, health and safety of persons on property under its jurisdiction and to protect such property and prevent obstruction of the functions of the system" Wisconsin Statute § 36.11(1)(b) states: "The board may promulgate rules under ch.227 for the management of all property under its jurisdiction, for the care and preservation thereof and for the promotion and preservation of the orderly operation of system in any or all or its authorized activities and in any or all of its institutions . . . ."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

50 hours

6. List with description of all entities that may be affected by the proposed rule:

All University of Wisconsin institutions, and persons subject to the provisions of Chapter UWS 18.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

N/A

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

There is no anticipated economic impact of the proposed rule.

Contact Person: Raymond Cross, President of the University of Wisconsin System, 608-262-2321

_____
Department Head or Authorized Signature

9/25/2018
_____
Date Submitted

NOTICE OF PRELIMINARY PUBLIC HEARING
BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

November 15, 2019
9 a.m. to 11 a.m.
Sonata Room, Gordon Dining and Event Center
770 W. Dayton Street, Madison, Wisconsin

The Board of Regents of the University of Wisconsin System will hold a preliminary public hearing on the proposed scope statement to amend Chapter UWS 18, Wis. Admin. Code, to address conduct on University lands related to improper use of email and other electronic communications and of telephones to harass another person.

Appearances at the Hearing and Submittal of Written Comments

UW System personnel or a member of the Board of Regents will preside over the preliminary public hearing on the scope statement, on behalf of the Board of Regents, to provide interested persons with the opportunity to make an oral presentation on the proposed scope statement. Each individual who registers to speak will be given up to five minutes to give an oral presentation. Persons making oral presentations are requested to also submit their comments in writing.

The Board of Regents will accept written comments until November 20, 2019. Comments may be submitted: (1) on the web at https://www.wisconsin.edu/regents/public-comment-form/ or https://docs.legis.wisconsin.gov/code/scope_statements/all/013_19; (2) by email to board@uwsa.edu; (3) at the public hearing; or (4) by mail to Office of the Board of Regents, 1860 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706.

To request a paper copy of the scope statement, contact the Office of the Board of Regents at the address above or by email at board@uwsa.edu or phone at (608) 262-2324. The scope statement is also available for review at https://docs.legis.wisconsin.gov/code/scope_statements/all/013_19. This site includes additional documents associated with this proposed permanent rule promulgation.

Initial Regulatory Flexibility Analysis

The proposed rules will not have an effect on small businesses, as defined under s. 227.114(1), Wis. Stats.

Accessibility

Persons with special needs or circumstances regarding communication or accessibility at the hearing should call Jess Lathrop, Executive Director, Office of the Board of Regents, at (608) 262-2324 prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

November 20, 2018

Ray Cross
President
The University of Wisconsin System
1720 Van Hise Hall
1220 Linden Drive
Madison, WI 53706

RE: Scope Statement for UWS 18 relating to conduct on university lands

Dear President Cross,

I hereby approve the statement of scope submitted on November 13, 2018 to SBO, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule creating Chapter UWS 18 of the Wisconsin Administrative Code. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker
Governor

JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

January 24, 2019

John Behling, President
UW System Board of Regents
Room 1860 Van Hise Hall
1220 Linden Dr.
Madison, WI 53706

Ray Cross, President
University of Wisconsin System
Room 1720 Van Hise Hall
1220 Linden Dr.
Madison, WI 53706

Dear Presidents Behling and Cross,

As co-chairperson of the Joint Committee for Review of Administrative Rules (JCRAR) and pursuant to s. 227.136 (1), Stats., I write to direct the University of Wisconsin System and Board of Regents to hold a preliminary public hearing and comment period on Scope Statement SS 013-19, relating to conduct on university lands, which was published in the Wisconsin Administrative Register on January 22, 2019.

Additionally, pursuant to s. 227.135 (2), Stats., please note that a scope statement may not be approved by University of Wisconsin System officials or boards until after the preliminary public hearing and comment period are held by the agency, and accordingly, no activity may be conducted in connection with the drafting of a proposed rule until after such hearing and approval have occurred.

Sincerely,

Senator Steve Nass
Co-Chair, JCRAR

SEN.NASS@LEGIS.WISCONSIN.GOV
608-266-2635
P.O. BOX 7882, STATE CAPITOL
MADISON, WI 53707-7882

REP.BALLWEG@LEGIS.WISCONSIN.GOV
608-266-8077
P.O. BOX 8953, STATE CAPITOL
MADISON, WI 53708-8953

Introduction

The Board of Regents received two comments from the public regarding the proposed modifications to UWS Chapter 18. Both comments were in support of the proposed modifications and described the specific changes that the commenters believed should be made.

FIRE Comment

The first comment the Board received was from Laura Beltz on behalf of the free speech advocacy group the Foundation for Individual Rights in Education (FIRE). FIRE first noted its longstanding objection to the current provisions in UWS Chapter 18 regarding harassment in electronic communications and further stated that communications that use "lewd" or "profane" language are almost always protected by the First Amendment. As a result, FIRE supported the proposed modifications to UWS 18, and recommended specific language.

FIRE's first recommendation was to define "harassment" as behavior that is "discriminatory, targeted, and 'so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school.'" This is how the Supreme Court defined hostile environment harassment in *Davis v. Monroe County Board of Education*, 526 U.S. 629, 651 (1999), and so FIRE believes this should be the applicable standard. Second, because the proposed changes to UWS 18 contemplate banning communications that use "truly threatening or intimidating language," FIRE suggested that UWS define "true threats" as "those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals." FIRE derived

this proposed standard from the Supreme Court's decision in *Virginia v. Black*, 538 U.S. 343, 359 (2003).

Finally, FIRE evaluated the impact that adopting all of these additional changes would have for the UW System. Currently FIRE rates UWS Chapter 18 as a "yellow light" policy, meaning that FIRE believes it to be arguably unconstitutional based on its "vague and overbroad restrictions." FIRE stated that adopting its suggested change—in addition to the already-proposed modifications—would cause FIRE to rate UWS Chapter 18 as a "green light" policy, meaning that it is constitutional. If FIRE rated UWS Chapter 18 as a "green light" policy, the University of Wisconsin-Madison would earn an overall green light rating, which is a distinction that only fifty institutions currently have. FIRE did not clarify if the other institutions in the UW System would also receive an overall green light rating.

Tara Sellen Comment

The second comment the Board received was from a student at the University of Wisconsin-Green Bay named Tara Sellen. Ms. Sellen's comment echoed much of the concerns that FIRE had with the current UWS Chapter 18, saying that the current policy stifles free speech. Ms. Sullen suggested that UWS 18.11 be modified to read "No person may, with intent to harass, annoy or offend another person, send a message to the person on an electronic mail or other computerized communication system and in that message use any obscene, lewd or profane language or suggest any lewd or lascivious act that constitutes harassment, defined as conduct that is so severe, pervasive, and objectively offensive that the person is effectively denied equal access to institutional resources and

opportunities." Similar to FIRE's proposal, Ms. Sellen's proposed language would adopt the Supreme Court's standard from *Davis v. Monroe County Board of Education*.

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM
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Vice President: Michael Grebe

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*The Regent President and Vice President serve as ex-officio voting members of all committees.

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José Delgado (*Gubernatorial appointment*)

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Research Park Board – Regent Member
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Tracey Klein

Wisconsin Technical College System Board – Regent Member
Eve Hall

Liaison to Association of Governing Boards
Scott Beightol

*The Regent President and Vice President serve as ex-officio voting members of all committees.

UW SYSTEM BOARD OF REGENTS
REGULAR MEETING SCHEDULE – 2019

February 7-8, 2019 – Hosted by UW-Madison

March 7, 2019 – In Madison*

April 4-5, 2019 – ~~Hosted by UW-Whitewater~~ In Madison**

June 6-7, 2019 – Hosted by UW-Milwaukee

July 11-12, 2019 – In Madison*

October 10-11, 2019 – Hosted by UW-Superior

November 7, 2019— In Madison*

December 5-6, 2019 – ~~In Madison*~~ Hosted by UW-Whitewater

UW SYSTEM BOARD OF REGENTS
REGULAR MEETING SCHEDULE – 2020

February 6-7, 2020 – Hosted by UW-Madison

March 5, 2020 – In Madison* (Optional)

April 2-3, 2020 – ~~Hosted by UW-Green Bay~~ In Madison*

June 4-5, 2020 – Hosted by UW-Milwaukee

August 20-21, 2020 – In Madison*

October 8-9, 2020 – Hosted by UW-River Falls

November 5, 2020— In Madison* (Optional)

December 10-11, 2020 – In Madison*

*Hosted by the Board of Regents Office at Gordon Dining & Event Center
**Hosted by the Board of Regents Office at Van Hise Hall