

**RECORD OF THE SPECIAL MEETING OF THE
UNIVERSITY OF WISCONSIN SYSTEM BOARD OF REGENTS**

Thursday, July 9, 2020
12:30 p.m.

By WebEx Videoconference
1860 Van Hise Hall
1220 Linden Drive
Madison, Wisconsin

-President Petersen presiding-

CALLING OF THE ROLL..... 3

DECLARATION OF CONFLICTS..... 3

INTRODUCTION AND WELCOME: INTERIM SYSTEM PRESIDENT TOMMY G. THOMPSON 4

BOARD MEETING SCHEDULE UPDATES 4

APPROVAL OF THE UW SYSTEM'S 2020-21 AUDIT PLAN..... 5
Approval of the UW System's 2020-21 Internal Audit Plan..... 6

APPROVAL OF CAPITAL PROJECT REQUESTS..... 6
Approval of Authority for UW System to Construct Minor Facilities Renewal Project 6
Approval of Authority for UW System to Construct All Agency Maintenance and Repair Projects 7

APPROVAL OF CONTRACT 7
Approval of a UW-Milwaukee Sponsored Research Agreement with CalciGenix, LLC..... 7

**APPROVAL OF THE UW SYSTEM AND WISCONSIN TECHNICAL COLLEGE SYSTEM AGREEMENT
FOR FULFILLING 2019 WISCONSIN ACT 46 REQUIREMENTS..... 8**
*Approval of UW System and Wisconsin Technical College System Agreement for Fulfilling 2019
Wisconsin Act 46 Requirements related to Transfer, Articulation Agreements, and the Universal Credit
Transfer Agreement..... 9*

OVERVIEW OF TITLE IX..... 9
*Approval of Notice of Preliminary Hearing on Administrative Code Scope Statements for Chapters
UWS 4, 7, 11, and 17 Permanent and Emergency Rules..... 11*

**UPDATE ON PLANS AND APPROVAL OF GUIDING PRINCIPLES FOR RETURNING TO UW
CAMPUSES FOR THE FALL 2020 SEMESTER..... 11**
Approval of Guiding Principles for Returning to UW Campuses for the Fall 2020 Semester 12

**DELEGATION OF AUTHORITY TO APPROVE DECREASES IN SEGREGATED FEES IN ACADEMIC YEAR
2020-21..... 13**

Delegation of Authority to Approve Decreases in Segregated Fees in Academic Year 2020-21 14

CLOSED SESSION..... 14

Closed Session Resolution 14

Approval of UW-Madison Salary Offer for Law School Dean..... 15

Student Request for Review of a UW-Milwaukee Decision..... 15

Student Request for Review of a UW-Milwaukee Decision..... 15

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The recording of this meeting's open session is available at: [July 9, 2020 Webcast](#)

CALLING OF THE ROLL

PRESENT: Regents Robert Atwell, Amy Bogost, Héctor Colón, José Delgado, Michael Grebe, Mike Jones, Tracey Klein, Becky Lezvow, Andrew Petersen, Cris Peterson, Corey Saffold, Carolyn Stanford Taylor, Kyle Weatherly, and Olivia Woodmansee. Regents Edmund Manydeeds and Karen Walsh joined the meeting following the roll call.

UNABLE TO ATTEND: Regents Scott Beightol and Eve Hall.

DECLARATION OF CONFLICTS

[\[Recording: 00:01:54\]](#)

Before considering any items on the open session agenda, President Petersen asked if any Board members wished to declare any conflicts of interest as per Regent Policy Document 2-4, "Ethics and Conflict of Interest Policy for the UW System Board of Regents."

No conflicts were declared.

INTRODUCTION AND WELCOME: INTERIM SYSTEM PRESIDENT TOMMY G. THOMPSON

[\[Recording: 00:02:08\]](#)

President Petersen introduced former Governor Tommy G. Thompson as the new interim President of the UW System, highlighting his special skillset of experience, his history of getting things done, and his unwavering passion for the University of Wisconsin and the State of Wisconsin.

Interim System President Thompson stated that the UW System is the state's most valuable asset, and that he intends to be "its biggest advocate and toughest evaluator." Noting the difficult position the university is in due to the COVID-19 pandemic, Interim President Thompson said his focus has been on getting up to speed and meeting with every Chancellor to discuss the challenges and opportunities that lie ahead. He stated that the most immediate challenge is bringing students back to campus in a way that protects the health and safety of the students, faculty, staff, and university communities.

Interim President Thompson discussed the three areas the UW System will focus on in order to succeed in the fall: reducing COVID-19 risk through implementing best practices, such as requiring the use of masks; acquiring state and federal financial support for personal protective equipment (PPE) needs; and rigorously pursuing testing and tracing options.

Finally, Interim President Thompson issued an open invitation for members of the UW community and the people of Wisconsin to share their concerns, ideas, and thoughts about the UW to the new "Listening Post" on the UW System's website.

BOARD MEETING SCHEDULE UPDATES

[\[Recording: 00:18:40\]](#)

President Petersen announced that two additional special meetings of the Board would be scheduled over the coming weeks to address Title IX-related changes to administrative rules. He also announced that the Board's August and October meetings would be held in Madison rather than hosted by UW-Green Bay and UW-River Falls, allowing the institutions to devote more time and resources to prepare for welcoming students, faculty, and staff back to campus in September.

APPROVAL OF THE UW SYSTEM'S 2020-21 AUDIT PLAN

[\[Recording: 00:19:42\]](#)

President Petersen invited Chief Audit Executive Lori Stortz to present the UW System's Fiscal Year 2021 internal audit plan.

Ms. Stortz discussed the comprehensive process used to develop the audit plan, which included consultations with Chancellors and Chief Business Officers, System leaders, and the Governor. The audit team also conferred with colleagues at peer institutions when considering industrywide issues.

Providing a high-level overview of the audit plan, Ms. Stortz said the Office of Internal Audit would maintain its continuous audits of payroll and purchasing card activities; wrap up 2019-20 audits which had been delayed due to COVID-19; and initiating several new audits in the areas of information technology, research on behalf of foreign governments, finance and procurement, and athletics.

Ms. Stortz said the Office of Internal Audit also plans to conduct an internal assessment to ensure audit staff are conforming with professional standards; provide advisory services related to the System President transition and the COVID-19 crisis; and allocate 15% of its time and budget for special requests from the UW institutions.

Regent Atwell moved to adopt Resolution 11461. The motion was seconded by Regent Jones.

President Petersen asked how the COVID-19 crisis has impacted the audit staff's ability to collaborate with the campuses. Indicating that much of that collaboration is now happening virtually, Ms. Stortz said her staff have been thoughtful about planning and communication, and the institutions have been very responsive in submitting items on a timely basis and including the Office of Internal Audit in discussions regarding controls and other issues.

President Petersen noted that the Office of Internal Audit has been valuable in identifying best practices and improving accountability on campuses. He asked Ms. Stortz if her team has adequate staff and resources moving into FY2021. Ms. Stortz affirmed that her office is appropriately staffed, having added several auditors with a broad array of expertise in recent years.

With no further questions or comments, the motion to adopt Resolution 11461 was approved on a voice vote.

Approval of the UW System's 2020-21 Internal Audit Plan

Resolution 11461 That, upon the recommendation of the Interim President of the University of Wisconsin System, the Board of Regents approves the Fiscal Year 2021 Audit Plan.

APPROVAL OF CAPITAL PROJECT REQUESTS

[\[Recording: 00:29:17\]](#)

President Petersen invited Associate Vice President Alex Roe to present two capital project requests.

Ms. Roe said the first request from UW-Green Bay seeks to fix the exterior envelopes of two academic buildings, Mary Ann Cofrin Hall and Wood Hall. She indicated that the UW System hopes to release the project for bidding by the end of this year and have the work finished by the end of next year.

Regent Woodmansee moved to adopt Resolution 11462. The motion was seconded by Regent Lezvow and approved on a voice vote.

Approval of Authority for UW System to Construct Minor Facilities Renewal Project

Resolution 11462 That, upon the recommendation of the President of the UW System, the UW System Board of Regents grants authority to construct a minor facilities renewal project at an estimated total cost of \$6,058,300 General Fund Supported Borrowing.

Ms. Roe said the final request includes two projects on behalf of UW-Madison and UW-River Falls. The first project would remove all of the chilling equipment from UW-Madison's Primate Center and the Harlow Primate Lab, install an underground connector to the Charter Street plant, and install new chilling equipment at both facilities.

The second project would replace a majority of the deteriorating underground fiber network at UW-River Falls, which has limited capacity and is nearing the end of its 20-year lifespan, resulting in slower signals across the campus. Ms. Roe noted that this critical system is used by the university's fire alarms and security systems in addition to its teaching and learning activities.

Regent Woodmansee moved to adopt Resolution 11463. The motion was seconded by Regent Atwell and approved on a voice vote.

Approval of Authority for UW System to Construct All Agency Maintenance and Repair Projects

Resolution 11463 That, upon the recommendation of the Interim President of the UW System, the UW System Board of Regents grants authority to construct various maintenance and repair projects at an estimated total cost of \$6,686,600 (\$3,945,800 General Fund Supported Borrowing; \$2,740,800 Program Revenue Supported Borrowing).

APPROVAL OF CONTRACT

[\[Recording: 00:33:56\]](#)

President Petersen invited Kate Mollen, Interim Director of Sponsored Programs at UW-Milwaukee, to present a proposed sponsored research agreement with Calcigenix, LLC.

Ms. Mollen said the three-year sponsored research agreement with Calcigenix, LLC for \$540,000 in UWM's College of Letters and Sciences is anticipated to positively impact stroke treatments as well as aging-related neurodegenerative disorders. She noted that the current agreement is below the \$1 million threshold in Regent Policy Document 13-1, but it is a continuation of an ongoing project with Calcigenix which began in 2013, with total payments anticipated to reach approximately \$1.7 million.

Regent Jones moved to adopt Resolution 11464. The motion was seconded by Regent Lezow and approved on a voice vote.

Approval of a UW-Milwaukee Sponsored Research Agreement with CalciGenix, LLC

Resolution 11464 That, upon recommendation of the Chancellor of the University of Wisconsin-Milwaukee and the President of the University of Wisconsin System, the Board of Regents approves the contractual sponsored research agreement between the Board of Regents of the University of Wisconsin System, doing business as UW-Milwaukee, and CalciGenix, LLC for the term of July 1, 2020 through June 30, 2023.

APPROVAL OF THE UW SYSTEM AND WISCONSIN TECHNICAL COLLEGE SYSTEM AGREEMENT FOR FULFILLING 2019 WISCONSIN ACT 46 REQUIREMENTS

[\[Recording: 00:36:20\]](#)

President Petersen called upon Associate Vice President Carleen Vande Zande to present a proposed agreement with the Wisconsin Technical College System (WTCS) for fulfilling 2019 Wisconsin Act 46 requirements related to transfer, articulation agreements, and the Universal Credit Transfer Agreement.

Ms. Vande Zande said the proposed agreement outlines how the UW System and WTCS will work together to ensure the successful transfer of students across both systems and to offer transfer opportunities to students at Wisconsin's tribal colleges and independent colleges and universities. Other components of the agreement address legislative reporting requirements, advising practices, the new Transferology tool, assessment of prior learning and extra-institutional learning, data-sharing systems, and partnering on transfer policies and principles.

Ms. Vande Zande indicated that the goals of the agreement are to ensure greater flexibility for transfer students, to identify areas of opportunity for more collaboration between WTCS and the UW System, and to provide Wisconsin businesses and industries with well-qualified workers. The agreement was developed in response to 2019 Act 46, which included two main components: increasing the number of covered credits under the Universal Credit Transfer Agreement from 30 to 72 by the 2022-23 school year, and adding to and enhancing articulation agreements with other higher education partners at Wisconsin's tribal colleges and independent colleges and universities in order to meet workforce demands in key industries.

Ms. Vande Zande said the UW System also hopes to build on previous efforts to identify barriers and bottlenecks for underrepresented students seeking to transfer to UW institutions. She noted that several recommendations from those previous efforts have already been put into place, including the identification of transfer pathways, implementation of the Navigate advising tool, a revised application process to be launched in August 2020, changes to the guaranteed transfer policy, expanded articulation agreements, and closer relationships between the two-year branch campuses and the four-year comprehensive campuses.

Ms. Vande Zande noted that the WTCS Board approved the agreement one day earlier. She introduced Dr. Colleen McCabe, Provost and Vice President of WTCS, who shared a statement of support for the proposed agreement.

President Petersen stated that as the former President of the WTCS Board, he viewed the proposed agreement as a "terrific outcome" for both systems.

Regent Lezow moved to adopt Resolution 11465. The motion was seconded by Regent Stanford Taylor.

Regent Lezow said that she had spoken with Regent Eve Hall earlier that morning and had been asked to convey Regent Hall's endorsement of the agreement.

As the current WTCS Board President, Regent Lezow also stated that the value of this agreement is that it proves opportunity for all of Wisconsin's students to further their education or make a career change. She added that the agreement will save money by eliminating duplicate credit experiences and providing a seamless transition for students, and will boost Wisconsin's economy by allowing more people to complete their educational path and become employed or advance in their careers. She noted that the WTCS Board has also signed a comprehensive agreement with the Wisconsin Association of Independent Colleges & Universities (WAICU) to streamline the transfer process.

With no further questions or comments, the motion to adopt Resolution 11465 was approved on a voice vote.

Approval of UW System and Wisconsin Technical College System Agreement for Fulfilling 2019 Wisconsin Act 46 Requirements related to Transfer, Articulation Agreements, and the Universal Credit Transfer Agreement

Resolution 11465 That, upon the recommendation of the Interim UW System President, the UW System Board of Regents approves the Agreement and Joint Statement on Inter-System Transfer between the Wisconsin Technical College System and the University of Wisconsin System in response to the provisions of 2019 Wisconsin Act 46 and s. 36.31, Wis. Stats.

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OVERVIEW OF TITLE IX

[\[Recording: 00:51:48\]](#)

President Petersen called upon Katie Ignatowski, UW System Director of Compliance and Integrity, who provided a brief history of Title IX, the UW System's previous efforts on the issue of sexual harassment and sexual violence, and the steps the UW System must take to gain compliance with new rules from the U.S. Department of Education related to educational institutions' responsibilities in responding appropriately to reports of sex discrimination, sexual harassment, sexual violence, intimate partner violence, and stalking involving faculty, staff, and students.

Director Ignatowski indicated that in early 2020 the Office of Compliance & Integrity convened a working group of Title IX and related personnel to lead the effort to bring the UW institutions into compliance with anticipated changes to federal regulations, which were published on May 19, 2020. On June 19, 2020, the UW System received approval from Governor Evers to move forward with the rulemaking process.

Director Ignatowski said the UW System is requesting the Board's approval of a preliminary public hearing and comment period to be held the following week on the scope statements for revisions to Chapters UWS 4, 7, 11 and 17 of the Wisconsin Administrative Code. She indicated that following the public hearing the Board would be asked to approve those scope statements, which must occur before the UW System can begin drafting the new rules.

Director Ignatowski advised that the UW System must approve modifications to Regent Policy Document 14-2, "Sexual Violence and Sexual Harassment," and to relevant provisions of the UWS Administrative Code in order to gain compliance with the new regulations by August 14, 2020. She warned that failure to gain compliance with the new regulations could result in litigation or loss of federal funding to the UW System.

President Petersen noted that the rulemaking timelines in this case have been "incredibly accelerated" to bring the UW System into compliance by August 14.

Regent Stanford Taylor asked how the UW System would notify students, faculty, and staff of a preliminary hearing scheduled for the next week. Director Ignatowski said her office is working with Regent Woodmansee on notifying students through the student president and student government groups, as well as with the UW System's communications team to put out the notice through social media channels and other System leadership groups.

Regent Bogost asked for additional information about the impact and timing of pending litigation against the new federal rules. General Counsel Quinn Williams said in about two weeks' time the federal court will hear preliminary arguments in the case. He indicated that although it is possible the court may issue a decision at that time, the overall timeline is still unclear. He indicated that if the court grants injunctive relief delaying implementation of the federal rules, the UW System would be able to take more time with its own rulemaking process.

Responding to a question from Regent Atwell regarding the biggest changes in the new federal rules and their impact on the UW institutions, General Counsel Williams highlighted a new more narrow definition of sexual harassment and additional due process requirements, including a live hearing and the use of advocates by both parties.

Regent Bogost also noted that the new rules would limit the university's geographic jurisdiction in Title IX cases. General Counsel Williams said the UW System needs to

examine how this change will impact international students and study abroad programs. Chancellor Blank pointed out that currently a majority of UW-Madison's sexual violence and harassment incidents occur off-campus and would no longer qualify as Title IX cases under the new rules.

Responding to a question from Regent Weatherly about the potential impact of the November 2020 election, General Counsel Williams indicated that the U.S. Congress or a new administration would have various options available to overturn or restrict implementation of the new rules.

Regent Walsh moved to adopt Resolution 11466. The motion was seconded by Regent Atwell and approved on a voice vote.

Approval of Notice of Preliminary Hearing on Administrative Code Scope Statements for Chapters UWS 4, 7, 11, and 17 Permanent and Emergency Rules

Resolution 11466 That, upon the recommendation of the Interim President of the University of Wisconsin System, the UW System Board of Regents approves a Notice of Preliminary Public Hearing on the scope statements for the revision of Chapters UWS 4, 7, 11, and 17 of the Wisconsin Administrative Code.

UPDATE ON PLANS AND APPROVAL OF GUIDING PRINCIPLES FOR RETURNING TO UW CAMPUSES FOR THE FALL 2020 SEMESTER

[\[Recording: 01:17:32\]](#)

President Petersen called upon Vice President Rob Cramer to provide an update on the UW System's plans for returning to UW campuses for the Fall 2020 semester.

Vice President Cramer said the proposed guiding principles were developed in response to the Board's discussion on June 18, 2020. He noted that Interim System President Thompson had already mentioned in his opening remarks many of the activities the UW institutions are engaging in to prepare for as much face-to-face instruction with a focus on the health, safety, and well-being of students, faculty and staff.

Vice President Cramer said the UW System is focused on identifying appropriate partners and securing resources to provide testing and contact tracing services and personal protective equipment (PPE) to the institutions, while recognizing that the campuses exist within larger communities that require coordination with state and local public health officials.

Regent Jones moved to adopt Resolution 11467. The motion was seconded by Regent Woodmansee.

Interim System President Thompson said it is “absolutely imperative” to have these guiding principles in place to make sure the campuses reopen as safely as possible in the fall.

President Petersen recalled that there was considerable discussion at the Board’s last meeting about a mandatory masking policy. He emphasized that this requirement is in accordance with CDC guidelines, has the support of the Chancellors, and will give some comfort to students, faculty, staff, and other members of the university community: “It is pivotal that we do everything we can to open in the fall with safety and security in mind, and I think these are steps in the right direction.”

Responding to a question from Regent Walsh, Vice President Cramer confirmed that each institution is working closely with faculty to plan which courses will be held online or in person. He indicated that the processes for faculty to request an accommodation to not teach in person will be handled by campuses on a case-by-case basis.

Regent Walsh expressed concern about forcing faculty or staff to disclose pre-existing conditions in order to obtain an accommodation to teach online. Vice President Cramer said the campuses are accustomed to dealing with similar privacy issues, noting that there are already existing processes for faculty and staff to request accommodations for various health conditions. Interim President Thompson indicated that the System will need more time to take an in-depth look at this issue.

Regent Jones expressed support for the principles as being “very thoughtful and very thorough.” He noted that faculty and staff with underlying conditions are the most vulnerable to COVID-19 and deserve “maximum accommodations, support, and care.”

With no further questions or comments, the motion to adopt Resolution 11467 was approved on a voice vote.

Approval of Guiding Principles for Returning to UW Campuses for the Fall 2020 Semester

Resolution 11467 That, upon the recommendation of the Interim UW System President and the UW Chancellors, the Board of Regents adopts the following principles as students, faculty, staff, and visitors return to the UW campuses for the fall 2020 semester:

1. UW campus leaders shall prioritize the health and safety of students, faculty, staff and surrounding communities in their decision making.

2. UW campuses shall adopt policies or protocols to reduce the spread of the COVID-19 virus, considering public health recommendations made by the U.S. Centers for Disease Control and Prevention (CDC) and state/county health departments, to include the following, at a minimum:
 - a. Face coverings shall be required in all indoor public spaces, including classrooms, and strongly encouraged outside when physical distancing is not possible;
 - b. Physical distancing of at least six feet when feasible in all classrooms, and where possible in labs, specialized learning environments, public spaces and in workspaces;
 - c. Frequent handwashing with soap and water, or the use of hand sanitizer that contains at least 60% alcohol when soap and water are not readily available; and
 - d. Self-monitoring by members of the campus community daily for symptoms of COVID-19, and if symptoms exist, follow the direction provided by campus or public health officials.

DELEGATION OF AUTHORITY TO APPROVE DECREASES IN SEGREGATED FEES IN ACADEMIC YEAR 2020-21

[\[Recording: 01:30:05\]](#)

President Petersen called upon Vice President Sean Nelson to provide background on the request for delegation of authority to approve potential decreases in segregated fees for academic year 2020-21.

The FY2021 annual operating budget, including changes to segregated fees, was approved at the Board's meeting on June 4, 2020. Vice President Nelson explained that the operation budget was prepared using metrics and assumptions for enrollment revenues and expenses developed prior to the pandemic. He indicated that changes to the FY2021 budget are anticipated as more information becomes known about the impact of COVID-19, particularly its effect on university operations.

Vice President Nelson said segregated fee decreases are not assumed. However, campuses have been asked to evaluate their service levels for segregated fee operations and make adjustments that reflect the level of service or programming to be provided.

Until a process is established for approving changes in segregated fees, Vice President Nelson stated that under the proposed delegation of authority potential decreases in segregated fees would need to be submitted to the Office of Finance for review, approved

by the System President, and reported out to the Business & Finance Committee. Potential increases to segregated fees would require approval by the Board of Regents.

Vice President Nelson said there is also an expectation of student involvement and notification, where appropriate, for any changes in segregated fees. Finally, he noted that any changes approved under this delegation of authority will apply only to the fall 2020 semester.

Regent Atwell moved to adopt Resolution 11468. The motion was seconded by Regent Bogost and approved on a voice vote.

Delegation of Authority to Approve Decreases in Segregated Fees in Academic Year 2020-21

Resolution 11468 That, upon the recommendation of the President of the UW System, the Board of Regents delegates authority to the System President to approve decreases in segregated fees for academic year 2020-21 resulting from programmatic changes due to the COVID-19 pandemic, and those changes will be reported to the Business and Finance Committee.

CLOSED SESSION

[\[Recording: 01:33:34\]](#)

President Petersen called upon Regent Jones to read the motion to move into closed session. The motion was seconded by Regent Woodmansee and approved on a roll call vote, with Regents Atwell, Bogost, Colón, Delgado, Jones, Klein, Lezow, Manydeeds, Petersen, Peterson, Saffold, Stanford Taylor, Walsh, Weatherly, and Woodmansee. There were no dissenting votes and no abstentions.

Closed Session Resolution

Resolution 11469 That the Board of Regents move into closed session to consider: two student requests for review of UW-Milwaukee decisions, as permitted by s. 19.85(1)(a), (f), and (g), Wis. Stats.; and a UW-Madison salary offer, as permitted by s. 19.85(1)(c), Wis. Stats.

Before considering any items on the closed session agenda, President Petersen asked if any Board members wished to declare any conflicts of interest as per Regent Policy Document 2-4, "Ethics and Conflict of Interest Policy for the UW System Board of Regents."

No conflicts were declared.

During the closed session, Resolution 11470 was moved by Regent Atwell, seconded by Regent Walsh, and adopted on a voice vote.

Approval of UW-Madison Salary Offer for Law School Dean

Resolution 11470 That, upon the recommendation of the President of the UW System and the Chancellor of the University of Wisconsin-Madison, the Board of Regents authorizes the starting salary of \$405,000 for Daniel Tokaji, as the new Dean of the University of Wisconsin-Madison Law School, effective August 1, 2020.

Resolution 11471 was moved by Regent Peterson, seconded by Regent Woodmansee, and adopted on a voice vote.

Student Request for Review of a UW-Milwaukee Decision

Resolution 11471 That the Board of Regents adopts the attached Proposed Decision and Order as the Board's Final Decision and Order in the matter of a student request for review of a UW-Milwaukee decision.

Resolution 11472 was moved by Regent Peterson, seconded by Regent Woodmansee, and adopted on a voice vote.

Student Request for Review of a UW-Milwaukee Decision

Resolution 11472 That the Board of Regents adopts the attached Proposed Decision and Order as the Board's Final Decision and Order in the matter of a student request for review of a UW-Milwaukee decision.

The meeting was adjourned at 2:43 p.m.

Submitted by:

/s/ Jess Lathrop _____

Jess Lathrop
Executive Director & Corporate Secretary
Office of the Board of Regents
University of Wisconsin System